

**HOUSING (SCOTLAND) ACT 2006 – PART V  
LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

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**1.0 EXECUTIVE SUMMARY****1.1 Purpose**

The Council has a responsibility to licence Houses in Multiple Occupation (HMO) under the above Act, and to have regard to the national guidance document; "Statutory Guidance for Local Authorities on HMO Licensing Standards". A full review of the Council procedures has been completed, having regard to this guidance and as a result, changes are necessary. This paper advises members of these changes.

To comply with these requirements, the licensing regime will transfer to the Councils Regulatory Services, and this is consistent with the Councils Scheme of Delegation. The report also seeks Members approval to adopt the new standards, revised licensing conditions and for revisions of the existing charging regime to provide a partial refund in the application fee for an unsuccessful application.

**1.2 Financial Implications**

**1.2.1** Fee charging information will be amended to advise customer that if unsuccessful they will receive a partial refund, where appropriate.

**1.3 Recommendations**

Members are asked to:-

- (i) Adopt the revised Council Standards for Houses in Multiple Occupation
- (ii) Adopt the revised License Conditions
- (iii) To agree a revision to the existing fee structure for HMO, to ensure that it complies with the Housing Scotland Act 2006 and the Provision of Services Regulations 2009, to provide an unsuccessful applicant will receive a refund of a proportion of the application fee which will be set at £200
- (iv) Acknowledge that the Enforcement Policy of Regulatory Services will cover this work and that there is an Implementation Plan for the transition period.

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**2.0 Introduction**

**2.1** Mandatory HMO licensing by the Council commenced in 2004 under the Civic Government (Scotland) Act 1982, Order 2000. The Council had been, up until this time, operating a discretionary licensing scheme (one of six local authorities in Scotland), as was permitted under the said Act. Following a fatality in Oban, caused by fire in shared accommodation, the Council had adopted Standards for HMO's and Shared Accommodation ahead of the introduction of national standards.

**2.2** A House in Multiple Occupation (HMO) is defined within the meaning of the Housing (Scotland) Act 2006 as any living accommodation is , if it is :

- occupied by three or more persons from three or more families, and
- occupied by them as their only or main residence, and
- either a house, premises or a group of premises owned by the same person with shared basic amenities.

There are certain exemptions to this specified in the Act, however broadly it covers houses, flats, bedsits, residential accommodation including hostels, student halls and staff accommodation at hospitals and hotels

**2.3** HMO licensing legislation was re- enacted from the Civic Government legislation to Part 5 of the Housing (Scotland) Act 2006, moving it to mainstream housing legislation in 2010. Throughout this period the Council's administration of HMO Licensing has been located within Governance and Law, with the approval and enforcement undertaken by Regulatory Services.

**2.4** Part 5 of the Housing (Scotland) Act 2006 granted powers to the Scottish Government to issue statutory guidance, introduced more punitive enforcement action and made amendments to the Private Rented Housing (Scotland) Act 2011, which included increasing penalties for operating an unlicensed HMO. Licences automatically transferred to the new regime in 2011. There are currently 32 licensed HMO's with 2 new applications in progress within the Argyll and Bute area

**3.0 HMO Licensing administration to Regulatory Services**

**3.1** Currently, Governance and Law undertake the full administrative process for the HMO License; however the assessment of the suitability of the premises is undertaken by Regulatory Services. To meet the national guidance, it has been agreed that the full licensing process, including monitoring and enforcement, will be undertaken by Regulatory Services. Preparatory work has been undertaken to ensure that the impact on service delivery is not adversely impacted; arrangements are now in a position, subject to members' approval to complete this work.

- 3.2** This is consistent with the Council's Scheme of Administration and Delegation which was revised and approved by Council on the 23<sup>rd</sup> of April 2014. This places delegated authority on the Executive Director Development Infrastructure for the licensing of Houses in Multiple Occupation

**4.0 Revised Council Housing Standards and Licensing Conditions for HMO's**

- 4.1** The Scottish Government issued 'Statutory Guidance on HMO Licensing Standards' in 2011(as amended 2012). This Guidance relates to the procedures and activities involved in exercising functions under Part 5 of the aforementioned Act, which predominantly apply to Local Authority. Functions include assessing the following: the suitability of a property owner to be an HMO landlord, their management of the premises, and the physical condition and facilities of the accommodation.
- 4.2** The current Council Housing Standards for HMO's issued in April 2005 were based principally on the benchmark standards for licensing of HMOs (issued by the Scottish Executive at that time) and existing housing standards that had been applied in Argyll & Bute since 1996. These have been reviewed in consultation with key partners, taking account of the Statutory Guidance and a new set of Council Housing Standards for HMO's is proposed. The conditions of the Licence have also been reviewed and amended as appropriate. The revised Standards and Licence conditions are attached in Appendices I and II of this paper.
- 4.3** The revised standards and conditions, propose a number of changes and many of the physical requirements are based on the existing Building Technical Standards. As a result, we do not consider them to be overly onerous to operators of existing or new HMO premises.

There are a number of minor changes to clarify room sizes for various occupation levels. There is also an improvement in clarity regarding the standards and qualifications for inspection/maintenance of all systems and installations. The following should be noted:

Existing Standard	New Standard
4 electrical sockets in each bedroom area and living room area	6 electrical sockets in each bedroom area and living room area
Electrical systems examined by competent persons	Testing of electrical systems are required every 5 years and PAT to be undertaken annually. Detail is provided on competence level expected of those examining systems.
LPG gas room heaters are prohibited	LPG room heaters are still prohibited however specific detail on LPG cylinders as a fuel being suitably installed is detailed to recognize their use in parts of Argyll
Drinking water must be available.	All water provided for domestic purposes will be wholesome and comply with statutory requirements.
Detailed fire safety requirements for an HMO	The Fire Service are responsible for enforcement of this issue and therefore some detail has been removed; however general information remains on what is expected and a reference to the published guide that the Fire Service apply to such premises

- 4.4** The proposed new Licence conditions reflect the key areas that must be addressed and maintained to ensure the Licence is not breached. These conditions reflect the proposed Housing Standards for HMO's.

## 5.0 Implementation of these New Standards

- 5.1 Mindful of the need to work with providers to ensure compliance with the new standards, our implementation plan focuses on supporting existing HMO licensees, and to providing clear information to all prospective licensees on the new requirements.

We intend to take a pragmatic approach to existing HMO licenses to agree a transitional period for any improvements, which will allow them to continue operating, and more importantly, not impacting adversely on current occupants. Our approach will be :

- i. All current HMO owners will receive written correspondence and advice, to explain the new Standards and Conditions.
- ii. HMO owners will be encouraged to implement changes ahead of any licence renewal, and we will be seeking to agree Improvement Plans with licensees. These will detail the actions which are necessary to comply with the new standards and the timescales. Unless there are significant risks to the safety of the occupants, we will allow a transition period not exceeding 12 months for works, subject to the specific premises.

Notwithstanding the above, all new applicants will be required to meet the new Housing Standards prior to being licensed by the Council

## 6.0 Fee Structure

- 6.1 The current licence fees were agreed by Committee, March 2015 where the Council charges a fee for the services associated with administration of the licence and the maintenance of the licensing regime. The current changes are as follows:

HMO with up to 10 persons	£711
HMO with over 10 persons	£870
Variation to licence	£105

- 6.2 The current charging regime does not fully comply with the statutory guidance as there is no provision whereby an unsuccessful applicant can receive reimbursement of part of the fee, where the licence is not issued. We require to make such a payment, and it is proposed that we introduce **a refund to unsuccessful applicants up to a maximum of £200**. This amount is consistent with other local authorities and we will review the full charging regime as part of the process for 2016/17.

## 7.0 Revision of Regulatory Services Enforcement Policy and Implementation Plan

- 7.1 Good regulation directly contributes to sustainable economic growth and fosters fair and safe society. The regulation and enforcement of HMO's will transfer fully to Council's Regulatory Services, which currently licences a range of other activities. Our enforcement policy is consistent with the Scottish Regulators Strategic Code and the five principles of transparency, accountability, proportionate, consistent and targeted.

- 7.2 The formal handover from Governance and Law to Regulatory Services should take place within 4 weeks of the Committee meeting. In consultation with key stakeholders and in line with the Statutory Guidance we have reviewed the process to identify areas of improvement. To assist the HMO Owner we have identified improvements in the administration of the process and the inspection process. We will be taking forward a proposal to undertake joint team inspections by relevant

stakeholders at a local area level for new applications. This reduces the burden on the HMO owner and potentially improves key stakeholder communication

## 8.0 CONCLUSIONS

- 8.1 The adoption of the revised Standards for Licensing of Houses in Multiple Occupation will further protect those who reside in this type of accommodation and provide improved accommodation and facilities therein. These revised Standards will assist operators, tenants and the Council in the determination of licence applications and have a positive effect in improving housing standards.
- 8.2 The revised HMO licensing regime, including the Standards and model licence conditions, will ensure that the Councils HMO licensing regime fully complies with national guidance, and will support its regulatory duties.

## 9.0 IMPLICATIONS

- 9.1 **Policy** There are no proposed changes in policy as the Council will continue to licence and regulate Houses in Multiple Occupation
- 6.2 **Financial** No significant changes other than the introduction of an a partial refund to unsuccessful applicants
- 6.3 **Legal** The new arrangements meet the Council's duties and responsibilities under the Housing(Scotland) Act 2006, Statutory Guidance for Housing in Multiple Occupation Provision of Services Regulations 2009 and the Scottish Strategic Regulatory Code
- 6.4 **HR** None.
- 6.5 **Equalities** The Licensing regime and new Standards will be applied in a consistent and fair manner to all HMO owners
- 6.6 **Risk** The risks to the Council are:
- (i) The existing licensing regime and housing standards are not in line with the Statutory Guidance for Local Authorities. The Council is at risk in this area and this could be further highlighted should an incident/accident occur in and HMO
- 6.7 **Customer Service** These proposals will provide clear information on the standards required to those operating or wishing to operate an HMO and also to occupants, on the standards and management they can expect of their living accommodation.

**Executive Director of Development & Infrastructure Services**  
**Policy Lead Councillor Kinniburgh**  
[16/09/15]

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## APPENDICES

- Appendix I – HMO Housing Standards  
Appendix II –HMO Licensing Conditions

**HOUSES IN MULTIPLE OCCUPATION**  
**APPROVED STANDARDS**



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JUNE 2015

## ARGYLL AND BUTE COUNCIL

### STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

Argyll and Bute Council has established these standards as a means of providing a reasonable benchmark for Houses in Multiple Occupation. Nevertheless, because houses in multiple occupation may differ there is provision for an applicant for a licence to seek exemption from, or relaxation of, a standard. Such an application should be made in writing to the Regulatory Services Manager and should specify the grounds on which the application is made. Applicants for licence should also examine the Council's Standard Licence Conditions for HMO's to determine whether they might wish to seek a relaxation or exemption in respect of any of those.)

#### **Interpretation:**

In these standards the following words or phrases shall be interpreted as follows:

**Housing unit** shall mean a room or rooms let to one person (or family)

**Bedsit** shall mean a housing unit where sleeping accommodation is provided together with cooking facilities in that housing unit.

**Conservatory** means a *building* attached to and having an entrance from a *dwelling* and having not less than three-quarters of the area of its roof and not less than one-half of the area of its *external walls* made of translucent material.

**HMO** and **HMO's** shall mean "House in Multiple Occupation" and "Houses in Multiple Occupation" respectively.

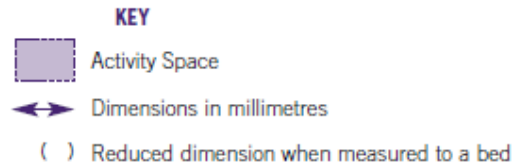
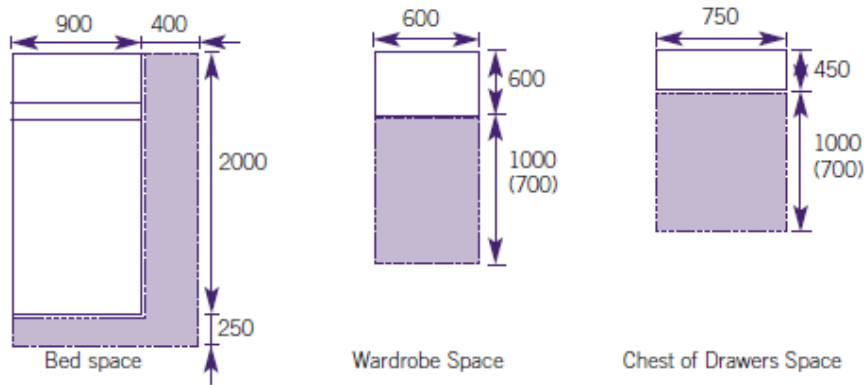
**Unit** where used in standards 3.2 to 3.4, and 4.1 and 4.2 shall mean a quantity by reference to which the provision of facilities shall be calculated

**The Council** shall mean Argyll & Bute Council and shall include any officer appointed by the Council and delegated to act on its behalf.

#### **1: Space Standards**

- 1.1 Sleeping accommodation within an HMO shall be provided in either single or double rooms unless sufficient space is provided for occupation by a family. Children shall not be accommodated in bedsits unless appropriate measures are taken to ensure their safety.
- 1.2 Every bedroom or living room shall also be capable of accommodating at least -
  - a. a bed, and
  - b. a wardrobe (except where a built in wardrobe of equal size is provided), and
  - c. a chest of drawers,together with their associated activity spaces having the dimensions shown below.

#### **Activity spaces for bedrooms**



**NOTES:**

1. An activity space is measured at floor level
  2. The shaded area of one activity space may overlap only the shaded area of another activity space
- 
- 1.3 Every bedroom shall be located so that it is not necessary to pass through another bedroom in order to reach a bathroom, water-closet compartment, or circulation space.
  - 1.4 Any underground room, the floor of which is more than 900mm below the surface of an adjoining street or the street nearest to the room, shall not be used as a bedroom unless the average ceiling height is more than 2100mm and adequate provision is made, to the satisfaction of the Council, for ventilation, lighting and protection against dampness.
  - 1.5 The following space standards shall be complied with in relation to the size of bedrooms and living-rooms provided in an HMO.
  - 1.6 Floor space should only be counted where there is a ceiling height of at least 1.5m.
  - 1.7 The minimum width of a bedroom should be 2.25m.



## SPACE STANDARDS

Table A - Bedrooms where a common living-room is available:

Single Room ( 1 adult)	6.5 sq. metres
Double Room (2 adults)	10.5 sq. metres
Triple Room (3 adults)	16.5 sq. metres + 4.5 sq. metres per person over 3
Family Room (2 adults + children under 10)	10.5 sq. metres + 4.5 sq. metres per child

Table B - Bedrooms where no common living room is available:

1 adult	10 sq. metres
2 adults	15 sq. metres
3 adults	19.5 sq. metres + 6 sq. metres per person over 3
Family Room (2 adults + children under 10)	15 sq. metres + 7 sq. metres per child

Table C - Bedsits

1 adult	13 sq. metres
2 adults	19 sq. metres

Table D - Common Living Room

3-6 Persons	11 sq. metres
7-10 persons	16.5 sq. metres
11-15 persons	19.5 sq. metres

- 1.8 Any entry door to a housing unit shall be capable of being locked by the residents to ensure their privacy and security.

### **2.0 MAXIMUM NUMBER OF OCCUPANTS**

- 2.1 The maximum number of occupants in an HMO and in each housing unit shall be calculated by reference to the above space standards, and to the following facilities.

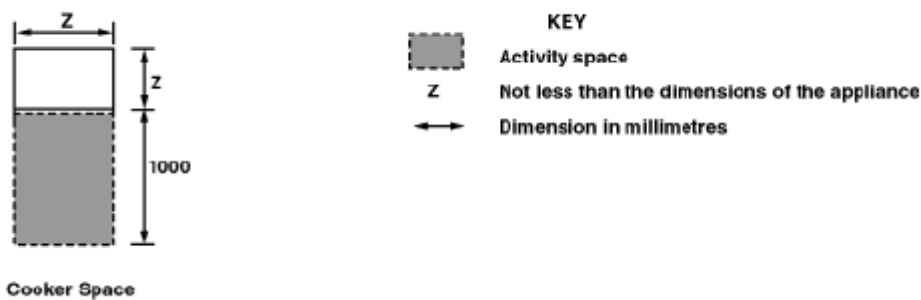
### **3.0 FACILITIES FOR PREPARING, COOKING AND STORING FOOD**

- 3.1 Standards 3.2 to 3.9 and 3.12 shall apply to all premises that do not provide meals (minimum of breakfast and evening meal).
- 3.2 Each housing unit must contain a cooker with rings, grill and oven, or alternatively cookers with 4 rings, a grill and an oven must be provided in a common kitchen on a

scale of one cooker for every unit or fraction of a unit of five people accommodated within the HMO.

- 3.3 Each housing unit shall be provided with a sink with a piped supply of hot and cold water and an integral drainer or, alternatively, sinks with an adequate piped supply of hot and cold water and an integral drainer shall be provided on a scale of one sink for every unit or fraction of a unit of five people accommodated and shall be provided in a common kitchen.
- 3.4 Microwave ovens and 12 plate dishwashers may be provided but they do not replace the requirement under 3.2 and 3.3 to provide suitable cookers and sink as described.
- 3.4 Adequate food storage, for the number of occupants, shall be provided in each housing unit or within a common kitchen and shall be lockable where requested to be so by an occupant. A minimum of 1 cubic meter of storage for a maximum of 5 people and an additional 0.2 cubic meters of storage for each person above 5 people should be provided. Sufficient drawer space for the storage of cutlery and other cooking utensils should also be provided. Fridges shall be provided in a common kitchen on a scale of one for every unit or fraction of a unit of five people accommodated.
- 3.5 A suitable and sufficient impervious work surface shall be provided for preparing food either within each housing unit or in a common kitchen. A surface space of 2 meter length for 3 people should be provided with an additional 60cm provided per person thereafter.
- 3.6 Adequate activity space shall be provided around, washing, and storage facilities within a housing unit, common kitchen or common area.
- 3.7 The following activity space shall be provided around any cooker:

**KITCHENS – Activity space for Cookers**



**NOTES:**

1. An activity space is measured at floor level

- 3.8 In determining the number of cookers or sinks or the adequacy or sufficiency of any of the above facilities all persons living in the premises are to be taken account of including persons such as the owner or manager and their families where no separate exclusive facilities are provided for them.
- 3.9 Where cooking facilities are provided within a housing unit (i.e. a bedsit), a sink, with a piped supply of hot and cold water and an integral drainer, and a work surface for preparing food shall also require to be provided within that bedsit.
- 3.10 All occupants shall be afforded access to a suitable and satisfactory supply of drinking water

- 3.11 Where meals are provided additional facilities are required for occupants to prepare snacks and hot drinks.
- 3.12 1 reasonable size refrigerator and 1 reasonable size freezer to be provided for a maximum of 5 persons. The freezer need not be sited within the kitchen.

#### **4.0 SANITARY FACILITIES**

- 4.1 There shall be provided within the HMO water-closets on the scale of one for every unit or fraction of a unit of five persons accommodated.
- 4.2 There shall be provided within the HMO baths or showers on the scale of one bath or shower for every unit or fraction of a unit of five persons accommodated.
- 4.3 Every water-closet compartment shall have a washbasin within the water-closet compartment itself, or within an adjacent space providing the sole means of access to the water-closet compartment. Any compartment containing the water-closet pan and washbasin shall also be separated by a door from any room or space used wholly or partly for the preparation or consumption of food.
- 4.4 In determining the number of water-closets, baths or showers, or wash hand basins all persons living in the premises are to be taken account of including persons such as the owner or manager and their families where no separate exclusive facilities are provided for them.
- 4.5 All sanitary facilities shall be so located as not to be more than one floor distant from any housing unit.
- 4.6 All access doors to sanitary and bathing facilities should be fitted with a suitable locking mechanism to ensure privacy. Obscure glazing should be provided where relevant to ensure privacy.
- 4.7 All bathrooms and shower rooms should be provided with an IP44 rated light fitting if it is required in accordance with current regulations.

#### **5.0 WATER SUPPLY**

- 5.1 Hot and cold supplies shall be suitable and sufficient for the purposes for which they are required.
- 5.2 An adequate supply of hot and cold water shall be provided to all baths, showers, sinks and wash-hand basins.
- 5.3 All water provided for domestic purposes (i.e. washing, drinking or cooking) must be wholesome and shall comply with all statutory requirements.

#### **6.0 DRAINAGE**

- 6.1 The HMO shall be provided with a safe and hygienic drainage system which meets the Building Regulations Technical Standards or otherwise meets with the satisfaction of the Council.

#### **7.0 SPACE HEATING**

- 7.1 Each bedroom and living room shall have a controllable fixed space heating appliance or shall be heated by a central heating system capable of maintaining a temperature of

18 degrees Centigrade within such rooms when the outside temperature is minus one degree Centigrade.

- 7.2 The use of Liquefied Petroleum Gas room-heaters is prohibited within any part of the premises.
- 7.3 A solid fuel appliance used in space heating shall require to be approved by the Council.
- 7.4 The provisions, in Appendix 1 to these standards, for providing adequate ventilation or regarding the use of extract ventilation in relation to the use of fuel burning installations or appliances, shall require to be met.

## **8.0 LIGHTING & VENTILATION**

- 8.1 Every bedroom and living room must be provided with adequate natural lighting which shall be provided by a window or windows having an aggregate glazed area equal to at least 1/15th of the floor area of the apartment and situated in an external wall or roof, or in a wall between the room and a conservatory
- 8.2 Every bedroom and living room shall have a window or windows with an opening area equal to at least 1/30th of the floor area of the apartment and situated in an external wall or roof, or in a wall between the room and a conservatory
- 8.3 Every kitchen, bathroom, water-closet compartment, staircase, landing or passageway should preferably be provided with natural lighting. Where this is not possible suitable and sufficient artificial lighting shall require to be provided.
- 8.4 Suitable and sufficient electric lighting system shall be provided in all parts of the premises including at least one lighting point in every circulation space, staircase, landing, passageway, bedroom, living room, kitchen, bathroom, water-closet compartment and other space having a floor area of 2 square metres or more.
- 8.5 Any lighting point serving a stair within an HMO shall have controlling switches at each storey and at any stage between storeys which gives direct access to a bathroom, kitchen, common room, or other apartment.
- 8.6 On any common stair, artificial lighting must operate from each landing.
- 8.7 Kitchens, bathrooms, and water-closet compartments shall either have natural ventilation (with a window or windows with an opening area to the open air equal to at least 1/30th of the floor area) or adequate mechanical ventilation.
- 8.8 Any ceiling strip light unit within the HMO must be fitted with a proper diffuser/cover.

## **9.0 ELECTRICAL SUPPLY AND SAFETY**

- 9.1 Appropriate certificates must be available to show that the electrical system and any appliances provided by the HMO owner have been examined by a competent person who has confirmed that they are functioning and safe. The electrical installation and any appliances provided by the licence holder shall require to function properly and safely. All portable appliances must be PAT tested.
- 9.2 Certificates of Compliance (Electrical installation Condition Report-EICR) meeting the requirements of BS 7671, signed by an approved NICEIC or SELECT contractor using current NICEIC or SELECT Electrical Installation Condition Reports are required. A competent contractor who is not a member of the NICEIC or SELECT may be used,

however non -member “green” NICEIC Electrical Installation Condition Reports must be submitted. (Available from NICEIC,).

- 9.3 For the purposes of the HMO Licence a competent person shall be either:
- a professionally qualified electrical engineer, or ;
  - a member of the Electrical Contractors Association, or
  - a member of the Electrical Contractors Association of Scotland; or
  - a certificate holder of the National Inspection Council of Electrical Installation Contracting.
  - A qualified person acting on behalf of one of these( where it should be stated for whom he or she is acting)

- 9.4 The EICR must meet the following minimum requirements:
- a thorough visual inspection of the complete electrical installation which is not concealed.
  - at least a 20% sample of the internal conditions of all fixtures and fittings.
  - complete test of all circuits (fittings and accessories)
  - Schedule of Inspections and Schedule of Test results must be fully completed and submitted

.This certificate confirms that the hard wired system is functioning properly and is safe and the certificate should be renewed every 5 years or earlier as directed by the approved electrical contractors. Continuity of the certificate must be maintained.

Any recommendations contained within the EICR report that the electrician has assigned a Code 1 (danger Present) or code 2(Potentially Dangerous) must be attended to as a matter of urgency. Written confirmation by an electrician must also be provided indicating that he/she is satisfied that there are no other electrical issues requiring immediate attention that have been assigned as a Code 3

- 9.6 A current Portable Appliance Test (PAT) Certificate is also required for all plug in appliances owned by the HMO owner. This certificate must show whether the item passed or failed. Certification must identify the contractors name and address and must be signed by the contractor. In the case of spurred appliances a formal visual inspection must be carried out annually with the results and any recommendations recorded on the annual PAT Certificate. Combined inspection and testing of any spurred appliances will also be carried out with results and recommendations recorded as part of the 5 year EICR.
- 9.7 The Certificate of Compliance for the PAT must be renewed at least annually, earlier as directed by an approved electrical contractor. Continuity of certification must be maintained. Current EICR and PAT certification must be held and submitted with the licence application.
- 9.8 The licence holder shall for the duration of the licence hold any record, document, certificate required in terms of the licence. Certification must be retained and the submission must prove continuity of certification. Failure to ensure continuity may result in a requirement to provide an EICR valid for the full period of any licence granted.
- 9.9 A minimum number of accessible electrical socket (13amp) outlets shall be provided in the premises to the following scale:
- In each kitchen, 6 socket outlets;
  - In each bedroom and living room, 6 socket outlets;
  - And in addition anywhere in the HMO, 4 additional socket outlets.
  - The above sockets should be easily accessible, be provided on two separate walls in each room/ area and be located to ensure safe and practical use. In addition to the

above, sockets may be provided which are inaccessible for example those for white goods.

## 10.0 GENERAL STANDARDS

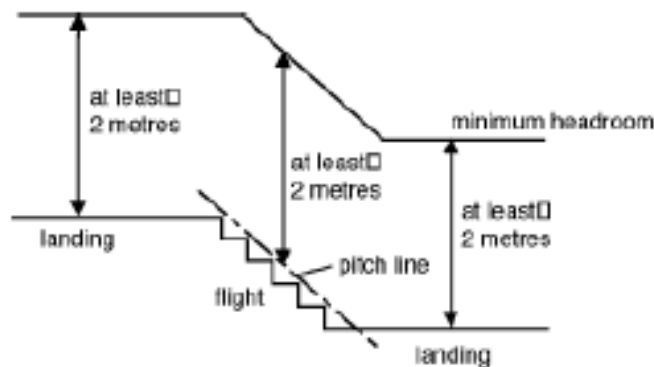
### 10.1 Telephone

In the case of small domestic HMO's a telephone line should be connected to the property enabling the tenants to arrange for a service and handset to be provided if they wish. For all other HMO's a fixed phone suitably located shall be provided for use of occupants for emergency purposes.

### 10.2 Handrails and Protective Barriers

Every stair for a change in level of more than 600 mm shall have a handrail on at least one side, fixed at a height of at least 840 mm and not more than 1 metre above the pitch line of a flight or surface of a landing. A Protective barrier shall also be required at the edge of any floor, stair, and ramp or raised area where there is a difference in level of 600mm or more, and also at the edge of a landing where the route of travel from the adjoining level to the next flight changes direction through 90 degrees. Such a protective barrier must conform to the requirements of the current Building Regulation Technical Standards.

#### Pitch Line



### 10.3 Drying Facilities

Suitable arrangements internally or externally shall be provided for drying of clothes, bedding, etc.

### 10.4 Refuse Facilities

An adequate number of wheeled bins shall be provided for disposal of waste arising from the premises. Both the quantity and type of wheeled bins shall require being to the satisfaction of the Council.

## 11.0 STRUCTURE - REPAIR AND MAINTENANCE

11.1 The structure and exterior of the premises shall be kept fit and safe for human habitation and shall be kept in a good state of repair to the satisfaction of the Council. The structure and exterior shall include, but not exclusively:

- Any drain, gutter and external pipe;
- Any roof (including the roof covering, ridging, skews, valleys, dormers, flashings);
- Any external wall, external door (including the door frame, lock, hinge or mechanism, window (including any sill, catch, lock, mechanism, sash weight or cord), including external painting and decorating;
- Any internal wall, floor and ceiling, door (including door frame, lock, catch, hinge or mechanism), internal staircase or landing (including any handrail or protective barrier), including painting and decorating;
- Any chimney, chimney stack, chimney can, chimney stay, or flue;
- Any ventilation duct or terminal;
- Any plasterwork
- Any pathway, step, lift, external staircase, ramp or landing (including any handrail or protective barrier), or other means of escape or access;
- Any fuel store;
- Any common part;
- Any integral garage or store;
- Any boundary, wall, gate or fence

## **12.0 INSTALLATIONS – REPAIR AND MAINTENANCE**

12.1 Any installation, system or appliance provided for space-heating, water-heating, cooking, refrigeration, ventilation, drainage or sanitation or to satisfy any requirement of these Standards, or for the supply of water, gas, oil or electricity, including, but not exclusively:

- Any wash hand basin, bath, water-closet, shower (including base, cubicle, enclosure and apparatus), cistern, water tank, water treatment or distribution system in the control of the licence holder;
- Any private water supply system serving the premises for which the licence holder has a responsibility or over which he/she must exercise a duty of care;
- Any electrical wiring, installation or apparatus, and any water, gas or
- oil tanks and pipework or installation for the supply or use of those services within the control of the licence holder;
- Any fireplace, fireplace fitting, fire or space-heating or water-heating installation (including pipework, radiators, valves, pumps, cisterns, cylinders, back-boilers and immersion-heater units);
- Any door-entry system, lift alarm, emergency phone, and
- Any extractor fan or common TV aerial

shall be maintained and kept in proper and safe working order and in a good state of repair to the satisfaction of the Council and in accordance with any statutory requirements.

12.2 All gas, oil, solid fuel electrical installations and appliances (including flues and chimneys), shall require to be inspected and certificated in accordance with the terms of any licence conditions applied by the Council.

- 12.3 Any appliance provided by a tenant must be in a good state of repair and operate safely, must only be used for the purpose for which it was made and must be suitable for that purpose taking account of where it is used.
- 12.4 Hard wired (mains fed with battery backup) or Lithium powered battery powered CO (carbon monoxide) detectors, meeting the requirements of BS EN 50291:2001 shall be provided in the same room as any gas appliance. The alarm must be suitably sited to detect carbon monoxide from the appliance. Research currently indicates that the life of such devices is between 5-7 years therefore the detector or where practical the sensor device should be replaced before the end of its working life. The detector must be capable of being tested and have a fault indicator Operating instructions must be provided to the residents together with a record of the manufacturers date and replacement date for the unit Such alarms should incorporate a warning device to alert users when the working life is due to pass

### **13.0 FIRE SAFETY**

- 13.1 The Scottish Fire and Rescue Service is a statutory consultee for HMO licences a copy of your application will be passed to them for consideration. The Scottish Fire and Rescue Service has independent responsibility for enforcing fire safety legislation in HMO's through the Fire (Scotland) Act 2005. As part of the licensing process the Council has a duty to take account of the condition of the living accommodation as well as the safety and security of the persons who occupy it. As such, the Council will take into account the level of fire safety in the HMO and the extent of compliance with the Fire (Scotland) Act 2005, together with the advice and recommendations of the Chief Officer of the Fire and Rescue Service in determining if a licence should be granted.
- 13.2 The Scottish Government has produced the following guidance documents to assist those with fire responsibilities within HMOs which are available on the Scottish Government website [www.scotland.gov.uk](http://www.scotland.gov.uk) and [www.firelawsscotland](http://www.firelawsscotland). These provide practical guidance on what standards are expected and include guidance on fire risk assessment and the fire safety management action plan.
- "Fire Safety Guidance booklet"(ISBN 0-7559-4965-X)
  - "Practical Fire Safety Guidance for Small Premises Providing Sleeping Accommodation"
  - "Practical Guidance for Medium and Large Premises Providing Sleeping accommodation"

### **14.0 GENERAL SAFETY**

- 14.1 The accommodation must have secure locks on all access doors and ground floor or accessible windows.
- 14.2 Where the local authority considers that additional safety or security features are required in light of the type of person likely to occupy the accommodation (e.g. as a women's' refuge where additional secure entry arrangements may be required and/or locks on bedroom doors etc.), these would be expected to be installed prior to the authority granting the licence.
- 14.3 All door locks must be capable of being opened from the inside without recourse to a key, so that residents can escape in case of fire.



## APPENDICES

### APPENDIX 1 – VENTILATION REQUIREMENTS FOR COMBUSTION

#### 1.0 SOLID FUEL

- 1.1 A solid fuel appliance shall have an adequate supply of air for combustion by way of permanent ventilation either direct to the open air or to an adjoining space (including a sub-floor space) that is itself permanently ventilated direct to the open air.
- 1.2 An air supply provided as follows will satisfy this requirement -
- i. Traditional open fluid fire: 50% of the cross-sectional area of the throat or the flue as appropriate; or,
  - ii. Any other solid fuel appliance: a permanent air entry opening or openings with a total free area of 550 mm<sup>2</sup> for each kW of combustion appliance rated output over 5 kW.

#### 2.0 OIL FIRED

- 2.1 An oil-fired appliance, other than a room-sealed appliance, shall have an adequate supply of air for combustion by way of permanent ventilation either direct to the open air or to an adjoining space (including a sub-floor space) which is itself permanently ventilated direct to the open air. Compliance with Section 4 of BS 5410: Part 1: 1997 or OFTEC Technical Information Sheets T1/112 and T1/132 will satisfy this requirement.
- 2.2 An oil-fired appliance installed in a confined space shall have an adequate supply of air for cooling by way of permanent ventilation, in addition to air for combustion, either direct to the open air or to an adjoining space (including a sub-floor space). Compliance with Clause 4.4.3 of BS 5410: Part 1: 1997 will satisfy this requirement.

#### 3.0 GAS FIRED

- 3.1 A gas-fired appliance shall have an adequate supply of air for combustion. Compliance with the following British Standards will satisfy this requirement –
- i: BS 5871: Part 3: 2001 for fuel-effect gas appliances
  - ii: BS 5871: Part 2: 2001 for an inset live fuel-effect gas appliance
  - iii: BS 5440: Part 2: 2000 for any other gas-fired appliance
- 3.2 A gas-fired appliance installed in a confined space shall have an adequate supply of air for cooling in addition to air for combustion. Compliance with BS 5440: Part 2: 2000 will satisfy this requirement.

#### 4.0 EXTRACT FANS

- 4.1 Where an extract fan is fitted in the same room (or in an adjoining room) as an open-flued combustion appliance a spillage test shall be carried out to ensure the combustion appliance is operating safely. Testing to the following guidance will satisfy this requirement –
- a: for a solid fuel appliance, BRE Information Paper IP 7/94; (NOTE: An extract fan shall not be fitted in the same room as an open-flued solid fuel appliance.)
  - b: for an oil-fired appliance, Clause 4.4.7 of BS 5410: Part 1: 1997 and OFTEC Technical Information Note T1/132; and
  - c: for a gas-fired appliance, Clause 4.3.2.3 of BS 5440: Part 1: 2000.

## APPENDIX 2

### Argyll and Bute Council Tenancy Management Standards

#### 1. Introduction

This document is part of the Argyll and Bute Council's Standards for Houses in Multiple Occupation. It should only be read in conjunction with the other parts of those Standards and any conditions which apply to any licence allowing the operation of a House in Multiple Occupation.

This document sets out the minimum standards which require to be met in relation to the Tenancy Management of an HMO.

Section two of this document identifies a number of basic conditions that shall require to be met by all licence holders and which shall be taken account of in evaluating any application for a licence. These are identified as "Basic Rights and Responsibilities".

Section 3 of this document stipulates those individual items that shall be included in all Occupancy or Tenancy Agreements

#### 2. Basic Rights and Responsibilities

- An occupancy/tenancy agreement shall be issued to all tenants of an HMO
- No Tenant shall be evicted without due process
- The respective responsibilities of both Landlord and Tenant shall be clearly defined and any occupancy/tenancy agreement shall include a contract that identifies how each shall be afforded his/her rights and meet his/her respective responsibilities
- Tenants shall be afforded peaceful occupation of their homes, free from any harassment
- Tenants shall be expected to live in a manner that takes account of others who share the HMO
- The Council shall take action where required against landlords who consistently breach the guidance identified above or who fail to achieve the minimum standards required of them in terms of this guidance

#### 3. The Occupancy/Tenancy Agreement

**All Occupancy/Tenancy Agreements shall include the following minimum requirements. Agreements will require to be approved by Argyll and Bute Council. Once approved, the agreement shall not be altered without the prior written agreement of The Council.**

### 3.1 Record Keeping

**Records maintained by a landlord shall include all the following, and any occupancy agreement or tenancy agreement shall include those items marked by an asterisk:**

- The residents name\*
- The Landlords name\*
- The address of the accommodation the tenant is to occupy\*
- The address of the landlord (business or private address)\*
- The date of first occupation\*
- The date the Tenancy begins\*
- The date the property becomes vacant
- The date the tenancy will be concluded (If it's a fixed term lease.)\*
- The date of any review of the occupancy/tenancy agreement or lease\*
- The date the tenancy actually ended
- Details of any deposit taken and the tenancy deposit scheme with which they have been placed.

### 3.2 Rent

**An occupancy/tenancy agreement shall include the following:**

- The full amount of rent payable
- The frequency at which rent must be paid
- A list of all charges included in the rent payment including fuel charges, council tax charges etc.
- A requirement for a rent book to be issued to all tenants or for individual receipts to be issued for rent payments.
- The date and/or frequency of all rent reviews
- The amount of any rent deposit
- A full description of those items against which a rent deposit is held and a precise definition of those circumstances under which a rent deposit may be retained in whole or part.
- An agreement that the deposit or part thereof which is due will be returned within 14 days of the end of the occupancy/tenancy agreement.

### 3.3 Safety

**An occupancy/tenancy agreement shall make provision for:**

- The landlord's responsibilities for health and safety to be detailed
- The frequency and dates of safety and maintenance inspections to be recorded
- Copies of inspection reports to be made available to tenants on request
- Residents to give full access to and co-operation to persons undertaking safety and maintenance inspections or works (including authorised persons appointed by the Council, Police Scotland and the Scottish Fire and Rescue Service).
- Landlords to give at least 7 days notice when access is required to a tenant's private space

- A fixed-point telephone in full working order to allow residents to contact emergency services if necessary
- All let rooms to be maintained in a lockable condition

### **3.4 Furnishings**

#### **Any Occupancy/Tenancy Agreement must include:**

- Where furniture and appliances are provided, an inventory of these and their condition at the time of occupation
- An undertaking that all furniture and furnishings and appliances comply with the relevant safety legislation
- Details of any damage within the property identified at the time of occupation
- An agreement that normal wear and tear of furniture and furnishings and appliances shall be the responsibility of the landlord and shall not be made the subject of any claim on a rent deposit
- An agreement that wear and tear caused by misuse or malicious damage will be the responsibility of the tenant

### **3.5 Complaints**

#### **Any Occupancy/Tenancy Agreement shall include:**

- A provision that the landlord shall have a complaints procedure and shall notify tenants how it operates
- A provision that the landlord shall keep a confidential record of all complaints made and that this record shall be made available to the local authority on request
- A provision that the landlord shall agree to investigate fairly all complaints received
- A provision that the landlord shall agree to advise any tenant where a complaint has been made against him/her and of any action being taken or proposed, without prejudice to any legal proceedings which may be instigated.

### **3.6 Repairs and Maintenance**

#### **Any Occupancy/Tenancy Agreement shall:**

- Clearly define the respective responsibilities for repairs and maintenance.
- Require the landlord to maintain the property, inside and outside, in a good state of repair
- Require that the HMO shall be always maintained in a condition fit for human habitation
- Require the landlord to ensure that all property and equipment inspections are arranged as required and that any remedial action identified by current safety legislation is undertaken by the landlord
- Require tenants to take reasonable care of all property
- Require Landlords to have in place a system for reporting defects and accessible to tenants
- Specify the time taken within which the landlord must respond to reported defects
- Include a provision that tenants must agree to report all defects as soon as practicable within the agreed reporting procedures, and take appropriate action in emergency situations to attempt to stop any further damage from occurring
- A requirement that a landlord must keep a written record of any action taken by him/her following a malicious or destructive act by a tenant.

### **3.7 Miscellaneous Landlord Responsibilities**

**An Occupancy/Tenancy Agreement shall include a provision:**

- That the landlord will take account of any tenant's disability
- That a Landlord who accesses a tenant's room for any reason without the tenant's consent must be accompanied by a witness and must record the reason, action and outcome of the entry
- That where mail has been delivered, landlords shall make it available to tenants on a daily basis and that mail shall be handed over in private and unopened
- That the landlord must ensure arrangements have been made for the safe storage and disposal of all refuse from the premises.
- That the landlord must adequately insure the HMO for the purpose for which it is being used
- That the landlord shall provide a translation of the occupancy/tenancy agreement into other languages will be made available where required
- That the landlord must identify any rights of succession to the tenancy
- Regarding the extent, if any, of a tenant's right to sub-let or part-let the property

### **3.8 Miscellaneous Tenant Responsibilities**

**An Occupancy/Tenancy Agreement shall include a provision that:**

- Tenants will not use any electrical appliances that are in an unsafe condition or for any other purpose other than that for which they were designed.
- Tenants who wish to have their personal property or belongings insured should make such arrangements for insurance themselves
- Tenants shall occupy the accommodation identified in the occupancy/tenancy agreement and shall advise the landlord of any absence that may last longer than seven days
- Tenants shall advise the landlord if there is any material change in their use of the property
- Tenants shall not use the property for any illegal purpose
- Tenants will not keep any animal on the premises without the prior written agreement of the Landlord

**Licence Conditions-Houses in Multiple Occupations (HMO)**  
**Housing (Scotland) Act 2005 -Part 5**



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## STANDARD LICENCE CONDITIONS – HMOS

Argyll and Bute Council has established these conditions to ensure that HMO's are managed to an acceptable standard and that the standards set by the Council for facilities and health and safety are adequately maintained. Nevertheless, because houses in multiple occupation may differ there is provision for an applicant for a licence to seek exemption from, or relaxation of, a licence condition. Such an application should be made in writing to the Regulatory Services Manager and should specify the grounds on which the application is made. Applicants for licence should also examine the Council's Standards for Houses in Multiple Occupation to determine whether they might wish to seek a relaxation or exemption in respect of any of those.)

### 1.0 Interpretation

**“authorised person”** shall mean any person authorised by Argyll and Bute Council, Police Scotland , or Fire - Scotland for the purposes associated with the licensing of Houses in Multiple Occupation and includes a constable, or any officer authorised by the Council;

**“This Licence”** or **“the licence”** means the licence noted hereunder and for the avoidance of doubt shall include all the conditions or exemptions attached to it either as undernoted or by way of reference;

**“The Council”** means Argyll and Bute Council and any officer authorised to act on its behalf in terms of this licence;

**“The Licence Holder”** means the person (or if a non natural person, the incorporated company) named in the licence;

**“HMO” and “HMOs”** means “House in Multiple Occupation” and “Houses in Multiple Occupation” respectively;

**“Chief Fire Officer”** means the Chief Fire Officer of Fire - Scotland or his/her authorised Depute within the relevant Argyll and Bute Council Area.

**“Chief Constable”** means the Chief Constable from Police Scotland

**“The Act”** means The Housing (Scotland) Act 2006

**“Qualifying Person”** means a person whose only or principal residence is the house in multiple occupation.

### 2.0 Licence Holder and Premises

#### 2.1 Licence Holder

This licence is granted to .....[residing at][whose registered office/address/principal place of business is situated at]

#### 2.2 The Premises

The Premises to which this licence applies are located at *address* [and are shown for identification purposes only on the plan annexed and signed as relative to the licence].

The rooms permitted to be used as housing units for qualifying persons within the premises are shown on the plan (*Ref*) annexed and signed as relative to the licence.

The maximum room occupancies for the identified housing units within the premises are shown on the plan (*Ref*) annexed and signed as relative to the licence.



### **3.0 Duration**

The Licence is granted on the ..... day of the year, Two Thousand and ..... and is valid subject to the terms of the Act until and including the day of the year Two Thousand and.....

## **CONDITIONS**

### **4.0 Requirement to Meet Standards**

The Premises shall comply with Argyll and Bute Council's "Standards for Houses in Multiple Occupation" in force at the date of this licence (subject to any exemption or relaxation granted thereto and specified in Schedule 1 to the licence.)

### **5.0 Maximum Number of Occupants**

The number of persons residing in the premises at any one time, including the owner's family where appropriate, shall not exceed .....persons.

### **6.0 Entry for Authorised Person**

The licence holder shall allow access to the premises for HMO licensing purposes to any person authorised person

### **7.0 Material Changes**

- 7.1 The Licence holder shall not make or cause or permit to be made any material change to the premises, licensed activity or any occupancy/tenancy agreement without the prior written consent of the Council.
- 7.2 The Licence holder shall notify the Council immediately of any material change of circumstances affecting the licensed premises or licensed activity or the licence holder (or any agent appointed by him/her to manage part or all of the licensed activity), including details of any criminal convictions incurred by such persons since the granting or renewal of the licence.
- 7.3 The licence holder shall within 14 days of changing his/her address or place of business give notice to the Council and shall produce his/her licence to the Council which shall endorse thereon the particulars of such change of address or place of business.

### **8.0 Reporting of Certain Incidents**

The Licence holder shall notify the Council, as soon as is reasonably practicable, of the details of any incident affecting, or within, the licensed premises which (a) has resulted in structural damage to, or structural collapse within, the premises, or (b) which has involved a gas leak, fire or explosion necessitating the call-out of the Emergency Services.

### **9.0 Fire and Emergency Precautions**

The licence holder must ensure that the premises used with regard to the Licence applied for are fully compliant with the requirements imposed by the Fire (Scotland) Act 2005 (As Amended). This places a duty on the licence holder to undertake a Fire Risk Assessment and produce a Management Policy to ensure the safety of persons (whether they are employees, occupants, residents, tenants, visitors or others) in the premises in respect of harm caused by fire.

## **10.0 Prohibition of LPG room-heaters and storage of inflammable liquids etc.**

The licence holder shall not permit the use or storage on the premises of LPG room-heaters or, unless in any external store designed and approved for such storage, the storage of any liquefied petroleum gas (LPG) or any highly inflammable liquid, gas or substance. This condition shall not apply to small amounts of liquids or gas sold in small non-refillable retail packs (e.g. lighter fuel or cosmetic appliance cartridges) kept by residents for their own use. Nor shall it apply to the external storage of LPG in cylinders or tanks which are provided by the licence holder for the provision of gas for cooking or for water or space heating or other domestic use, provided the storage complies fully with LPGA Codes of Practice and Building Regulation Technical Standards and that any installation connected to such cylinders or tanks complies with The Gas Safety (Installation and Use) Regulations 1998 or any amendment thereto.

## **11.0 Requirements regarding Repair and Fitness**

The Licence holder shall keep the premises fit for human habitation and shall keep in a good state of repair, to the satisfaction of the Council, the structure and exterior of the premises.

## **12.0 Maintenance of Installations**

The Licence holder shall maintain and keep in proper working order to the satisfaction of the Council and in compliance with any statutory requirements any installation provided for space-heating or water-heating or ventilation or sanitation or for the supply of water, gas, oil or electricity.

## **13.0 Maintenance of Appliances**

The Licence holder shall ensure that any appliance, provided by him/her in terms of this licence or any occupancy/tenancy agreement, functions properly and safely.

## **14.0 Inspection and Certification of Certain Installations**

### **14.1 Solid Fuel**

The licence holder shall ensure that an annual inspection of solid fuel fires, installations and appliances and an annual inspection/cleaning of chimneys/flues serving solid fuel appliances or fires shall be carried out by a competent person and, following the execution of any necessary repairs or works identified by that person, the licence holder shall obtain from such person or other competent person a certificate signed by him/her stating that the system is functioning properly and safely.

### **14.2 Oil**

The licence holder shall ensure that an annual inspection of all oil-fired appliances or installations shall be carried out by a competent person and, following the execution of any necessary repairs or works identified by that person, the licence holder shall obtain from such person or other competent person a certificate signed and dated by him/her stating that the system is functioning properly and safely.

### **14.3 Gas**

The licence holder shall ensure that an annual inspection of all gas-fired appliances or installations within the HMO shall be carried out by a qualified person ( that is a person who is Gas Safe Registered for inspection of installations, appliances or premises of that nature) and, following the execution of any necessary repairs or works identified by that person, the licence holder shall obtain from such person or other similarly qualified person a certificate signed and dated by him/her stating that the installations and appliances are functioning properly and safely. Such inspection shall include the provisions of any inspection required by any statutory requirement and in particular The Gas Safety (Installation and Use) Regulations 1998 and any amendment thereto.

## **14.4 Electricity**

14.4.1 Appropriate certificates must be available to show that the electrical system and any appliances provided by the HMO owner have been examined by a competent person who has confirmed that they are functioning and safe. All portable appliances must be PAT tested.

14.4.2 Certificates of Compliance (Electrical installation Condition Report-EICR) meeting the requirements of BS 7671, signed by an approved NICEIC or SELECT contractor using current NICEIC or SELECT Electrical Installation Condition Reports are required. A competent contractor who is not a member of the NICEIC or SELECT may be used, however non -member "green" NICEIC Electrical Installation Condition Reports must be submitted. (Available from NICEIC,).

14.4.3 For the purposes of the HMO Licence a competent person shall be either:

- a professionally qualified electrical engineer, or ;
- a member of the Electrical Contractors Association, or
- a member of the Electrical Contractors Association of Scotland; or
- a certificate holder of the National Inspection Council of Electrical Installation Contracting.
- A qualified person acting on behalf of one of these( where it should be stated for whom he or she is acting)

## **15.0 Frequency of Inspection for Electrical Safety**

The licence holder shall ensure they comply with the inspection regime specified within the Council's Housing Standards for HMO's with regard to electrical safety.

## **16.0 Repairs following Inspections**

Any repairs or works found necessary during the course of any inspection of an electrical, solid-fuel, oil-fired or gas-fired installation or appliance shall be carried out immediately where such repair is required to ensure the safety or health of any person.

## **17.0 Maintenance of Common Areas and Refuse collection and disposal**

17.1 The Licence holder shall ensure that adequate facilities, to the satisfaction of the Council, are provided for the storage, collection and disposal of all rubbish and shall ensure that all common areas of the premises and all common external areas within the curtilage of the premises are kept in a clean, tidy and well-maintained condition to the satisfaction of the Council.

17.2 The licence holder shall be responsible for advising residents of the appropriate Refuse and Recycling collection days and for making arrangements for the presentation of wheeled bins for collection at the appropriate time and day.

## **18.0 Prevention of Vermin**

The Licence holder shall ensure that the premises are maintained in such a manner and state of repair as to prevent infestation by vermin and shall be responsible for the treatment of any infestation which arises from or within any common area of the premises.

## **19.0 Prevention of Nuisance and Disturbance**

The Licence holder shall be responsible for the day-to-day running of the premises and shall ensure as far as reasonably practicable that no disturbance or nuisance arises within or from the premises. The licence holder must manage the property in such a way as to seek to

prevent or deal effectively with any anti-social/nuisance behaviour by tenants or their visitors to anyone else in the HMO or in the locality of the HMO. This must be clearly detailed in the Tenancy/Occupancy Agreement.

## **20.0 Other Matters**

The licence holder shall require to deal without delay with any other matter which in the opinion of an authorised person renders the premises to be unsuitable for use as an HMO or which presents an unacceptable risk to any residents.

## **21.0 Public Liability Insurance**

The licence holder shall during the period of the licence hold third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) in respect of the premises and the licensed activity-.

## **22.0 Records of Residents**

The Licence holder shall keep adequate and up-to-date records in accordance with Appendix 2 "Occupancy Agreements" of the Council's Standards for Houses in Multiple Occupation. These records may be kept in a paper or electronic form.

## **23.0 Rent Receipts**

The licence holder or his or her agent shall require to record, date and sign all payments of rent in a rent-book which shall be provided to and retained by the resident, or shall issue a signed and dated written receipt to any resident who makes a rental payment.

## **24.0 Rental Deposits**

The licence holder shall issue signed and dated written receipts for any rental deposit received and shall pay deposits to an approved tenancy deposit scheme within 30 days of the tenancy commencing/renewing . The licence holder shall provide the tenant with key information about the tenancy and deposit . A full description of those items against which a rent deposit is held and a precise definition of those circumstances under which a rent deposit may be retained in whole or part shall be provided.

## **25.0 Emergency Telephone**

The licence holder shall ensure that in the case of small domestic HMOs a telephone line should be connected to the property enabling the tenants to arrange for a service and handset to be provided if they wish. For all other HMOs a fixed phone suitably located shall be provided for use of occupants for emergency purposes.

## **26.0 Display of Licence etc.**

The licence holder shall at all times display within the premises in a prominent position accessible to all residents:

- a copy of the licence;
- a copy of the licence conditions;
- a copy of the councils Standards for Houses in Multiple Occupation; and;
- a copy of any current safety certificate, fire-certificate, insurance certificate or policy required by any condition of this licence, or by statute, or in terms of The Council's Standards for Houses in Multiple Occupation.

## **27.0 Occupancy/Tenancy Agreements**

- 27.1 The licence holder shall require to comply with his/her contractual obligations in terms of any occupancy/Tenancy agreement approved by the Council in terms of the Council's Standards for Houses in Multiple Occupation.
- 27.2 All residents must be provided with written occupancy/tenancy agreements which meet with the approval of the Council. An occupancy/tenancy agreement which has been approved by the Council must not be altered unless the licence holder has received the prior written approval of the Council for any such alteration.

## **28.0 Compliance with Statutory Requirements**

The licence holder shall comply with any statutory requirements (including, but not exclusively, those in terms of the Building (Scotland) and Planning, Food Safety, and Health and Safety Acts) which apply to the premises, its contents or services provided there, including the requirements of any statutory requirement governing his/her role as a landlord. Failure to comply with any statutory requirement shall not be regarded as a breach of this condition unless the Council or the Chief Fire Officer are satisfied that such breach affects or is likely to affect the health, safety, welfare or rights of the residents or others, or unless such breach otherwise contravenes any other condition of this licence.

## **29.0 Requirement to produce on demand any policy, certificate etc.**

The licence holder shall require to produce on demand to any authorised person any policy, certificate, document, record, certificate of inspection or safety, licence or plan required by or issued in terms of or pursuant to any condition of this licence.

## **30.0 Requirement to retain records**

The licence holder shall require to retain any record, document or certificate required in terms of this licence for a period of three years following the date of the expiry of that document or certificate or following the date of the last entry in any record.

## **31.0 Requirement to provide Information on Emergencies**

The licence holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.

## **32.0 Repossession**

The licence holder must ensure that actions to secure repossession must be only by lawful means.

## **33.0 Re-sale prices of gas and electricity**

The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.

## **34.0 Let Rooms - Locks**

The licence holder should ensure that let rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.