



Nottingham
City Council

Housing Act 2004, Section 64
Licence of house in multiple occupation (HMO)

Nottingham City Council, being the local housing authority ("the Authority") hereby grant a licence under section 64 of the Housing Act 2004, in respect of premises situated at;

31 Rothesay Avenue, Nottingham, NG7 1PU

1. The licence holder is **Mr Dominic Parr** of **90 Paget Street, Loughborough, LE11 5DT**
2. The Authority has decided that the house is reasonably suitable for occupation by not more than the maximum of **seven (7)** persons in **seven (7)** households.
3. Licence expiry date: **1 July 2025** unless previously revoked.
4. This licence is subject to the attached schedule of licence conditions. Failure to comply with the conditions imposed is an offence which may result in legal proceedings and/or revocation of the licence.

Issue date: **13 May 2021** Signed

Authorised Officer (the officer appointed for this purpose)

THIS LICENCE IS NON-TRANSFERRABLE

Further details are available from the HMO Licensing Team, Environmental Health, Community Protection, Nottingham City Council, Loxley House, Nottingham, NG2 3NG

Tel: 0115 915 2020

Email: hmo@nottinghamcity.gov.uk



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*** Indicates a statutory condition as prescribed by the Housing Act 2004**

Schedule of conditions in respect of 31 Rothesay Avenue, Nottingham, NG7 1PU

Bedroom Sizes & Occupation

1. The Licence Holder shall notify the Council of any bedroom in the HMO with a floor area of less than 4.64 square meters. The maximum occupancy limit per bedroom shall be as follows; in accordance with the Council's adopted Guidance Standards for Licensable Houses in Multiple Occupation: *

Ground Floor

Front Bedroom: One household comprising 1 person

Rear Bedroom: One household comprising 1 person

First Floor

Front Bedroom: One household comprising 1 person

Middle Bedroom: One household comprising 1 person

Rear Bedroom: One household comprising 1 person

Second Floor

Front Bedroom: One household comprising 1 person

Rear Bedroom: One household comprising 1 person

For the purposes of this Licence, any Tenant/Occupier is regarded as one person, regardless of age unless stated.

Gas Safety

2. Where gas is supplied the Licence Holder shall ensure that the whole gas installations, including all gas appliances/flue are maintained in a safe condition and that an annual gas safety check is carried out by a Gas Safe registered engineer. Any defects noted on the certificate must be promptly rectified and certificated as satisfactory. The Licence Holder shall provide a copy of the gas safety certificate to all Tenants at the beginning of their tenancy and keep a written record that it has been provided. *
3. The Licence Holder shall within twenty-eight (28) days of any demand by the Council produce for its inspection a gas safety certificate, obtained within the previous 12 months, in respect of the Property. *

Safety of Electrical Installations, Appliances and Furniture

4. The Licence Holder shall ensure that any electrical appliances and furniture made available by them in the Property are kept in a safe condition and maintained in proper working order. The Licence Holder shall ensure that as soon as electrical appliances and/or furniture is identified as being unsafe, it is removed from the Property as soon as is reasonably practicable and are properly disposed of by the Licence Holder. *
5. The Licence Holder shall ensure that a record of visual inspections and testing is maintained. The Licence Holder shall within seven (7) days of any demand by the Council provide the most recent records of visual inspections and testing carried out within the previous 12 months and provide a declaration as to the safety of electrical appliances made available by them at the Property. *

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6. The Licence Holder shall ensure that every electrical installation** in the Property is maintained in proper working order and is safe for continued use. The Licence Holder shall ensure that a record of visual inspections and testing is maintained. The Licence Holder shall within twenty-eight (28) days of any demand by the council provide the most recent records of visual inspections and testing carried out within the previous 5 years and provide a declaration as to the safety of electrical installation at the Property.

*

** "electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010.

Fire Detection Systems, Smoke Alarms & Emergency Escape Lighting

7. The Licence Holder shall ensure that a suitable fire detection and alarm system is installed in the Property. It shall be maintained in proper working order, tested, inspected and serviced in accordance with the current British Standards or any which subsequently replace these. *
8. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide the latest fire detection and alarm certificate, and if installed, the emergency lighting test certificates. The certificates must be completed and issued by a competent person and must demonstrate that the complete installation has been fully checked and serviced within the previous 12 months in accordance with the relevant British Standards. Any defects noted on the certificate must be rectified as soon as reasonably practicable. *
9. The number and position of the detectors and alarms must comply with the recommendations of the current British Standards or any which subsequently replaces these. As a minimum there must be a smoke alarm installed on each storey of the Property on which there is a room used wholly or partly as living accommodation. For the purposes of this paragraph, a bathroom or lavatory is to be treated as a room used as living accommodation. Smoke alarms shall be maintained and cleaned periodically in accordance with supplier's instructions.
10. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide a declaration as to the condition and position of any smoke alarms/detectors and if installed, emergency lighting in the Property. *

Carbon Monoxide Alarms

11. The Licence Holder shall ensure that a carbon monoxide alarm is installed in any room in the Property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Any such alarm must be kept in proper working order. For the purposes of this paragraph, bathrooms, lavatories, halls and landings are all treated as rooms used as living accommodation. The Licence Holder shall supply a declaration as to the condition and position of any carbon monoxide alarms in the Property within twenty-eight (28) days of the Council's demand. *

Property Management

12. The Licence Holder shall have in place a maintenance and repair process that ensures that service requests for repair and maintenance can be raised by Tenants. Any such

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requests should be addressed as soon as is reasonably practicable with Tenants being kept informed of the status of their service requests and timescales for completion. The Licence Holder shall produce to the Council, records relating to repair and maintenance service requests on demand within twenty-eight (28) days of a request.

13. The Licence Holder shall ensure that the exterior of the Property is maintained in good and clean decorative repair. This shall include maintaining in a neat and tidy condition, any external cabling and the removal of unused or obsolete equipment installed on the Property. Any gardens, yards, paths, drives and guttering are to be cleaned and maintained such that their condition does not adversely affect the amenity of the neighbourhood. To that extent the Licence Holder shall ensure that gardens, yards paths and drives and other areas within the curtilage of the Property are kept in a safe, clean and tidy condition and free from rodent infestations.
14. The Licence Holder shall make sure that adequate security arrangements are in place and take reasonable steps to achieve Property security by complying with the requirements below:
 - a) So far as reasonably practicable, any emergency works necessary to protect the security of the Property are undertaken within 24 hours of notification e.g. damage to windows and entrance points to the Property.
 - b) The security provisions for access to the Property (locks, latches, thumb turns, deadbolts and entry systems etc.) are maintained and in good working order.
 - c) Where window locks are fitted, window keys shall be provided to the occupant(s) of the Property. Means of escape windows shall not require a key to lock.
 - d) Where a burglar alarm is fitted to the Property, the Tenant(s) is (are) made aware of the code, have clear instructions on how the alarm is operated and the circumstances under which the code for the alarm can be changed.
 - e) Where it is known that previous Tenants have not surrendered keys, as soon as is reasonably practicable arranging for a lock change to be undertaken, prior to new Tenants moving in.
 - f) Where alley gates are installed to the side or rear of the licensed Property, the Licence Holder shall take responsibility for holding a key and making satisfactory arrangements for the Tenants access and egress.
 - g) The main escape route (usually the front door) shall be fitted with a thumb turn mortice lock, or equivalent, to five-lever security level. The lock shall comply with fire safety requirements in that it shall be operable from the inside without the use of a key.

Property inspections

15. The Licence Holder shall ensure that the tenant's right to quiet enjoyment of the Property is respected. The Licence Holder shall ensure that the Tenant is provided with at least 24 hours written notice of their intention to enter the Property specifying the reason why entry is required. The only exception is when it would not be reasonably practicable to give such notice and access is required urgently, e.g. in the event of an emergency.
16. The Licence Holder shall ensure that inspections of the Property are carried out at least every six (6) months to identify any problems relating to the condition and management

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of the Property. The records of such inspections shall be kept for the duration of this Licence. As a minimum requirement the records must contain a log of who carried out the inspection, the date and the time of inspection and any issues found and action(s) taken. Copies of these records must be provided within twenty-eight (28) days of the Council's demand.

Dealing with rubbish

17. The Licence Holder shall comply with the Council's scheme (as per guidance) which relates to the storage and disposal of household waste at the HMO pending collection. The Licence Holder shall ensure so far as is reasonably practicable that the Tenants make arrangements for the collection of waste in accordance with these provisions and, when the Property is unoccupied, or the Tenants fails to do so the Licence Holder adhere to these provisions themselves. *

18. The Licence Holder shall at the beginning of a tenancy, provide written information to the Tenants of the Property indicating:

- a) which day refuse collections will take place;
- b) what type of bins to use for household and recycling waste;
- c) details of the Council's bulky waste collection service;
- d) details of the Council's missed bin collection service;
- e) the Tenants shall have responsibility to put bins out no earlier than 4pm on the day before collection and to return bins within the boundary of the Property by 8am the day after the collection;
- f) that Tenants should make arrangements for any extra rubbish that cannot fit in the bins to be collected within seven (7) days and/or disposed of as soon as is reasonably practicable and ensure that such rubbish, where possible, is stored at the rear of the Property and within the boundary of the Property until collection/disposal;

19. The Licence Holder shall ensure that suitable and adequate provision for refuse storage and collection is provided at the property. This shall include closable bins and that they are kept in good working order and of suitable capacity as specified by the Council.

20. The Licence Holder shall ensure that trade rubbish/waste is not disposed of in the domestic household bins. Any trade rubbish/waste shall be disposed of as soon as is reasonably practicable and/or within 7 days and ensure that such rubbish/waste, where practicable, is stored at the rear of the Property and within the boundary of the Property. The Licence Holder shall make adequate arrangements for the collection and disposal of commercial waste and must use a Licenced waste carrier.

Tenancy management

21. The Licence Holder shall:

- a) Provide Tenants(s) with an information pack at the commencement of a tenancy which contains as a minimum the following information:
 - i. A copy of the Property Licence and conditions.

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- ii. Where appropriate, copies of the current gas certificate, electrical safety report and energy performance certificates.
 - iii. Details of the procedures to be followed in the reporting of anti-social behaviour (ASB).
 - iv. Details of the Tenant(s) duties and responsibilities to enable the Licence Holder or manager to comply with the Licence conditions.
 - v. Details of how to make a complaint, report maintenance issues and make other general enquiries.
 - vi. Details of the arrangements in place including expected timescales, to deal with emergency and other enquiries or repairs.
 - vii. Details of telephone numbers which enable contact between 9am – 5pm Monday to Friday including an out of hours contact number for use in emergencies, which could include a number with a regularly accessed voicemail facility. Any change in contact and/or telephone number details should be provided to Tenants within 24 hours of the changes being made.
- b) Provide a copy of the above written information pack provided to tenants by the Licence Holder, within twenty-eight (28) days of the Council's demand.

22. The Licence Holder shall supply to the Tenants of the Property a written agreement of the terms on which they occupy it (e.g. a tenancy agreement or Licence). This statement shall be provided to the tenant within twenty-eight (28) days of the tenancy commencing. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide a copy of the written statement. The written statement shall be clear about tenants' responsibility for not causing anti-social behaviour (ASB) and that breach of the statement's requirements may lead to eviction.

23. The Licence Holder shall demand references for new Tenants before entering into any Tenancy agreement with them or allowing them to occupy the premises. Where obtained, copies of these references shall be kept for the duration of this Licence and made available to the Council within twenty-eight (28) days of the Council's demand.

24. The Licence Holder shall ensure there is suitable and sufficient landlord buildings insurance in place for the duration of this Licence. The Licence Holder shall supply a copy of the insurance certificate within twenty-eight (28) days of the Council's demand.

25. Where a deposit is taken the Licence Holder must provide the Tenant(s) with relevant information about the deposit scheme to which it relates and any other information required under section 213 of the Housing Act 2004. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide this information.

Tackling Anti-Social Behaviour

26. The Licence Holder shall ensure that all reasonable and practical steps are taken to prevent or reduce anti-social behavior (ASB) or criminality by the Tenants of and visitors to the Property. In particular;

- a) The Licence Holder shall put in place written ASB procedures detailing how complaints made to the Licence Holder will be dealt with, a copy of which shall be

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provided to the tenants in the information pack. The Licence Holder shall within twenty-eight (28) days of any demand by the Council provide their written ASB procedure.

- b) Where complaints of ASB or criminality are made to the Licence Holder, the Licence Holder shall investigate them and take action to resolve them. Copies of the complaint shall be kept together with notes arising during the course of the investigation and how the matter was resolved; and the Licence Holder must keep them for the duration of this Licence. Where the Licence Holder has reason to believe that criminal activity is taking place at the Property, the Licence Holder must ensure that the appropriate authorities are informed.
- c) There may be instances where anti-social behaviour (ASB) occurs more than once, but not continuously and possibly intermittently over several months. In such circumstances the Licence Holder shall, as far as reasonably practicable take all steps required to ensure that it is effectively dealt with, up to and including eviction.

An ASB guide good practice guide for Landlords can be viewed on the Council's website at: <https://www.nottinghamcity.gov.uk/information-for-residents/housing/private-rented-accommodation/landlords-and-tenants-during-a-tenancy/report-a-problem-with-your-tenants>

Notification of change of details or circumstances

27. The Licence Holder shall inform the Council within twenty-eight (28) of any material change in circumstances including:

- a) Change of their residential address or contact details; including when they no longer reside at the address on the Licence, or where the Licence Holder is a business, if their business address has changed.
- b) Upon the manager (where it is an agent, or employee of the Licence Holder,) ceasing to act in that capacity or is no longer being employed by the Licence Holder.
- c) Any of the matters described within Appendix 3 have occurred in respect of either the Licence Holder and/or the manager of the Property or any persons associated with them;
- d) Where the Licence Holder is the manager of the HMO, upon them ceasing to be the manager of the Property.
- e) Change of manager, management arrangements or ownership;
- f) Any proposed changes to the structure, layout or amenity provision of the Property that would affect the Licence or Licence conditions.
- g) Where the Property is sold or enters into a lease agreement with another party (change of legal interest).
- h) Any proposed changes to the layout of the HMO that would affect the Licence or Licence conditions.
- i) Where the Licence Holder is accredited by a body approved by the Council upon termination of such accreditation.

Licence Holder Training

28. Where the Licence Holder has not attended relevant training in the previous three (3) years of the Licence being granted, they must as a minimum attend suitable training on

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the law and legal requirements relating to managing privately rented housing including HMOs within 12 months of the date the Licence is granted.

CCTV

29. Where buildings are monitored by CCTV this must be advised in the entrance or on the external entrance to the building. Installation and operation must be in accordance with the relevant legislation.

Interpretation

30. Where reports, certificates, declarations or other documents are required to be produced or supplied to the Council, this shall mean sending by submitting them via the online portal or via email.

31. Any reference to tenant or tenancy can also be interpreted to include occupancy by Licence or other form of written agreement of the terms on which they occupy for the purposes of these conditions.

32. Where electrical works / certificates are required to satisfy conditions 4 to 10 they shall be carried out by a suitably qualified electrical contractor who shall be a registered / member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works). Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk

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APPENDIX 1

FAILURE TO COMPLY WITH ANY LICENCE CONDITIONS IS AN OFFENCE

PROSECUTION / CONTRAVENTIONS CONSEQUENCES - Please note that any prosecutions or enforcement action or legal action taken against the licence holder or anyone associated with licence holder, or the management of the property, may affect the licence holders 'fit and proper' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.

PENALTY FOR BREACH OF LICENCE CONDITIONS - Failure to comply with any of the above licence conditions may result in similar enforcement action as described above and/or prosecution. The fine for a breach of licence condition is now **UNLIMITED** for each offence at prosecution or a Civil Penalty Notice could be served for **up to £30,000 for each breach**.

LIMITATIONS OF THE LICENCE

LICENCE TRANSFER - This licence can **NOT** be transferred to another person or organisation or property.

REGISTERED COMPANIES - If the licence holder is a registered company and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

PROPERTY CONDITION - This property licence is **NOT** proof or evidence that the house is safe and free from hazards and defects. The property licence does not prevent criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, if any hazards or nuisances are found or any other problems discovered in relation to the condition of the property.

BUILDING CONTROL - This property licence does **NOT** grant any Building Control (Development Control) approvals, consent or permissions, retrospectively or otherwise. This property licence does not offer any protection or excuse against any enforcement action taken by the Building Control (Development Control) Department.

PLANNING PERMISSIONS - This property licence does **NOT** grant, any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. You should check the Council's website to ensure the correct planning permissions are in place. This property licence does not offer any protection or excuse against any enforcement action taken by the Development Control Department. If you are unclear on the matters outlined above you should seek professional planning advice. www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/

VARIATION - No changes may be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent. Where the licence holder or a relevant person applies to vary a licence they should do so at the earliest opportunity. The original licence stays in force until the variation is determined and comes into effect. A person making unauthorised changes may be liable to prosecution or other forms of enforcement action.

LEASEHOLD AGREEMENTS – It is your responsibility to check the terms of any lease that you hold to ensure that operating the property as a House in Multiple Occupation does not breach the terms of your lease.

PLEASE NOTE - It is your responsibility to ensure that you have any other necessary permissions or consents in place to enable the property to be used as a house in multiple occupation. The granting of a licence does not override any other private or public law provisions in this respect.

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APPENDIX 2 GUIDANCE INFORMATION

These do not form part of the licence conditions, but you may still be under an obligation to comply with them.

Consumer Rights & Unfair Practices

The Office of Fair Trading's (OFT) guidance on unfair contracts when conducting their business, drawing up tenancies, contracts or the service of notices on tenants and/or agents. The Licence Holder must act in good faith and must not conduct actions which would be considered a misleading action or omission. Full information should be supplied to any prospective tenant including details of this licence.

Further advice can be found here,

<https://www.gov.uk/government/publications/unfair-contract-terms-cma37>

<https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>

Gas Safety

If gas is supplied to the house the licence holder shall ensure the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) are complied with. Details of competent Gas Safe engineers can be found at www.gassaferegister.co.uk

Electrical Safety

The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with. Certificates must be in the format recommended in the British Standards. All electrical checks, works and certification must be carried out by a competent persons being a suitably qualified electrical contractor who should be registered / member of an approved scheme such as NICEIC, ECA, NAPIT etc. or registered to undertake electrical works in accordance with Part P of the Building Regulations (unless exempt works).

Smoke Alarms, Fire Detection Systems & Emergency Escape Lighting

Depending on the size, layout and occupancy of the property the licence holder may need to go over and above the legal minimum standards to adequately protect the tenants from fire and may also need to undertake a risk assessment. When doing this the licence holder should have regard to the current Building Regulations; and the LACORS Fire Safety Guide. The LACORS Fire Safety guidance is available at www.nottinghamCity.gov.uk/environmental-health-and-safer-housing/private-sector-housing/

Competent Person

A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of **competence** required will depend on the complexity of the situation and the particular help you need.

www.competentperson.co.uk

Furniture Safety

The licence holder shall ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied by them, including chairs, sofas, beds, upholstered head boards, mattresses, cushions, seat pads, pillows and upholstered garden furniture etc. are complied with.

Safety and Security of Property

It is recommended that licence holders work towards improving the safety and security of their property by as a minimum complying with the Security and Standards of HMO and Rented Properties guide issued jointly by Nottinghamshire Police and Nottingham City Council, available at www.nottinghamCity.gov.uk/HMO.

Property Management

More information on dealing with waste can be found at www.nottinghamcity.gov.uk/bin-and-rubbish-collections/. Licence holders may find it useful to include this link in the documentation provided to occupiers under condition 17.

Training

The training requirement in conditions 28 is a minimum requirement and depending on the level of

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responsibility and complexity of properties involved the licence holder should consider undertaking further relevant training in line with the extent of their liabilities.

Deposits

The licence holder shall ensure that any deposit taken as security for a tenancy is protected as appropriate by placing it in an approved tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used in a specified time.

Right to rent

Only people with permission or a right to be in the UK have a right to rent property. As a landlord, you have a responsibility to restrict illegal immigrants accessing the private rented sector. If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty of £3000. For more information visit www.gov.uk/check-tenant-right-to-rent-documents

Energy Performance Certificates (EPCs)

Licence holders shall ensure they comply with relevant legislation, ensuring tenants have sight of a current EPC for the property at the appropriate time. From 1st April 2018 domestic properties in England and Wales must have an EPC certificate with a minimum E rating for energy efficiency.

Redress scheme

Where the licence holder is also a letting agent or property manager they shall be a member of a relevant property redress scheme. More information is available at www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes

Changing Use (converting family housing to a HMO)

Licence holders proposing to convert properties from single occupancy into HMOs should be aware that planning permission is required. More information is available at www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/

To Let boards

In Nottingham there are controls on to let boards in certain parts of the City. More information is available at www.nottinghamCity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/controls-on-to-let-ad-boards/

Electoral Registration

If you live in Nottingham City, access to certain services may be affected if you are not on the electoral register. It is a legal requirement to be on the electoral register. For more information please visit www.nottinghamcity.gov.uk/about-the-council/voting-elections/register-to-vote/

Appendix 3 Fit & Proper Persons (see condition 27(c))

A person who has acted in contravention of any of the following, will not be considered Fit & Proper:

- a) Commission of an offence involving: fraud, dishonesty, violence, drugs and sexual offences.
- b) Practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
- c) Contravened any provision of housing or landlord and tenant law
- d) Acted in contravention of any Approved Code of Practice
- e) Any Banning Order offences

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Appendix 4 – Training (see condition 28)

This requirement for condition 28 can be satisfied by the completion of a one-day training course or online equivalent covering the law and legal requirements relating to managing privately rented houses. Once completed, submit a certificate or other confirmation to the Council following this training. The following are recognised as providing a suitable course to satisfy this condition.

Organisation	Course	Website and email or web form address	Contact number
DASH Services	Landlord Development Course	www.dashservices.org.uk linda.cobb@derby.gov.uk	01332 641111
East Midlands Property Owners (EMPO)	Basic Law for Lettings	www.empo.co.uk/training-courses.html www.empo.co.uk/contact-us.html	0115 9502639
National Landlords Association (NLA)	Foundation Course	www.landlords.org.uk/foundation www.landlords.org.uk/contact-nla	020 7840 8920
Residential Landlords Association (RLA)	Landlords Principles of Letting or Agents Principles of Lettings (e-Learning also available)	www.rla.org.uk/landlord/courses/landlord_training_courses.shtml info@rla.org.uk	03330 142998
National Approved Letting Scheme (NALS)	Foundation Lettings Course	www.nalscheme.co.uk/nals-professional-development/ info@nalscheme.co.uk	01242 581712
Unipol – Unipol members only	Unipol online or classroom based landlord course	www.unipol.org.uk/ code@unipol.org.uk	0115 9345020

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Notes: These notes are intended as general information to the recipient(s) of this licence. The notes are not intended to be definitive and the recipient should refer to the full version of the Housing Act 2004.

Right to appeal against refusal or grant of licence

Housing Act 2004: Schedule 5, Part 3, Paragraph 31(1)

Paragraph 31

- (1) The applicant or any relevant person may appeal to [the appropriate tribunal] against a decision by the local housing authority on an application for a licence—
- (a) to refuse to grant the licence, or
 - (b) to grant the licence.
- (2) An appeal under sub-paragraph (1)(b) may, in particular, relate to any of the terms of the licence.

Time limits for appeals

Paragraph 33

- (1) Any appeal under paragraph 31 against a decision to grant, or (as the case may be) to refuse to grant, a licence must be made within the period of 28 days beginning with the date specified in the notice under paragraph 7 or 8 as the date on which the decision was made.
- (2) Any appeal under paragraph 32 against a decision to vary or revoke, or (as the case may be) to refuse to vary or revoke, a licence must be made within the period of 28 days beginning with the date specified in the notice under paragraph 16, 21, 24 or 28 as the date on which the decision was made.
- (3) [The appropriate tribunal] may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) or (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

Powers of tribunal hearing appeal

Paragraph 34

- (1) This paragraph applies to appeals to [the appropriate tribunal] under paragraph 31 or 32.
- (2) An appeal—
- (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
- (3) The tribunal may confirm, reverse or vary the decision of the local housing authority.
- (4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.

Grant or refusal of licence

Section 64

- (1) Where an application in respect of an HMO is made to the local housing authority under section 63, the authority must either—
- (a) grant a licence in accordance with subsection (2), or
 - (b) refuse to grant a licence.
- (2) If the authority are satisfied as to the matters mentioned in subsection (3), they may grant a licence either—
- (a) to the applicant, or
 - (b) to some other person, if both he and the applicant agree.
- (3) The matters are—
- (a) that the house is reasonably suitable for occupation by not more than the maximum number of households or persons mentioned in subsection (4) or that it can be made so suitable by the imposition of conditions under section 67;
[(aa) that no banning order under section 16 of the Housing and Planning Act 2016 is in force against a person who—
 - (i) owns an estate or interest in the house or part of it, and
 - (ii) is a lessor or licensor of the house or part;]
 - (b) that the proposed licence holder—
 - (i) is a fit and proper person to be the licence holder, and
 - (ii) is, out of all the persons reasonably available to be the licence holder in respect of the house, the most appropriate person to be the licence holder;
 - (c) that the proposed manager of the house is either—
 - (i) the person having control of the house, or
 - (ii) a person who is an agent or employee of the person having control of the house;
 - (d) that the proposed manager of the house is a fit and proper person to be the manager of the house; and
 - (e) that the proposed management arrangements for the house are otherwise satisfactory.
- (4) The maximum number of households or persons referred to in subsection (3)(a) is—
- (a) the maximum number specified in the application, or
 - (b) some other maximum number decided by the authority.

Licence conditions for houses in multiple occupation (HMO)

*** Indicates a statutory condition as prescribed by the Housing Act 2004**

(5) Sections 65 and 66 apply for the purposes of this section.

Test as to suitability for multiple occupation

Section 65

- (1) The local housing authority cannot be satisfied for the purposes of section 64(3)(a) that the house is reasonably suitable for occupation by a particular maximum number of households or persons if they consider that it fails to meet prescribed standards for occupation by that number of households or persons.
- (2) But the authority may decide that the house is not reasonably suitable for occupation by a particular maximum number of households or persons even if it does meet prescribed standards for occupation by that number of households or persons.
- (3) In this section "prescribed standards" means standards prescribed by regulations made by the appropriate national authority.
- (4) The standards that may be so prescribed include –
 - (a) standards as to the number, type and quality or –
 - (i) bathrooms, toilets, wash-basins and showers.
 - (ii) areas for food storage, preparation and cooking, and
 - (iii) laundry facilities.which should be available in particular circumstances; and
 - (b) standards as to the number, type and quality of other facilities or equipment which should be available in particular circumstances.

Tests for fitness etc. and satisfactory management arrangements

Section 66

(1) In deciding for the purposes of section 64(3)(b) or (d) whether a person ("P") is a fit and proper person to be the licence holder or (as the case may be) the manager of the house, the local housing authority must have regard (among other things) to any evidence within subsection (2) or (3).

(2) Evidence is within this subsection if it shows that P has—

- (a) committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
- (b) practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- (c) contravened any provision of the law relating to housing or of landlord and tenant law; or
- (d) acted otherwise than in accordance with any applicable code of practice approved under section 233.

(3) Evidence is within this subsection if—

- (a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) has done any of the things set out in subsection (2)(a) to (d), and
- (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.

[(3C) A person is not a fit and proper person for the purposes of section 64(3)(b) or (d) if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.]

(4) For the purposes of section 64(3)(b) the local housing authority must assume, unless the contrary is shown, that the person having control of the house is a more appropriate person to be the licence holder than a person not having control of it.

(5) In deciding for the purposes of section 64(3)(e) whether the proposed management arrangements for the house are otherwise satisfactory, the local housing authority must have regard (among other things) to the considerations mentioned in subsection (6).

(6) The considerations are—

- (a) whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved;
- (b) whether any person proposed to be involved in the management of the house (other than the manager) is a fit and proper person to be so involved; and
- (c) whether any proposed management structures and funding arrangements are suitable.

(7) Any reference in section 64(3)(c)(i) or (ii) or subsection (4) above to a person having control of the house, or to being a person of any other description, includes a reference to a person who is proposing to have control of the house, or (as the case may be) to be a person of that description, at the time when the licence would come into force.

Advice:

If you do not understand this licence or wish to know more about it, you should contact the Local Authority. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half an hour of legal advice for a small fee. If you want to know more about the works the Local Authority require you to do you may wish to consult a surveyor.