

Appendix 3: HMO Licensing Standards and Conditions

Conditions for licensed Houses in Multiple Occupation (HMOs) are set out in Part 2 of the Housing Act 2004. The Act 2004 also allows councils to apply discretionary conditions to regulate the management, use or occupation of the HMO, its condition and contents. This document explains standards and conditions set by the council for licensed HMOs.

There are two different sets of management regulations for HMOs depending on the type of HMO applicable. They are:

The Management of Houses in Multiple Occupation (England) Regulations 2006

This set covers HMOs that contain shared accommodation, such as house shares, bedsits, hostels and guest houses and other non-self contained accommodation. These types of HMOs are defined under Section 254 of the Housing Act 2004.

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

This set covers HMOs that are buildings converted into self contained flats. These types of HMOs are defined under Section 257 of the Housing Act 2004.

All HMOs are subject to the **Housing Health and Safety Rating System (HHSRS)** which identifies 29 hazards. It is a risk-based evaluation tool used by local authorities for identifying and protecting against potential risks and hazards to health and safety, from any deficiencies present at properties¹.

The guidance outlined in this document informs conditions, included in property licences, for the Mandatory and Additional Licensing Schemes for HMOs. It is generally expected that this guidance will be followed. There may, however, be exceptional circumstances at a particular HMO that demands a lesser or higher standard.

Failure to comply with any licence condition could result in legal proceedings before a Court, a financial penalty imposed by the council or loss of the licence. In certain circumstances, this may also result in registration on the Government's database of rogue landlords and property agents under the Housing and Planning Act 2016.

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¹Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

Part 1 – Shared Houses

Washing Facilities

Amenity Standards in Relation to Number of Persons	
Up to 4 occupiers	At least 1 bathroom and 1 Water Closet (WC) (the bathroom and WC may be in the same room) Wash hand basin required in bathroom and in separate WC (if provided)
5 occupiers	1 wash hand basin required where practicable in each sleeping room plus 1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom)
6 - 8 occupiers	1 wash hand basin required where practicable in each sleeping room plus 2 bathrooms with 2 WCs and wash hand basins
9 – 10 occupiers	1 wash hand basin required where practicable in each sleeping room plus 2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms)
11-15 occupiers	1 wash hand basin required where practicable in each sleeping room plus 3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms)

Bathroom means a room containing a bath or shower.

- All baths, showers and wash hand basins should be equipped with an adequate supply of cold and constant hot water and be connected to an appropriate drainage system.
- All baths, showers and wash hand basins should be equipped with adequate splashbacks (300mm to baths and wash hand basins, full heights for showers) with an adequate waterproof seal between the splashbacks and the fitting.
- All bathrooms and WCs should be suitably and adequately heated and ventilated (see heating section below in **Part 3 – All HMOs** adequate mechanical ventilation in accordance with Approved document F of the Building Regulations 2010 must be provided).
- All bathrooms and WCs should be of an adequate size and layout.

- All bathrooms should be of an appropriate size to provide adequate changing and drying space for the users.
- All WCs and bathrooms should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.
- All bathrooms and WCs should be conveniently and suitably located in or in relation to the living accommodation in the HMO.
- All WC compartments should contain a wash hand basin equipped with adequate splashbacks and waterproof seal.
- No WC compartment should open directly onto an area of kitchen where food is prepared unless mechanical extract ventilation and a wash hand basin is provided in the compartment.
- Personal washing or WC facility should not normally be more than one floor distant from the sleeping accommodation.

Kitchens

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:

- There should be a kitchen, normally not more than one floor distant, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to safely enable those sharing the facilities to store, prepare and cook food; and
- The kitchen should be equipped with the following equipment, which should be fit for the purpose and supplied in a sufficient quantity for the number of those sharing facilities:
 - (1) sinks with draining boards;
 - (2) an adequate supply of cold (from rising main) and constant hot water to each sink;
 - (3) installations or equipment for the cooking of food;
 - (4) electrical sockets;
 - (5) adequate worktops for the preparation of food;
 - (6) cupboards for the storage of food or kitchen and cooking utensils;
 - (7) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer);
 - (8) appropriate refuse storage and disposal facilities;
 - (9) appropriate extractor fans, fire blankets and fire doors; and
 - (10) dining facilities (either within the kitchen or in a separate room on the same storey).

Facility	Minimum standard	Up to and including 5 persons	More than 5 persons – up to 9 persons
Sinks with draining boards; an adequate supply of cold and constant hot water to each sink supplied.	A fixed water tight sink and drainer. It should be provided with an adequate supply of cold water and constant hot water.	1 for up to 5 occupiers.	1 per 4 occupiers or part thereafter – a dishwasher may be considered as an alternative to an additional sink.
Installations or equipment for the cooking of food (cooker).	The primary facility should comprise an electric or gas hob with 4 rings and an oven with a grill.	1 for up to 5 occupiers.	1 per 4 occupiers or part thereafter – a microwave oven may be considered as an alternative to an additional cooker.
Electrical sockets.	30amp supply for an electrical cooker. Points should be set at a convenient and safe position.	6 sockets (3 doubles). Additional dedicated sockets are required for a cooker, refrigerator and washing machine.	An additional double for each two occupiers over 5 sharing. Additional dedicated sockets are needed for additional cookers, refrigerators and washing machines.
Worktops for the preparation of food.	The worktops should be secure, fixed and of an impervious material.	1500mm (length) x 600mm (depth).	Additional 500mm length per user.
Cupboards for the storage of food or kitchen and cooking utensils.	Single cupboard (wall or floor mounted) per person. This excludes any cupboard under a sink.		Capacity to be increased proportionately for each additional occupant.
Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer).		A standard sized combined fridge/freezer.	Additional fridge/freezer for up to 9 occupiers.

Appropriate refuse disposal facilities.	The refuse facilities should not cause problems of hygiene or attract pests and should not obstruct the means of escape in case of fire.	A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally and externally.	A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally and externally.
Appropriate extractor fans.	Electrical extractor fan in accordance with approved document F under the Building Regulations.	As minimum standard.	As minimum standard.
Appropriate fire blankets.	To be supplied but not to be sited immediately adjacent to or over a cooker.	To be supplied but not to be sited immediately adjacent to or over a cooker.	To be supplied but not to be sited immediately adjacent to or over a cooker.
Dining facilities.	There should be space to eat meals either within the kitchen or in a separate dining or living room (see room sizes below).	See room sizes below.	See room sizes below.

Kitchens should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.

Kitchen walls adjacent to cookers, sinks and food preparation areas should be provided with impervious splash backs.

If there are between 10 – 18 occupants a second fully equipped kitchen should be provided. Thereafter there should be a further fully equipped kitchen for up to (and for every) 9 additional occupants.

Room Sizes

- A child (regardless of age) will be considered as a separate occupant in terms of these standards.
- The minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space. In this respect only the floor area where the ceiling is 1.5m or higher will be counted. If there are 10+ occupiers, additional rooms of the same dimensions are required.
- A conservatory will not be counted as a bedroom, lounge, dining room or kitchen.

Shared Houses (single and multiple tenancies)	No of Occupiers	Size
Kitchen (without dining facilities in the kitchen)	3 and 4	6.5 sq m
	5	7 sq m
	6	8.5 sq m
	7	9 sq m
	8	9.5 sq m
	9	10 sq m
Kitchen (with dining facilities in the kitchen)	3 and 4	11.5 sq m
	5	12 sq m
	6	13.5 sq m
	7	14 sq m
	8	14.5 sq m
	9	15 sq m

If there are between 10-18 occupants a second fully equipped kitchen should be provided. Thereafter there should be a further fully equipped kitchen for up to (and for every) 9 additional occupants.

Separate Dining Room	3-9 persons	10 sq m
	10 + persons	2 rooms x 10 sq m
Bedroom – single	1 person	6.5 sq m
Bedroom – double	2 persons	10.2 sq m

Part 2 – Bedsit/Non-self contained units

Shared Bathrooms

Amenity standards in relation to number of persons	
Up to 4 occupiers	At least 1 bathroom and 1 WC (the bathroom and WC may be combined) Wash hand basin required in bathroom and in separate WC (if provided)
5 occupiers	1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom) Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation
6 - 8 occupiers	2 bathrooms with 2 WCs and wash hand basins Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation
9 – 10 occupiers	2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms) Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation
11 -15 occupiers	3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms) Plus, except where a sink is provided, 1 wash hand basin required where practicable in each unit of living accommodation

Individual Bathrooms

Where there are no adequate shared washing facilities provided for a unit of living accommodation, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water should be provided for the exclusive use of the occupiers of that unit either:

- Within the living accommodation; or
- Within reasonable proximity to the living accommodation.

These amenities should be located not more than one floor distant from the unit of accommodation.

All baths, showers and wash hand basins should be equipped with taps providing an adequate supply of cold and constant hot water and be connected to an appropriate drainage system.

All baths, showers and wash hand basins should be equipped with adequate splashbacks (300mm to baths and wash hand basins, full heights for showers) with an adequate waterproof seal between the splashbacks and the fitting.

All bathrooms should be suitably and adequately heated and ventilated (see heating section below in **Part 3 – All HMOs**).

All bathrooms and toilets should be of an adequate size and layout to provide adequate changing and drying space for the users.

All bathrooms should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.

Kitchens

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit should be provided with:

- Adequate appliances and equipment for the cooking of food.
- A sink with an adequate supply of cold (from rising main) and constant hot water.
- A work top for the preparation of food.
- Sufficient electrical sockets.
- A cupboard for the storage of kitchen utensils and crockery.
- A refrigerator.
- A slip resistant, impervious and easily cleansable floor covering, extending 800mm from all units and having an edging strip to secure the edges and/or to mark the edges of any carpets.
- Appropriate extractor fans and fire blankets.

Facility	Minimum standard	Each unit
A sink with an adequate supply of cold and constant hot water.	A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and an adequate supply of constant hot water.	Per unit.
Adequate appliances and equipment for the cooking of food.	A cooker with at least two rings with an oven and a grill. Rings should be at a height level with adjacent worktops.	Per unit.
Sufficient electrical sockets.	Points should be set at a convenient height and safe position.	4 sockets (2 doubles) Additional dedicated sockets are required for a cooker and refrigerator.
A worktop for the preparation of food.	The worktop should be secure, fixed and of an impervious material.	Minimum size 600mm X 1000mm (in useable sections – do not include area underneath microwave or cooker).

A cupboard for the storage of kitchen utensils and crockery.	Standard floor or wall mounted cupboard. The space below the sink unit is not acceptable to comply with this standard.	
A refrigerator.	A standard refrigerator.	A refrigerator with a minimum capacity of 0.15m ³ .

Where kitchens or kitchens with dining facilities in them are shared, the requirements are those listed for kitchens and kitchens with dining facilities in them in **Part 1 – Shared Houses** of this document.

Room Sizes

- A child (regardless of age) will be considered as a separate occupant in terms of these standards.
- The minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space. In this respect only the floor area where the ceiling is 1.5m or higher will be counted.
- A conservatory will not be counted as a bedroom, lounge, dining room or kitchen.

Bedsit Rooms	No. of occupiers	Size
Bedsit with kitchen in room	1	13m ²
	2	15m ²
Bedsit with separate kitchen	1	10.5m ²
	2	14m ²
Separate Kitchen		4.6m ²

Part 3 – All HMOs

Definitions

'The council' refers to Brighton and Hove City Council.

'Licence Holder' includes any agent or representative acting on behalf of the Licence Holder.

'HMO' means House in Multiple Occupation.

'House' means the house or flat that is the subject of the licence.

1. References

- 1.1 The licence holder must obtain references for prospective tenants.
- 1.2 It is understood that in certain situations it may not be possible to obtain a reference. For example, where it is a first tenancy or newcomer to the United Kingdom. In these situations, you must provide evidence that you have explained, and the tenant understands implications of them not adhering to tenancy conditions.
- 1.3 In addition, the Government's requirements on right to rent must be followed. For further details go to: <https://www.gov.uk/check-tenant-right-to-rent-documents>

2. Tenancy Management

- 2.1 The Licence Holder must give occupiers a written statement of the terms on which they occupy the House, a tenancy agreement. The agreement should provide:
 - a. Details of how deposits will be held and terms of return.
 - b. An inventory of contents and condition at the start of the tenancy.
 - c. Details of rent and dates due, rent payment methods, and how and when rent may be increased.
 - d. Details of the means of contact for reporting repairs and any emergency issues.
 - e. Conditions placed on the tenant so that the House is not used for any antisocial purposes.

A model agreement, for a shorthold assured tenancy, for use in the private rented sector, where such an agreement is being entered into, and accompanying guidance, is available here:

<https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

- 2.2 The Licence Holder must make a copy of the tenancy agreement available before the House is let so that tenants can read it before being asked to sign. This also gives tenants an opportunity to get independent advice before signing.
- 2.3 Copies of the tenancy agreement must be provided for inspection within 28 days of demand by the council.
- 2.4 A copy of the licence and the name, address and telephone number (including an emergency contact number) of the Licence Holder or manager should be made available to all tenants.

3. Overcrowding

- 3.1 The Licence Holder must not allow anyone to live or stay in the HMO if it will become overcrowded. The licence will state how many people can occupy the HMO.
- 3.2 Tenants must be informed that they must not allow guests to sleep in their homes, except on an occasional short term basis. If this will exceed permitted numbers shown on the licence. Short term is deemed as no more than a two week period, for when visiting friends or family.
- 3.3 The Licence Holder must provide to the Council within 28 days of a written notice, information below on occupancy at the HMO:
- Names and numbers of persons and households in occupation, along with confirmation on rooms occupied by them; and
 - If required, names and numbers of persons in each household.

4. Utility Supplies

- 4.1 The Licence Holder must not unreasonably cause a supply of gas, electricity or water to be interrupted at the HMO.
- 4.2 The Licence Holder must ensure tenants can access and obtain readings of all utility meters (gas, electricity or water) for the HMO at reasonable times throughout the tenancy. This includes a final reading at the close of tenancy. The Licence Holder must supply to tenants a written document, when the tenancy is signed, describing locations of utility meters and access arrangements.
- 4.3 The Licence Holder must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition.

5. Gas and Carbon Monoxide

- 5.1 If gas is supplied to the HMO, the Licence Holder must arrange for an annual gas safety check, carried out by a Gas Safe registered engineer. A copy of the current gas safety certificate must be provided to the council at the time of the licence application and annually thereafter. For annual copies of certificates then they must be provided within 7 days of demand by the council. The safety of all gas installations and appliances must be maintained.
- 5.2 The Licence Holder must ensure a carbon monoxide alarm is installed in any room in the House which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. Please note, a room includes halls, landings, bathrooms or lavatories. If not feasible to install alarms inside bathrooms or lavatories then fit within close distance to those rooms.
- 5.3 The Licence Holder must ensure that any carbon monoxide alarm installed in any room in the HMO is kept in proper working order.
- 5.4 The Licence Holder must supply within 28 days of demand by the council, a declaration by him or her as to the condition and positioning of any such carbon monoxide alarm or alarms.

6. Fire Safety

- 6.1 The Licence Holder must ensure that smoke alarms are installed on each storey of the House, where there is a room used wholly or partly as living accommodation. Please note, a bathroom or lavatory are to be treated as living accommodation.
- 6.2 The alarms must be kept in proper working order and a declaration as to their condition and position must be provided to the council, on demand, within 28 days.
- 6.3 Please note, compliance with paragraph 6.1 does not mean the House or HMO is subsequently free of any hazard of Fire under HHSRS. Further action may have to be taken by the Licence Holder to mitigate this hazard. For more information on HHSRS go to: [*council web page*].
- 6.4 Most HMOs will require a fire detection and alarm system (normally Grade D interlinked or Grade A system) installed in accordance with recommendations of the current British Standard (BS) 5839 Part 6 for domestic premises. For new installations, a design, installation and commissioning certificate must be provided to the council, on demand, within 28 days.

- 6.5 The fire detection and alarm system must be kept in proper working order and maintained and tested in accordance with recommendations of the current BS 5839 Part 6 for domestic premises. A declaration as to the condition and position of the system, supported by appropriate documentation, must be provided to the council, on demand, within 28 days.
- 6.6 Where a Grade A fire alarm and detection and emergency lighting system are installed, the Licence Holder must provide a logbook to the council, on demand, within 28 days. The logbook must confirm that the system has been maintained correctly. Annual tests and periodic checks, in accordance with the current BS 5839 Part 6 for domestic premises and BS5266 Part 1 (Emergency Lighting), will provide such confirmation.
- 6.7 The Licence Holder has a duty to complete and update a fire risk assessment for each House or HMO where there are common areas under the Regulatory Reform (Fire Safety) Order 2005 with additional requirements by the Fire Safety Act 2021 and Fire Safety (England) Regulations 2022. This legislation is enforced by East Sussex Fire and Rescue Service. Further information is included at the end of this document.
- 6.8 The Licence Holder must ensure that any common parts of the House or HMO used as a means of escape from fire are kept free from obstruction and maintained in good order and repair.
- 6.9 The LACORS Housing – Fire Safety - Guidance on fire safety provisions for certain types of existing housing may be consulted for achieving compliance with this licence condition. Go to: <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf> But, the Licence Holder **must also** have regard to the current BS 5839 Part 6 for domestic premises and any other appropriate guidance.

7. Electrical Installations and Appliances

- 7.1 The Licence Holder must ensure that electrical installations in the House are in proper working order and safe for continued use.
- 7.2 Within 7 days of demand by the council, the Licence Holder must supply a declaration on the safety of electrical installations at the House.
- 7.3 The fixed electrical wiring and installations must be certified as safe by an electrician qualified to complete the test at least every 5 years, unless otherwise indicated on a previous inspection to be sooner, and must be to a 'satisfactory' condition. The Licence Holder must provide a valid Electrical Installation Condition Report (EICR) based on the current BS 7671 within 3 months from the date of licence issue.

- 7.4 Note, an electrician registered with the Electrical Contractors Association (ECA), National Inspection Council for Electrical Installation Contracting (NICEIC) or National Association of Professional Inspectors and Testers (NAPIT) is deemed qualified. The council may accept EICRs from other qualified electricians, provided their competence is proven.
- 7.5 There must be a minimum of 4 single or 2 double socket outlets in accessible positions in a bedroom or living room. For numbers of socket outlets in kitchens please see the kitchen facilities sections above.
- 7.6 The Licence Holder must also ensure that electrical appliances made available in the House are in a safe condition.
- 7.7 Within 7 days of demand by the Council, the Licence Holder must supply a declaration on the safety of electrical appliances made available at the House.

8. Heating

- 8.1 Each unit of living accommodation in a House or HMO must be equipped with adequate means of space heating, which should be capable of reaching and maintaining 21 degrees C in living rooms and bedrooms, 22 degrees C in bathrooms and 18 degrees C elsewhere, within one hour of being turned on, when the external temperature is minus 1 degree C.
- Adequate fixed space heating to be provided in every room including bathrooms and (where space allows) kitchens. Paraffin, liquid petroleum gas and free-standing plug-in electric heaters are not considered acceptable in this respect.
 - The heating should be provided with controls to allow the occupants to regulate the temperature within each individual letting room.
 - Heating systems should be designed to be of adequate size for the House or HMO.
- 8.2 Note, compliance with this licence condition does not mean the House or HMO is subsequently free of any hazard of Damp and Mould Growth (heating or insulation) or Excess Cold (heating or insulation) under HHSRS. Further action may have to be taken by the Licence Holder to mitigate these hazards. For more information on HHSRS go to: [*council web page*].

9. Furniture and Furnishings

- 9.1 The Licence Holder must ensure that furniture and furnishings made available at the House are in a safe condition and comply with current fire safety legislation. This includes all upholstered furniture, covers and fillings of cushions and pillows. A declaration as to their safety should be made at the time of the licence application. In addition, a declaration must be provided within 28 days of demand by the council.

10. Energy Efficiency

- 10.1 Energy Performance Certificates (EPC) give information on how to keep the House more energy efficient and reduce carbon dioxide emissions. The Licence Holder must ensure that the House has a valid EPC where applicable. A copy must also be supplied to the tenant or tenants. The Licence Holder must supply a copy of the EPC to the council within 28 days of demand².

11. Property Management

- 11.1 The Licence Holder must take all reasonable steps for responding to repair issues at the House. In addition, that all repairs are completed within reasonable periods of time.
- 11.2 Specifically, the Licence Holder must:
- Provide, at the start of every tenancy, clean and in good repair, units of accommodation before tenants move in.
 - Continue to keep inside the accommodation in a good state of repair, and where they are responsible for outside of the HMO keep that in repair and ensure the exterior which includes boundary walls, fences and gates etc... is free from graffiti.
 - Keep common parts of the House or HMO in clean and good decorative repair. In shared houses, it is recognised cleaning of shared facilities is usually tenants' responsibility. Cleaning of communal areas in HMOs occupied as bedsits and flats (where tenants have exclusive rights of occupation for specific parts of the property under separate tenancies) is, however, a landlord's or manager's responsibility.
 - Where the Licence Holder is responsible for outside of the HMO, ensure that gardens, yards and any external areas in the building's boundary are kept reasonably clean and tidy and free from rodent infestation.
 - Protect and secure the House or HMO within 24 hours of a notification, by completing necessary emergency work. For example, from damage to windows or entrance doors.

²For guidance on a valid EPC refer to Energy Performance Certificates, Domestic private rented property: minimum energy efficiency standard – landlord guidance [Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

12. Property inspections

- 12.1 The Licence Holder must ensure inspections of the House or HMO are completed at least once every six months. Inspections should identify any issues regarding management or condition of the House. Records of such inspections must be kept for the duration of the licence.
- 12.2 In addition, records must show who completed inspections, their date and time, issues found and action taken. Copies of records must be provided within 28 days of demand by the council.

13. Waste and Recycling

- 13.1 The Licence Holder must comply with the council's household waste collection scheme. They should ensure suitable provision is made for storage and disposal of household waste at the House, pending collection by the council.
- 13.2 The Licence Holder must also provide new tenants with the information below on waste and recycling:
- Collection days for refuse and recycling bins from the House.
 - Details on what tenants can and cannot recycle.
 - How tenants can dispose of bulky waste and avoid penalties for any fly tipping.
- 13.3 The Licence Holder must also ensure any rubbish or unwanted household items at the end of each tenancy are not left behind. All items should be removed and disposed of appropriately before the next tenancy starts. This includes any items left in front or back gardens or yards or pavement in front of the House or HMO.

14. Notification of Changes

- 14.1 The Licence Holder must inform the council directly, by email or in writing, on any matter below within 28 days of occurrence:
- Any change in ownership or management of the House.
 - Any change in address, email or telephone number of the Licence Holder or their managing agent.
 - Any change to their own or their managing agent's circumstances which could affect the fit and proper person status of them or that agent.
 - Any increase in the number of occupiers at the House.
- 14.2 The Licence Holder must notify the council directly, by email or in writing, of any proposed changes in the construction, layout, fire precautions or amenities at the House. Especially, if this will affect the licence or licence conditions. Notification should be made at least 28 days before starting work.

- 14.3 The address of the Licence Holder given on their application form, or a subsequent address provided by them, will be used for the service of any letter, notice or other document between the council and them.

15. Licence Limitations

- 15.1 Transfer of licences. Licences cannot be transferred to another person, organisation, new or different property address.
- 15.2 Companies registered on Companies House. If the Licence Holder is a registered company and is dissolved whilst the licence is in force. The licence then ceases to be in force upon that date of dissolution.
- 15.3 Planning permission. The licence does not grant any planning approvals, consents or permissions, retrospectively or otherwise for the House, under the Town and Country Planning Act 1990 or any related legislation.
- 15.4 Building Control. The licence does not grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise for the House.

16. General

- 16.1 The Licence Holder must arrange for access, to be granted to council officers when requested, at any reasonable time. They must not prevent council officers in carrying out their statutory duties. This includes inspecting, surveying and investigating the House or HMO to ensure compliance with licence conditions.
- 16.2 The Licence Holder shall ensure that if any alteration or construction works are in progress, works are completed at the House or HMO in such a manner as to ensure the safety of all persons occupying or visiting the property. In addition, that compliance with Health and Safety legislation is met.
- 16.3 The Licence Holder shall ensure that on completion of any works, the House is left in a clean and tidy condition and free from builders' debris.

Information and Further Advice

Further information on HMO Licensing at the council is available at <https://www.brighton-hove.gov.uk/housing/private-housing/houses-multiple-occupation>

For help and advice telephone 01273 293156 or email psh@brighton-hove.gov.uk

Current information on all the council's services is available at www.brighton-hove.gov.uk

For help and advice on noise nuisance telephone 01273 294266 or email EHL.environmentalprotection@brighton-hove.gov.uk

Advice and guidance on ant-social behaviour is available from the Community Safety Team by email communitysafety.casework@brighton-hove.gov.uk or telephone 01273 292735

For help and advice on any tenancy issue, telephone the Housing Options Team on (01273) 294400 or email housing.advice@brighton-hove.gov.uk

For help and advice on domestic furnishings and fire, contact Trading Standards by email trading.standards@brighton-hove.gov.uk

If the licensed HMO includes common parts then a Fire Safety Risk Assessment may be required, in accordance with the Regulatory Reform (Fire Safety) Order 2005. In addition, the Fire Safety Act 2021 and Fire Safety (England) Regulations 2022 clarify what other building elements such as flat entrance doors must be included in Risk Assessments. Further information can be obtained from East Sussex Fire and Rescue Service on 0303 999 1000 or www.esfrs.org See also Fire safety: guidance for those with legal duties [Fire safety: guidance for those with legal duties - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-guidance-for-those-with-legal-duties)

For further details on waste and recycling services at the council go to: <https://www.brighton-hove.gov.uk/rubbish-recycling-and-streets>

HMO Licensing Conditions

1 Gas Supply, Appliances and Carbon Monoxide

The Licence Holder must produce to the council a gas safety certificate obtained in the last 12 months confirming that the gas installation(s) and appliances are safe. Such a certificate must be produced to the council by [*number of days stated here*] and annually thereafter upon renewal.

Carbon monoxide alarms (or alarm if one) provided by the Licence Holder must be in proper working order and a declaration must be supplied to the council on demand.

[*Carbon monoxide requirement to be deleted if not applicable*]

2 Electrical Installation and Appliances

(a) The Licence Holder must ensure that electrical safety standards are met and maintained during any period when the residential premises are occupied under a tenancy.

The Licence Holder must ensure that the electrical installations are inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing.

The Licence Holder must produce a comprehensive electrical installation condition report that provides an assessment of the condition of an electrical installation against the requirements of the edition of BS 7671 current at the time of the inspection and confirms that the fixed electrical installations are safe (unless such a certificate has been previously provided and remains current).

The Licence Holder must supply a copy of the report to the tenants within 28 days.

A copy of this report must also be provided to the council within 3 months of the date of the full licence or a copy of the report dated [*report date stated here*] has been received.

(b) The Licence Holder must supply a copy of the last report to any new tenant before occupation, or any prospective tenant within 28 days of a request from the prospective tenant.

(c) Where the report requires the Licence Holder to carry out further investigative or remedial work, they must undertake such further investigative or remedial work within 28 days (or within such lesser time period as specified in the report). The Licence Holder must obtain and supply written confirmation of completion of such further investigative or remedial work to the tenant and the Council.

(d) Electrical appliances provided by the landlord must be kept in a safe condition and a declaration of electrical safety must be supplied to the council on demand.

3 Maintenance of Fire Precautions

The Licence Holder must ensure that all existing fire precautions, and additional precautions required by the council (if any), are maintained and kept in proper working order. On demand, current test certificates confirming the proper operation of smoke alarms (including their condition and operation), fire alarm and emergency lighting systems must be supplied.

4 Furniture

All furniture provided by the landlord must be kept in a good and safe condition and comply with current regulations. On demand, a declaration as to the safe condition of the furniture must be supplied.

5 Written agreements for tenants

The Licence Holder must supply to the occupants of the house a written statement (a tenancy agreement) of the terms on which they occupy it and shall on demand send a copy to the council.

It should include the following:

- a) Details of how deposits will be held and terms of return
- b) An inventory of contents and condition at the commencement of the tenancy
- c) Details of rent and dates due, rent payment methods, and how and when rent may be increased
- d) Details of the means of contact for repairs reporting etc
- e) Conditions placed on the tenant so that the house is not used for antisocial purposes and a warning that breach of the conditions could lead to a loss of accommodation

6 General Property Maintenance

The Licence Holder (or the property manager) shall attend to the property at frequent intervals to ensure the proper management of the property and that health and safety problems are not present or quickly eliminated.

7 Changes in the Property

The Licence Holder is required to notify the council of any changes at the property that may affect the licence. This includes changes to the ownership or management; events that may affect the fit and proper person status of the owner, Licence Holder or manager; structural alterations and any increase in the number of occupiers.

8 Disposal of Rubbish and Recycling Facilities

The Licence Holder must ensure that suitable and appropriately sited refuse and recycling containers are provided which are on a scale adequate to the reasonable requirements of the residents. Rubbish must be disposed of in accordance with the council's arrangements for the street. Any rubbish containers must have a lid. Recycling containers must have a lid or a net. All containers should also be kept in a clean and tidy condition and not stored outside the curtilage of the property.

Yards, gardens and the front of the property must be kept in a clean and tidy condition and in good order.

If there is inadequate or no space to store rubbish and recycling within the boundaries of the house, and no way of providing extra space, the licence holder or manager may have to make arrangements for extra collections.

The Licence Holder should ensure that at the end of each tenancy any rubbish or unwanted household goods left behind should be removed and disposed of appropriately before the next tenancy starts. This includes any items left in front or back gardens or yards or pavement in the front of the House or HMO.

9 Room Sizes and Occupancy

The Licence Holder must ensure that the floor area of any room in the HMO used as sleeping accommodation by:

- one person aged over 10 years is not less than 6.51 square metres;
 - two persons aged over 10 years is not less than 10.22 square metres;
 - one person aged under 10 years is not less than 4.64 square metres;
- And ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

Note:

- number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.
- a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.
- Also any part of the floor area of a room where the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room.

The Licence Holder must also ensure that where any room in the HMO is used as sleeping accommodation by:

- persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the occupancy table below:
- persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the occupancy table below:
- persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years and the maximum number of persons aged under 10 years as specified in the occupancy table below:

Occupancy table

Maximum number of occupants due to amenities and room sizes combined = [number of occupants stated here] These people may occupy the sleeping rooms in any combination of the following but the total must not exceed the figure above: [number of occupants stated here]			
Room	Size (m ²)	Number of possible occupants	Actual number of occupants (must equal [number of occupants stated here])

On demand, information on occupancy, including occupants' names, numbers and households and rooms they occupy and names and numbers of persons in each household (if required) must be supplied.

10 Fire Precautions

The Licence Holder must ensure that appropriate fire precaution facilities and equipment are provided of such type, number and location as is considered necessary.

[Fire precaution specification of works entered here]

11 Heating

The Licence Holder must ensure each unit of living accommodation in the property is equipped with adequate means of space heating.

[Space heating specification of works entered here]