

Before submitting an application for a licence for a House in Multiple Occupation (HMO), please ensure that you have read the following guidance notes. There are online notes to help you to complete the online application but these provide a more general background to the application process and some of the standards.

General information about HMO licensing

- [Meaning of “HMO”](#)
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- [Landlords’ responsibility for tenants’ anti-social behaviour](#)

Applicable sections of the Housing Act 2004

In this guidance, “the Act” means the Housing Act 2004, unless otherwise stated, all references to sections are to sections in the Act. Part 2 of the Act introduces a mandatory scheme to licence HMOs of a description contained in regulations.

- [Section 1-4: About the Licence holder and others who may have a legal interest in the property](#)
- [Section 5: Licence holder/managing person \(where applicable\) test of fitness](#)
- [Section 6: Property details](#)
- [Section 7: Occupant details](#)
- [Section 8: Accommodation details, including room sizes and amenity standards](#)
- [Section 9: Heating and Energy Efficiency](#)
- [Section 10: Gas, electrical and fire safety](#)

Documents which will be requested as part of your online application

A property plan with each room clearly numbered. See Accommodation details in section 8
A copy of the landlord’s gas safety certificate. Must be dated within the last 12 months. (if gas supplied to the property) See Gas, electrical and fire safety in section 9
A copy of the current electrical safety certificate. Must be dated within the last 5 years. See Gas, electrical and fire safety in section 9
A copy of the portable appliance test report. Must be dated within the last 2 years. See Gas electrical and fire safety in section 10
A copy of your energy performance certificate (EPC). Must be dated within the last 10 years. Please refer to www.epcregister.com to retrieve an existing certificate. See section 9 Heating and energy efficiency
A copy of your fire risk assessment. Must be dated within the last 12 months See section 9: Gas, electrical and fire safety section
Copy of certificate of having attended a relevant training course. See section 5 Licence holder details
A copy of your planning permission if relevant. See section 6 Property details section

What happens after you've submitted your application online

After we have received your application and the first stage of your fee payment we will seek to validate your application within 28 working days. We will reject any incomplete applications and ask you to re-submit your application including any relevant documentation.

We will be using a valid application to determine when a property will be visited during the licence period which normally lasts 5 years. The information provided will be risk assessed having regard to:

- 1) The size of the sleeping rooms and whether they meet the new minimum legal standards
- 2) Safety issues – in particular relating to fire safety, gas safety and electrical safety
- 3) Level of amenities
- 4) History of compliance with the landlord and any person managing the property.

Where it is determined that the property does not meet the requirements relating to safety and/or room sizes, then the property will be visited before a licence is issued to ensure that these safety matters are resolved and the appropriate action is taken having regards to our enforcement policy. Should the room size not meet the minimum requirements then you will be given **up to** 18 months to ensure that the room either meets the standard through building work or ceases to be used

In all other circumstances we will be issuing the draft licence outlining the conditions and appropriate timescales to comply with those conditions. For example, where the property is safe and meets the minimum room size standards but lacks the level of amenities (bathroom and kitchen) in line with our policy, the licence holder will be normally be given **up to** 18 months to comply with these provisions. This is called the Notice of Intention to issue the licence stage. This will be served on the licence holder and any other relevant person. This provides a minimum of at least 14 days for

you to make representations regarding the licence and the conditions. If you dispute the conditions then it is at this stage you should make an appeal to the council.

Following the 14 day period we will then serve on the licence holder and any relevant person a notice setting out:

- The reasons for deciding to grant the licence and the date on which the decision was made
- The right of appeal against the decision under Part 3 of this Schedule
- The period within which an appeal may be made (see Paragraph 33(1))

These must be served within 7 days of making the decision

If you dispute our decision you may appeal this decision to the Property Chamber of the First Tier Tribunal (PC) Service. Northern Residential Property Tribunal, First-tier Tribunal, 1st Floor, Piccadilly Exchange, 2 Piccadilly Plaza, Manchester, M1 4AH - Tel: 0161 237 9491- rpnorthern@hmcts.gsi.gov.uk

More information can be found at <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber> where it is also possible to download the appropriate forms.

First Tier Tribunal

General information about HMO licensing

Meaning of "HMO"

A House in Multiple Occupation (HMO) is defined in the Act and includes houses occupied by 3 unrelated people who form 2 or more households. It is legal term and certain types of multi-occupied buildings as defined by the Act.

The following property descriptions would be HMOs:

- A house or flat which is occupied by 3 or more people who form 2 or more households* share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is occupied by 3 or more people who form two or more households* and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self-contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more people who form two or more households*.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.
- A building that is subject to a 'HMO Declaration' under section 255, Housing Act 2004

A unit of accommodation is a "self-contained flat" if it has all amenities, i.e. a kitchen (or cooking area), bathroom and toilet for the exclusive use of the occupants behind its own entrance door. If the occupiers need to leave the unit to gain access to any one of these amenities, that unit is not a self-contained flat.

A purpose built block of flats is not an HMO. However, individual private rented flat or flats within it could be subject to Mandatory HMO Licensing.

If a purpose built block contained no more than two self-contained flats and where at least one of those flats was occupied by 5 or more persons (comprising at least two or more households) then the flat (or flats) would be subject to Mandatory HMO Licensing . This would also apply to purpose built blocks containing up to two residential flats plus commercial usage (i.e. shops, offices, etc) all in the same block.

For purpose built blocks containing 3 or more flats, neither a multi-occupied flat nor the block would require a Mandatory HMO Licence.

If the block is a building (or part of a building) that has been converted entirely into self-contained flats, but the conversion did not comply with the

standards of the 1991 Building Regulations and if more than one third of the flats are let out on short leases, then the building is a HMO under Section 257 of the Housing Act 2004.

These converted blocks of flats are not subject to Mandatory HMO Licensing however any private rented flat of flats in the block, that are occupied by 5 or more persons (comprising two or more households) would each need a HMO Licence.

In order to be an HMO, the property must be used as the tenants' only or main residence. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges or for other purposes prescribed by the Government.

A HMO **must** be licensed if it satisfies all of the following criteria:

The premises are occupied by 5 or more persons.

and

The occupiers comprise 2 or more separate 'households'

and

Share amenities such as bathrooms, toilets and /or cooking facilities

or

Where all units of accommodation, are not fully self-contained

This description will cover a wide range of property types that will include; shared houses, bedsits with shared amenities, converted buildings providing a mix of self-contained and non self-contained accommodation, flats in multiple occupation, hostels and certain B&B accommodation.

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Meaning of "Household"

The following are 'households' for the purposes of the Housing Act 2004.

Members of the same family living together including:

- An individual tenant / student
- Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
- Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins
- Half-relatives are treated as full relatives. A foster child living with their foster parent is treated as living in the same household.
- Any domestic staff would also be included in the 'household' if they are living rent free, in accommodation provided by the person for whom they are working.

Therefore, three unrelated friends sharing together are considered to be three households. A couple sharing with a third unrelated person would constitute two households. A family renting a property is a single household. If that family has an au-pair to look after their children, that person would be included in their household.

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If only part of a property is let to tenants

If a property is partly lived in by tenants as their main, or only, residence, but is also used for other purposes the building may be classed as an HMO if the council is satisfied that the more permanent tenants are making significant use of the building. Examples of this would include:

- a B&B providing accommodation for homeless people as well as a place to stay for short-term guests
- a house that is used in the summer for holiday lets but is let to tenants out of season.

If the council classes your property as a HMO and it meets the criteria for licensing, you will have to apply for a licence. You have the right to appeal against the decision to classify the property as an HMO.

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If a property becomes licensable due to changes in household that the landlord is unaware of

A landlord commits an offence if he or she knowingly lets a property to more people than it is licensed to hold. In the interests of good management standards you should be aware of who is living in your property at all times. If you are aware that people other than the tenant are in occupation or if you are accepting rent from the additional occupants (whether or not you know they are tenants) this could be taken to mean that you know that they are living in the property.

If guests come to stay with the tenant then, provided that they are staying there for only a short period and are not paying rent and using the property as their main or only residence, they will not count towards the number of occupants.

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Converting HMOs or reducing the number of occupants to below the Mandatory licensing threshold

You may not unlawfully evict your current tenants in order to avoid licensing or return the property to a single dwelling. If you attempt to do so, then you may no longer be considered a 'fit and proper person' and not entitled to hold a licence.

You may reduce numbers through natural decline provided that your HMO is not one which requires planning permission.

Landlords may not evict existing tenants to avoid licensing or to comply with the maximum number of occupants allowed in the property. It is considered reasonable that the tenants were in occupation at the time the licence was granted and landlords will not be penalised. However, when the tenancy comes to an end, landlords or agents will be committing an offence if new tenants are allowed to move in bringing the total occupants above the maximum number permitted under the licence.

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Granting a licence

In order to grant a licence we must be satisfied that:

- The proposed licence holder and any manager are a 'fit & proper' person and the most appropriate person to hold the licence
- Proper management standards are satisfactory and the licence holder holds a relevant training qualification or will do so within an 18 month period of issuing the licence
- The HMO is reasonably suitable (or can be made suitable) for occupation by the number of tenants allowed under the licence meeting the minimum prescribed room sizes and standards of amenities and facilities. These include the number, type and quality of shared bathrooms, toilets and cooking facilities

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Conditions that may be attached to the licence

A Mandatory HMO Licence will specify the maximum number of people who may live in the HMO and there are certain mandatory conditions that will be applied:

- A valid current gas safety certificate, which is renewed annually, must be provided
- Written proof that all electrical appliances and furniture are kept in a safe condition
- Written proof that all smoke alarms are correctly positioned and installed
- Each occupier must have a written statement of the terms on which they occupy the property, for example, a tenancy agreement
- Minimum room sizes and the number of occupants for each room

- Meeting the Council's plan for waste management

In addition the Council may also apply the following conditions:

- Restrictions or prohibitions on the use of parts of the HMO by occupants
 - A requirement that the condition of the property, its contents, such as furniture and all facilities and amenities, bathroom and toilets for example, are in good working order
 - A requirement for specified works or repairs to be carried out within a particular timeframe
 - A requirement that the responsible person attends an approved training course
 - Carbon Monoxide detection should be fitted to each floor of a property where gas appliances are fitted in the property
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How long a HMO licence will last for

A Mandatory HMO Licence will ordinarily last for 5 years and must be renewed before expiry.

The council may however issue licences for a shorter period, if they have concerns regarding the management of the premises concerned.

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HMO licensing fees

Fees for new applications/renewals from 1 October 2018 are available at www.york.gov.uk/HMOLicensingFees
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How licensing fees are used by the council

Licensing fees are in place to raise standards in this sector. In accordance with case law, local authorities can only charge for certain licensing functions. They will only be allowed to use licence fees to recover the costs of licensing and not to raise monies to fund other projects.

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What happens if the council refuse to license your property

If a landlord fails to bring an HMO up to the required standard, or fails to meet the fit and proper person criteria, the council will deal with the matter in line with our enforcement policy.

You may appeal if the council decides to:

- refuse a licence
- grant a licence with conditions
- revoke a licence
- vary a licence
- refuse to vary a licence

You must appeal to the 'First Tier Tribunal' (formerly known as the Residential Property Tribunal), normally within 28 days.

Details of how to appeal would be included with any official notification of refusal.

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Temporary exemption from licensing

If a landlord or person in control of a property intends to take it outside of licensing (say by converting the accommodation to all fully self-contained units) then he or she can apply for a Temporary Exemption Notice. This lasts for a maximum of three months and ensures that a property in the process of being converted from an HMO does not need to be licensed. The landlord would however need to provide clear evidence of their intention to convert (i.e. proof of Planning Applications, Building Regulations consent, etc). If the situation is not resolved, then in exceptional circumstances a second Temporary Exemption Notice can be considered. When this runs out the property must be licensed or have ceased to be an HMO.

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Rent repayment orders

A tenant living in a property that should have been licensed, but was not, can apply to the Residential Property Tribunal to claim back any rent they have paid during the unlicensed period (up to a limit of 12 months). The Council can also reclaim any housing benefit that has been paid during the time the property was without a licence.

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Other penalties to landlords

It is an offence if the landlord or person in control of the property:

- fails to apply for a licence for a licensable property or
- allows a property to be occupied by more people than are permitted under the licence.

A fine of up to any amount may be imposed. In addition, breaking any of the licence conditions can result in fines of up to any amount.

An unlicensed landlord cannot use a section 21 notice to gain possession of his property at the end of the tenancy.

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Selling your HMO property

Licences are not transferable to another person or property and fees are not refundable. If you wish to sell your property on as an HMO, the new landlord would need to apply for a new licence. You will also need to notify the council and request that your existing licence be 'revoked'.

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Landlords' responsibility for tenants' anti-social behaviour

As a licensed landlord it will be your duty to take reasonable steps to ensure that tenants are not causing problems within the boundaries of the property through anti-social behaviour. For example, if the landlord has a complaint from a neighbour about loud music late at night or rubbish left lying around the property, it would be the responsibility of the landlord to talk to the tenants and work with other agencies, such as the Council, to try to resolve any problems. If the council sets a condition on the licence about anti-social behaviour the licence holder should comply with this condition.

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Applicable sections of the Housing Act 2004

Section 1-4: About the Licence holder and others who may have a legal interest in the property

Details are required about the proposed licence holder. This will often be the landlord or it may be a manager to whom the rent is paid to and who has authority from the owner to effectively manage the property. Overall it is the person in control of the property, who:

- Can authorise, organise and pay for essential repairs.
- Is available to tenants in case of questions or problems that arise with respect to the property,
- and can resolve them where reasonably practicable to standards required by the Acts.

A proposed licence holder may need to appoint a managing agent to be in control of the property and hold the licence if they are not considered to be a fit and proper person. This licence holder should also have the authority to authorise and pay for works or repairs, as they will be liable for any breaches of the licence.

Where managing agents act for the landlord a responsible person would again need to be nominated as licence holder.

Companies that are landlords must nominate an appropriate person to be the licence holder. This person will be responsible for ensuring that there are no breaches of the licence and therefore should hold a responsible position in the company (e.g. company secretary). Since a licence cannot be transferred to another person within a company, it is advisable that the nominated person has a permanent position. Alternatively if a manager is employed, that person could be the licence holder.

The following table provides a guide as to who is the most appropriate person to be the licence holder.

Landlord (owner)	Manager	Most appropriate person to be Licence holder
Sole management responsibility.	None	Landlord
Receives rent, undertakes management and maintenance.	Deals with tenancy matters only.	Landlord <i>NB both need to be 'fit and proper'.</i>
Receives rent from manager.	Deals with tenancy matters, general management, repairs and maintenance with ability to authorise works and make payments associated with the management of property.	Either <i>NB both need to be 'fit and proper' if landlord is licence holder, otherwise just manager.</i>

As above, but resident abroad.	Deals with tenancy matters, general management, repairs and maintenance with ability to authorise works and make payments associated with the management of property.	Manager
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We will require all the names and addresses of anyone with a legal interest in the property such as freeholders, leaseholders with lease over 3 years and mortgage provider. This information is required to ensure that the proposed licence holder is the most appropriate person to hold the licence.

If the applicant is a company or similar body, give the official (registered) address.

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Section 5 : Licence holder/managing person (where applicable) test of fitness

We must be satisfied that the person applying for an HMO licence is a “fit and proper person” to hold a licence. The same test applies to any person managing the premises. We may check with the police and whether the applicant has any relevant convictions. Not all convictions would be relevant to a person’s prospective role as an operator of an HMO, for example motoring offences would not be relevant but a conviction for fraud or theft could be since the operator would be in a position of trust. If you do have any convictions you are required to declare information about, these should **not** be submitted with the application instead we will make separate arrangements to see them. Unspent convictions may be convictions for which the rehabilitation period has not been completed, or convictions, which are excluded from the Act (i.e. never spent). **If you are unsure about any matter, please contact us.**

Other issues we take in to account:

- A notice under section 189 of the Housing Act 1985 is a repair notice for premises which are unfit for human habitation. A notice under section 190 of the 1985 Act is a repair notice for premises which, although fit for human habitation, require substantial repair. A section 189 or 190 notice specifying works to the common parts of a building may be served on a person who is an owner of that part of the building (or the building as a whole) who, in the opinion of the Council serving the notice, ought to carry out the works. Part 1 of the Housing Act 2004 replaces the existing housing fitness standard contained in the Housing Act 1985 with the Housing Health and Safety Rating System.
- Contravened any provision of any enactment relating to housing or of landlord and tenant law; including any civil proceedings in which judgement was made against the proposed licence holder or manager.
- The proposed licence holder or manager owned or has owned a property which has been subject to a control order under section 379 of the Housing Act 1985(a) in the last 5 years, been subject to an interim management order or final management order or a special interim management order under the Housing Act 2004.

If an applicant does not meet the criteria for “fit and proper” they are unlikely to obtain a Licence. However, they can get someone else such as a Managing Agent to hold the Licence on their behalf. It is also advisable for the landlord or manager to be a member of a professionally recognised body, or an approved landlords association that is affiliated to the National Federation of Residential Landlords.

Licence holder training

We require that all Licence holders attend and pass a training course within 18 months of their licence being issued.

Relevant courses include

- CYC licence holders training
- RLA – Principles of Letting
- NLA – Foundation Course
- YorProperty Core Management/Property Standards
- NFOPP Level 2 Award

- NFOPP Level 3 Technical Award

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Section 6: Property details

Information requested about the age and type of HMOs

Planning permission may or may not be required in relation to your HMO. If you are not sure whether permission or approval is required for the property for which you are seeking a licence, contact the Council's Planning Department.

Where permission or approval has already been obtained, please enclose a copy with your application. To retrieve your planning permission please go on line <https://planningaccess.york.gov.uk/online-applications/>. It should be noted that if the property doesn't have the relevant planning permission it still must be licensed, this doesn't prevent the Council's Planning Department from taking its own enforcement action.

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Section 7: Occupant details

We ask both for the number of people including children who live in the house now and the number that you anticipate will live there in the future. We also ask for the number of households in the property and the maximum number of households who could live in the property. A single household are people who are related (relative means parent,

grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, cousin or step children) or are persons who are married to each other or live together as husband and wife (or in an equivalent relationship in the case of person of the same sex).

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Section 8: Accommodation details

Room sizes

From the 1st October 2018 we are required to specify the size of each letting room and whether it meets the minimum room sizes.

We require you to provide an accurate sketch plan for each floor and a description of the room. This must include the floor area of each room in m². The following is given as guidance only when measuring a room to be used for **sleeping accommodation**. Only practical useable floor space must be measured.

When measuring the room the following space should be **excluded**:

- Floor areas where the ceiling height is less than 1.5 metres
- Chimney breasts
- Area taken up by bathroom/WC/WHB facilities either en-suite or within the room
- Areas which are not floor spaces – e.g. **bulkheads** and wide window ledges
- Any floor space which for any other reason renders it un-useable by the occupant

But do include:

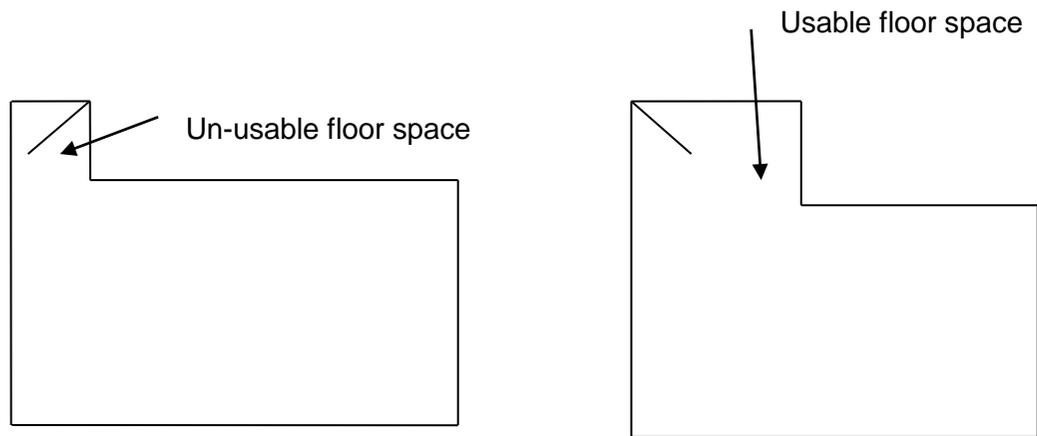
- Bay windows
- Fixed cupboards – usable by the occupant. For example in an alcove, classed as usable if the tenant can put their items in them. If the cupboards are filled with the landlords goods or contain gas/electric meters then they are not able to be used by the occupant
- Walk in wardrobes where they are at floor level and have a head height of at least 1.5m
- Projected skirting boards

Example of a plan

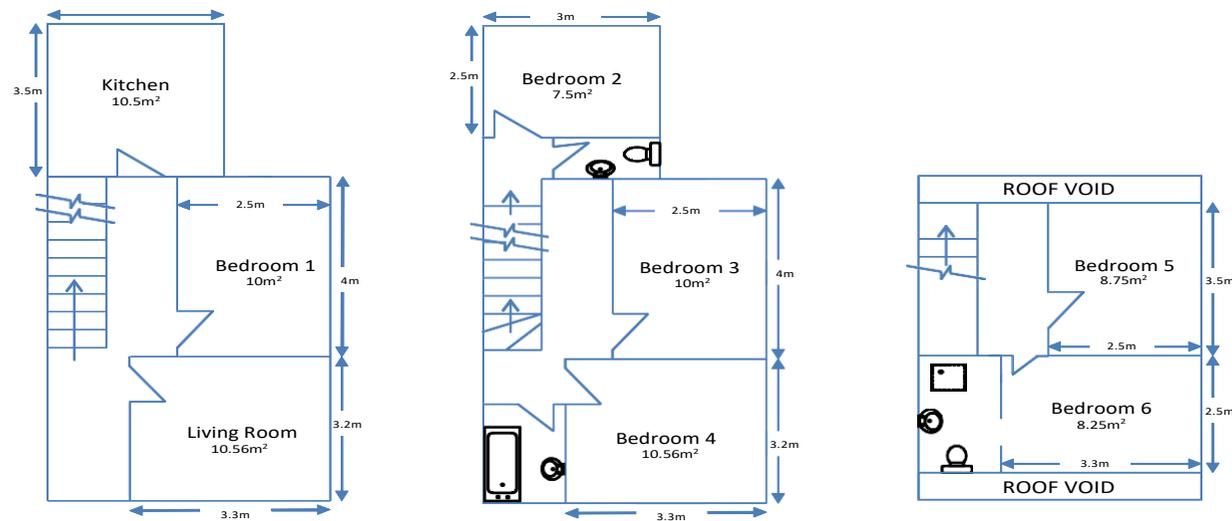
Uneven walls – please take measurements from just above the skirting board. Where you have sloping uneven walls, take 2/3 measurements

Only include the floor space that is useable when the door is shut.

In a room with a narrow corridor on entering the room, the corridor is unlikely to be classed as usable floor space.



Example of a floor plan



- Please ensure that you mark the approximate position of the windows of each room.
- Please mark any escape windows. (450mmx450mm with a clear opening of not less than 0.33m², should not be higher than 1100mm above the internal floor)
- Number each room in line with your application form
- Show the entrance and exit doors of all rooms.

We also require you to provide information for each letting, about the rooms it relates to. For example a shared student house may be let on one joint tenancy but have six bedrooms. We need to know the number of occupants in each room and whether they have their own facilities or share them. Also a description of those facilities e.g. bath and/ or shower etc

Alternatively we have some properties where it is more complex and there is a mixture of bedsits some sharing facilities and some not. For each letting we need to know the number of rooms it relates to and whether they have their own or share facilities

The licence condition will require you as the licence holder –

- (a) to ensure that the floor area of any room in the HMO used for **sleeping accommodation** by one person aged over 10 years is not less than 6.51 square metres;
- (b) to ensure that the floor area of any room in the HMO used as **sleeping accommodation** by two persons aged over 10 years is not less than 10.22 square metres;
- (c) to ensure that the floor area of any room in the HMO used as **sleeping accommodation** by one person aged under 10 years is not less than 4.64 square metres;
- (d) to ensure that any room in the HMO with a floor area of less than 4.64 square meters is not used as **sleeping accommodation**.

The above changes in the law will only apply when you renew your licence. Properties which are being licenced for the first time from the 1st October 2018 will be given a grace period of up to 18 months to comply with the law.

During the period leading up to your renewal you can continue to let rooms which do not meet the minimum room sizes and you do not need to comply with the waste storage condition however we do expect you to be working towards the standards to ensure that you comply with law by the time you come to renew your licence.

When your licence is renewed you will be given up to 18 months to comply with the room size element however licences renewed after 1st April 2020 will not have a further 18 month grace period and will be given a shorter period of time to comply with the new standard.

Please note that these are national minimum room sizes, in some circumstances it will be necessary to ask for room sizes which are above the national minimum these will be assessed using the Housing Health and Safety Rating System

Amenity standards

To provide details about facilities and equipment to be made available in the house for the purpose of meeting the kitchen, bathroom and personal washing facilities standards as per prescribed in the national standards as outlined in the table below. Should the standards not be met then a licence condition will be issued to provide the necessary standards within a period up to 18 months of issuing the licence.

The tables below outline the minimum facilities which should be provided.

Number of persons Sharing	1 bathroom with WC	1 bathroom and 1 separate WC	2 bathrooms and 2 WCs	2 bathrooms, a separate WC, or a third bathroom	3 bathrooms with WC
3 or 4	✓	✓	✓	✓	✓
5	x	✓	✓	✓	✓
6	x	x	✓	✓	✓
7	x	x	✓	✓	✓
8	x	x	✓	✓	✓
9	x	x	x	✓	✓
10	x	x	x	✓	✓
11 - 15	x	x	x	x	✓

Where a separate toilet is provided the room should contain a wash hand basin with hot and cold running water. The wash hand basin should be correctly connected to waste drainage. The term bathroom means a room containing a bathing facility, which can either be a suitable bath or shower compartment or both.

Kitchen Facilities

5 People	<ul style="list-style-type: none">• 1 sink• 1 x 4 ring cooker• other amenities as detailed below
6-7 people	<ul style="list-style-type: none">• 2 x sink or 1 x sink and 1 x dishwasher• 2 x 4 ring cooker or 1 x 6 ring cooker and microwave• other amenities as detailed below
8-10 people	<ul style="list-style-type: none">• 2 x sink or 1 x sink and 1 x dishwasher• 2 x 4 ring cooker• other amenities as detailed below
11+ people	<i>Please contact the Housing Standards and Adaptations Service</i>

Other required kitchen amenities in a shared house

- Fridge with freezer space -0.075m^2 or one 1 shelf per person
- Worktops $1.5\text{m} \times 0.5\text{m}$ for up to 5 sharers, additional 0.5m work surface for each additional user up to $3\text{m} \times 0.5\text{m}$
- Electrical sockets 4 in addition to those used for major appliances (fridge, microwave, washing machine)
- Dry food Storage 0.08m^3 or 1 shelf per person (the space in the unit under the sink is not acceptable)
- Where cooker rings/hobs are provided they must be suitable, safely located, permanently and safely installed on a fixed worktop and connected to the fixed electrical system.

Refuse Storage

New licence conditions have been introduced to ensure that refuse is stored correctly at the property; that information about refuse storage and collection is given to the tenants at the start of the property including a copy of the refuse collection calendar and at the end of the tenancy the tenant is provided with information and guidance on the correct disposal of excess and bulky waste.

The conditions will specify that the licence holder

- shall ensure that refuse and litter are not allowed to accumulate in the house except where properly stored pending disposal.
- must ensure that all refuse belonging to the property is stored correctly pending collection. Guidance on how to store refuse, the type of waste receptacles and collection details can be found at www.york.gov.uk/waste. The licence holder must ensure that this information is given to the tenants at the start of the tenancy.
- must display in the property a calendar of refuse collection dates, this can be found at <http://bincollections.azurewebsites.net/>
- must ensure that at the end of a tenancy and prior to the tenant vacating, they provide information and guidance on the correct disposal of excess and bulky waste. This information can be found at www.york.gov.uk/bulkywaste.

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Section 9: Heating and Energy Efficiency

Heating

A range of questions about the type of heating provided. It should be noted that heating may be centrally controlled but such systems should be operated to ensure that tenants are not exposed to cold indoor temperatures and should be provided with controls to allow tenants to regulate the temperature within their unit.

Energy Performance Certificates

An energy performance certificate (EPC) is required for all properties with the exception of properties which:

- were occupied prior to 1st October 2008 and which continue to be occupied after that date by the same tenants.
- are bedsits, however often an EPC will be provided for the whole building which they are in

For more information about EPCs see the government guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/713159/Domestic_Private_Rented_Landlord_Guidance_-_June_18.pdf

We will expect that you are compliant with the Minimum Energy Efficiency Standards and those properties with F and G ratings are not being let unless the license holder has registered their property on the Government website and has provided the relevant evidence to support the exemption. <https://prsregister.beis.gov.uk/NdsBeisUi/failover-landing>

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Section 10: Gas, electrical and fire safety

Gas Safety Certificates

Where gas is supplied to provide copies of the annual gas safety certificates at the application stage and on demand.

<http://www.hse.gov.uk/gas/landlords/index.htm>

Carbon Monoxide detectors

The licence holder must ensure that carbon monoxide detectors are fitted to all high-risk rooms, in accordance with EN50291. Where this is not being met the licence will be issued with a condition that the matter is required within a **maximum of 28 days**. See <http://www.york.gov.uk/SmokeAndCarbonMonoxide>.

Electrical Safety Certificates

To provide a copy of the current electrical safety certificate for the fixed electrical wiring at the application stage. The

electrical safety inspection should be done at intervals not exceeding 5 years. Where matters have been raised by the competent person as needing urgent or remedial the licence holder must have declared that the work must have been completed.

Portable Appliance Test Certificate

To provide current copies of the Portable Appliance Tests (PAT) that a competent person has carried out those checks within two years of making the licence condition. To ensure throughout the period of the licence that the checks are carried out at least once every two years. The licence holder must supply to the authority on demand a copy of the current PAT certificate.

Fire Safety

A comprehensive risk assessment should be carried out by or on behalf of the applicant to establish both the risk of fire occurring and the risk to people in the event of fire. This would apply to everyone who may be in the HMO (residents, staff and visitors) and should take adequate account of any one with special needs. This assessment will show whether the existing fire precautions are adequate and what changes need to be made.

The fire risk assessment can be produced in any format and there is no prescribed layout for what one should include. A fire risk assessment should be carried out at the start of all new tenancies to ensure that all current fire detection and prevention measures provided are working and a programme of repairs and upgrades is identified. A copy of this risk assessment should be provided with a HMO licence application form. Although there is no legal prescribed format for this, to aid landlords a form has been devised and can be downloaded from

<http://www.northyorksfire.gov.uk/businesssafety/legislation>

Every HMO must have adequate fire precautions including provisions for

- Detection and giving warning in case of fire;
- Escape from the building;
- Fighting fire.

For more detailed guidance please see: https://www.york.gov.uk/downloads/file/2871/north_yorkshire_fire_guidance

Furniture

All upholstered furniture provided with rented accommodation must comply with the Furniture and Furnishings (Fire Safety) (Amendment) Regulations 1993. This means that all materials must have passed cigarette and match ignition tests and the filling materials must have passed flammability test. If your furniture complies it should have a label attached permanently with the lining giving details as appropriate.

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When is an Electrician Competent?

This is for the purposes of checking whether the Domestic Electrical Installation Periodic Inspection Reports, submitted for the purposes of Licensing, have been completed by a competent electrician.

The electrician will be classes as a competent person if:

1. They are a member of a recognised electrical institution, such as;

NICEIC - The electrician will be called an *Approved Contractor*.

ECA - The electrician will be called a *Registered Member*.

NAPIT - The electrician will be called an *Approved Electrical Inspector*.

2. Under Approved Document P of the Building Regulations 2000, they are a member of a competent persons self-certification scheme, covering electrical installation work in dwellings, such as:

BRE Certification Limited

This scheme, operated with the support of the Electrical Contractors Association and the Institution of Electrical Engineers, is primarily designed for those whose main business is electrical contracting and those who wish to be able to self-certify all types of electrical work in dwellings. For more information on this scheme see www.partp.co.uk

British Standards Institution

This scheme, which will be known as the Kitemark Scheme for electrical installation work, is primarily designed for those whose main business is electrical contracting and those who wish to be able to self-certify all types of electrical work in dwellings. For more information on this scheme see www.kitemarktoday.com

ELECSA Limited

This scheme, operated with the support of the British Board of Agreement, is primarily designed for those whose main business is electrical contracting and those who wish to be able to self-certify all types of electrical work in dwellings. For more information on this scheme see www.elecsa.org.uk

NAPIT Certification Limited

This scheme is designed primarily for those whose main business is electrical contracting and will allow its members to self-certify all types of electrical installation work in dwellings. For more information on this scheme see www.napit.org.uk

NICEIC Certification Services Limited

This scheme, which is known as the Domestic Installer Scheme, is designed for those who wish to be able to self-certify all types of electrical work in dwellings either as an electrical contractor or as part of an ancillary trade activity. For more information on this scheme see www.niceic.org.uk

3. They can produce a copy of their original qualifications and evidence of their experience, such as:

- (a) City & Guilds 2360 Part 1 and 2 plus an NVQ level 3.

- (b) City & Guilds 2360 Part 1 and 2 and have been working in industry for the last 5 years.
- (c) City & Guilds 2381. (This was set up as a “refresher” course to inform electricians who completed 2360 Part 1 and 2 some time ago, of the changes to BS 7671. Possession of this alone does not imply competence.)
- (d) City & Guilds 2351, combined with NVQ level 3 will imply competence. (This qualification is no longer on the teaching syllabus.)
- (e) City & Guilds 2330. This is a level 2 and 3 qualification. When combined with a NVQ level 3 will imply competence. (This qualification will replace City & Guilds 2360 and 2351 and the first candidates will not graduate until 2008.)
- (f) City & Guilds 2391 combined with 5 years practical experience will imply competence, with the inspection and testing process.

It should be noted that Regulation 16 of the Electricity at Work Regulations 1989 requires that a competent person should possess both technical knowledge and experience. It is the person who is at work who is responsible in law, and as such any possession of certificates only point towards possible/probable competence. Should anything go wrong in an electrical system it will not be the inspecting body that will be prosecuted (NICEIC/NAPIT etc) but rather the person and/or company working on the electrical system that will have to justify the decisions that they have made.

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