

## HOUSING ACT 2004

### LICENCE CONDITIONS & REQUIREMENTS

Any reference to 'the Council' shall mean Newport City Council which relates to department: Environmental Health Housing, Newport City Council, Civic Centre, Newport NP20 4UR, Telephone: 01633 656656 or email: [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk)

#### **IMPORTANT:**

**PLEASE READ THIS DOCUMENT CAREFULLY AS IT CONTAINS THE CONDITIONS ATTACHED TO YOUR LICENCE. THE CONDITIONS MUST BE COMPLIED WITH AND MAY INCLUDE A REQUIREMENT TO UNDERTAKE WORKS WITHIN A SPECIFIED TIMESCALE.**

**FAILURE TO COMPLY WITH ANY CONDITION ATTACHED TO THIS LICENCE IS AN OFFENCE AND LEGAL PROCEEDINGS MAY BE TAKEN AGAINST THE LICENCE HOLDER WITH AN UNLIMITED FINE.**

1. The maximum number of persons residing at the property shall not exceed the maximum number stated on the licence. Contact [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk) prior to making any changes to determine if they are permissible, and to determine if the HMO licence requires variation.
2. The use and level of occupancy of each room shall not be changed without the approval of the Council. Contact [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk) prior to making any changes to determine if they are permissible, and to determine if the HMO licence requires variation.
3. Any material changes of circumstances in respect of the licence holder, manager or anyone else involved with the property, the property itself or its management must be notified to the Council within seven days of such a change occurring. This includes change of contact details.
4. No alteration that may impact on the licence conditions will be made to the property without prior notification and consultation with the Council.
5. The licence holder shall supply all occupiers of the house with a written statement of the terms on which they occupy it – occupation contract.
6. The licence holder shall provide each new occupier/contract holder at the start of their occupancy with as detailed: [Renting Homes: checklist for landlords and tenants \[HTML\] | GOV.WALES](#) and in addition:
  - a) Provision of a [written statement of occupation contract](#) - s.31 Renting Homes (Wales) Act 2016, this is the agreement between the tenant or licensee called the 'contract-holder' – and their landlord. Most people who rent their home from a private landlord should receive a particular kind of occupation contract called a 'standard contract'. This will either be a fixed term standard contract or a periodic standard contract. Refer to [Standard occupation contracts: guidance \[HTML\] | GOV.WALES](#)
  - b) Provision of information about the landlord (or agent) – [form RHW2](#) - ss. 39-40, Renting Homes (Wales) Act 2016
  - c) Written information on recycling and refuse storage, collection, and disposal arrangements. Refer to [Waste & Recycling | Newport City Council](#).

d) Written information on procedures for the escape from the building in case of fire, including, but not limited to, understanding the alarm, the importance of fire doors and protecting the escape route, keeping the escape route free from obstruction and the use of fire-fighting equipment provided. The licence holder shall ensure that all occupiers are fully aware of procedures for dealing with false fire alarms.

e) Written details should outline the **Landlord's obligation: fitness for human habitations - s.91, Renting Homes (Wales) Act 2016 and The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022** - requires the landlord to make sure the home is 'fit for human habitation' (FFHH). The contract holder should be provided with information on how the dwelling meets the [Fitness For Human Habitation](#) (FFHH) requirements. The Renting Homes (Fitness for Human Habitation) (Wales) Regulations set out the 'matters and circumstances' to be considered when deciding whether a property is fit or not. If the property doesn't at any time meet such requirements, the licence holder should detail to the contract holder who to contact and how. Such written details should include arrangements that are in place for dealing with repairs or works which are needed to the premises or to any facilities, equipment or appliances supplied by the landlord. This should include the names, telephone numbers and email addresses of the details of any arrangements made with the managers, tradesmen, or other contractors for carrying out these services.

f) Written information on expected standards of behaviour and the potential consequence of anti-social behaviour by the occupiers and or visitors they may have which is detailed under Noise and Antisocial Behaviour.

g) Provision of information regarding holding deposits and the protection of deposit in an authorised scheme - a government approved tenancy deposit scheme - Schedule 2, Renting Homes (Fees Etc) Wales Act 2019 and The Renting Homes (Fees etc.) (Holding Deposit) (Specified Information) (Wales) Regulations 2019, s.45 Renting Homes (Wales) Act 2016 and The Renting Homes (Deposit Schemes) (Required Information) (Wales) Regulations 2022.

h) Provision of a copy of valid **EPC** for the dwelling - s.6, Energy Performance of Buildings (England and Wales) Regulations 2012.

i) Provision of a copy of a valid **Electrical Condition Report (ECR)** - Regulation 6, The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022.

j) Provision of a copy of a valid **Gas Safety Certificate** - Regulation 36, Gas Safety (Installation and Use) Regulations 1998.

7. The licence holder shall ensure that each contract holder, following receipt of the information above, signs the declaration of Understanding included as Appendix A to this licence. A copy of the signed Declaration must be kept in a logbook and submitted to the Council on demand within seven days of such a request being made.
8. Should the licence holder reside over 50 miles from the City of Newport, then a competent manager residing within 50 miles of the Authority's area must be appointed.
9. All reasonable requests for access to the property by the local authority must be met and the licence holder or manager shall ensure that such access is gained. If access is not permitted to all rooms within the property, or if the Environmental Health Housing Team is not notified of the cancellation within 48 hours of the original appointment, a charge will be incurred.
10. The licence holder shall ensure they are registered with Rent Smart Wales. If the landlord conducts letting and managing at the property, they must hold a

Rent Smart Wales licence to do so or alternatively appoint a licensed agent to let and manage the property on their behalf. In addition to adhering to these HMO licence conditions, all landlords who let and manage their property shall ensure they adhere to their Rent Smart Wales licence conditions.

### **Condition of the Property**

11. The licence holder shall ensure that all issues concerning repairs to the fabric of the building, appliances, equipment, and furniture notified to them by the contract holder, Council or visitors are undertaken within an appropriate timescale depending on the risk and urgency of works.
12. The licence holder shall maintain in good condition the external appearance of the house including gardens, boundary walls and fences.
13. All gardens, yards and forecourts shall be kept free from refuse, litter or other accumulations and shall be maintained in a clean and tidy condition.
14. The licence holder shall ensure that the property complies with the Council's adopted space standard.
15. If gas is supplied to the property, the licence holder shall produce annually and on demand to the Council, a satisfactory gas safety certificate for the property dated within the last 12 months. This shall be from a contractor registered with Gas Safe Register for each gas installation, appliance and flue provided by the licence holder within the property.
16. The licence holder shall submit to the Council, on demand a current satisfactory electrical safety test and inspection certificates for each electrical installation within the property, including any landlord supply. Such certificates should be provided by contractors who are members of an appropriate trade association or council which ensures their competence (or who can otherwise demonstrate their competence to the Council e.g., by registration for the purposes of Part P of the Building Regulations 2010).
17. The licence holder shall ensure that the electrical installation condition report for the property is renewed every five years at a minimum. All code 1 and 2 works listed in the Defects and Suggestions section on the electrical report shall be undertaken and remedied to a satisfactory standard. On demand, the licence holder shall supply the report to the Council.
18. The licence holder shall keep all electrical appliances supplied by them to the house in a safe condition. An annual Portable Appliance Testing: PAT test certificate shall be provided to the Council as evidence.
19. Electrical installations providing power to the fire alarms or emergency lighting (if applicable) systems must not be supplied via token meters or via any occupier's metered supply.
20. The licence holder shall ensure there is a continuous mains electrical supply and that there is no interruption that would affect the functioning of the fire alarm system and emergency lighting system (if applicable) to the whole property.
21. The licence holder shall only supply furniture to the property that complies with the requirements of the Furniture and Furnishings (Fire Safety) Regulations 1998. All such furniture is to be kept in safe condition and good repair. This requirement also applies to covers and fillings of cushions provided. Documentation supporting the furniture's compliance with these requirements, or a signed declaration to this effect, must be placed in a logbook. The licence holder shall provide the Council with a declaration to this effect upon demand.

22. The licence holder shall ensure that there are appropriate means of escape; fire precaution facilities and equipment are provided at the property in line with the Councils adopted standard. The licence holder shall ensure that any works listed in Schedule 1 to this licence are carried out and completed within the specified time period in respect of this requirement. The licence holder shall provide the Council with a declaration, on demand as to the design, installation and condition of the system.
23. The licence holder shall ensure that all fire alarm, emergency lighting and fire extinguishers provided at the property are serviced and tested annually and maintained according to the manufacturer's instructions and/or relevant British or International standards. Any defects shall be remedied immediately. Such testing certificates and any repair works shall be provided and undertaken by contractors who are members of an appropriate trade association or council which ensures their competence or who can demonstrate their competence to the Council. All documentation relevant to the annual servicing of this equipment must be kept in a logbook. This record must be available for inspection by the Council on demand.
24. The licence holder shall ensure that an explanation is given to each contract holder at the beginning of their occupancy regarding all fire precautions and facilities provided in the house. This should include, but is not limited to, understanding the alarm, the importance of fire doors and protecting the escape route, keeping the escape route free of obstructions and the use of fire-fighting equipment. Following the receipt of such instructions, each contract holder must sign the Declaration of Understanding included in Appendix A to this licence. A copy of each signed declaration must be placed in a logbook and submitted to the Council within seven days of such a request being made.
25. The licence holder shall ensure that the Council is informed of a fire occurrence at the property within 24 hours of the fire occurrence being notified to the licence holder or their nominated representative.
26. The licence holder shall ensure that arrangements for an appropriate person having a connection with the property, is available continuously in the event of a false alarm to attend and ensure the fire alarm is reset as soon as possible.
27. The licence holder shall ensure anything considered as emergency work must be fixed within 24 hours e.g., boiler breakdown / no electricity / no access to water etc.
28. The licence holder shall provide a carbon monoxide alarm in any room which has a gas, oil, or solid fuel-burning appliance. The carbon monoxide alarm should comply with British Standard BS EN 50291 and be powered by either a battery designed to operate for the working life of the alarm (it should also have a warning device to alert users when the working life of the alarm is due to pass) or a mains-powered alarm with fixed wiring (not plug-in) and a sensor failure warning device.
29. The licence holder shall ensure the property has a minimum energy performance rating of E and shall provide satisfactory certification to the Council to provide evidence. Properties rated F or G should not be rented as prescribed under the [The Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015 \(legislation.gov.uk\)](#). Further information can be found at [Energy Performance Certificates guidance - GOV.UK \(www.gov.uk\)](#). The licence holder shall ensure the property complies with the Domestic Minimum Energy Efficiency Standard (MEES) Regulations [Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK \(www.gov.uk\)](#).

30. The amenities provided at the property must meet minimum prescribed standards, having regard to the number of occupiers for which a licence has been granted. The licence holder shall ensure that any works listed in Schedule 2 to this licence are carried out and completed within the specified time period.
31. If the licence holder wishes to increase the permitted number of contract holders, he/she shall make an application for variation of the licence conditions. Additional contract holders may not be allowed to take up residence until such time as formal variation of the licence conditions has been approved and the necessary facilities have been provided.

### **Waste**

32. It is the duty of the licence holder to ensure that suitable and sufficient receptacles or storage facilities for the storage of general household waste and recyclable waste are provided at the start of every contract for waste pending its collection, to prevent access to the waste by animals and birds or unauthorised users.
33. It is the duty of the licence holder to ensure there is suitable and sufficient storage area to accommodate residual and recycling waste receptacles. All refuse and recycling containers and bins must be stored within the curtilage of the HMO, or if this is not possible they shall be stored in a lockable storage area or seek approval from the NCC Waste and Recycling Teams and Environmental Health Housing via telephone number: 01633 656656 email: [info@newport.gov.uk](mailto:info@newport.gov.uk) and [EHHousing@newport.gov.uk](mailto:EHHousing@newport.gov.uk).
34. The licence holder shall apply for domestic residual waste receptacles, recycling receptacles or storage facilities by contacting Newport City Council, Waste and Cleansing, Newport NP20 4UR tel number: 01633 656656 or order online at <https://www.newport.gov.uk/en/Waste-Recycling/Order-new-bags-and-bins.aspx>. There may be a charge for such receptacles or storage facilities.

The domestic refuse entitlement bin size is detailed below, and the licence holder is entitled to one domestic wheelie bin per property where council tax is paid (no matter who pays council tax). For recycling collections, the entitlement depends upon the number of households. The entitlement for domestic waste and recycling is detailed below:

<b>RESIDUAL WASTE</b>		
One Council Tax	Bin entitlement	Whilst awaiting bin
Up to 4 people	120 litre bin	2 sacks
5-7 people	180 litre bin	3 sacks
8 or more	240 litre bin	4 sacks
Individual Council Tax	Bin entitlement	Whilst awaiting bin
Up to 4 people	120 litre bin	2 sacks
5-7 people	180 litre bin	3 sacks
8 or more people	240 litre bin	4 sacks

RECYCLING			
Individual properties		Flats	
Regardless of no. of residents	1 green box for glass bottles and jars, and small electrical items	Kerbside boxes (see column on the left)	Up to 5 flats
	1 reusable red bag for mixed metals and plastics, including: <ul style="list-style-type: none"> <li>metal cans, tins, aerosols, and foil,</li> <li>plastic bottles, pots, tubs, and trays, and</li> <li>food and drink cartons (such as Tetra Pak and crisp tubes),</li> </ul>	1 x 660 litre card/paper; 1 x 660 plastic/cans; 1 x 240 glass; 1 x 240 food + food caddies.	6—12 flats
	1 reusable blue bag cardboard and paper, and	1 x 1100 litre card/paper; 1 x 1100 plastic/cans; 1 x 360 glass; 1 x 240 food + food caddies	12—18 flats
	1 small food caddie (internal) and 1 big food caddie (external) for food waste	2 x 660 litre card/paper; 2 x 660 plastic/cans; 2 x 360 glass; 1 x 240 food + food caddies	18—24 flats
Capacity (litre)	Width (mm)	Depth (mm)	Height (mm)
240	575	730	1060
360	580	875	1080
660	1360	780	1190

35. With HMO's that have four or more contract holders (this applies to flats if there are more than 4 contract holders, or shared accommodation if there are more than 4 people separately paying council tax), the HMO will require a site inspection to assess the storage area and to determine the level of receptacles required. It is the licence holder's responsibility at the start of the occupation contract to arrange the site inspection with the NCC Waste and Recycling Teams, this can be arranged with Newport City Council Contact Centre via telephone number: 01633 656656.

36. At the issue of the licence, if the property does not meet these requirements; the licence holder shall complete the works outlined in the attached appendix within a period of (insert timescale) of the date of the licence.

37. The licence holder shall notify Newport City Council's NCC Waste and Recycling Teams immediately upon notice of a lost/stolen or damaged bin recycling receptacles or storage facilities to request a replacement online at

<https://www.newport.gov.uk/en/Waste-Recycling/Order-new-bags-and-bins.aspx>. Failure to notify, could result in the properties waste not being collected.

38. The Licence holder shall ensure that an explanation is provided to contract holders at the beginning of their occupancy, regarding the storage and disposal arrangements in place in respect of their waste. The bins and containers shall be presented for collection by 6:00am on the day of collection regardless of what time the crew usually arrives. Furthermore, the licence holder shall obtain and keep safe at the beginning of any occupancy, the signed declaration of each occupier understanding of the arrangements, and their agreement to abide by them. The Declaration of Understanding required is included in Appendix A to this licence. Copies of the signed declaration shall be kept in a logbook and submitted to the local authority within seven days of such a request being made.
39. The licence holder shall ensure that wherever possible any waste arising from building work or improvements to the house, does not accumulate in the curtilage to the property. Where such accumulations are unavoidable, they shall be removed without delay to a licensed waste disposal facility.
40. The licence holder shall take all reasonable steps as a diligent property manager to ensure that all contract holders store and dispose of their waste in a proper manner. Such steps may include verbal or written advice etc. as appropriate. If waste does accumulate, the licence holder shall arrange for a registered waste carrier to remove the waste or shall remove the waste themselves by taking it to a suitably licensed refuse facility; Household Waste Recycling Centre or Landfill site located at Docks Way, Maesglas, Newport, Gwent NP20 2NS.
41. The licence holder shall advise contract holders that unwanted furniture, appliances, and other household fixtures shall not be permitted to accumulate within yards, gardens, or forecourts of the property and that those items can be disposed of via arranging a collection with a small fee or delivered by themselves by using the Household Waste Recycling Centre located at Docks Way, Maesglas, Newport, Gwent NP20 2NS. For more information about opening times, fees and items accepted visit [Waste & Recycling | Newport City Council](#).
42. Any waste left by occupiers leaving the property shall be removed by the licence holder as soon as possible and prior to new contract holders occupying the property.
43. The licence holder shall ensure all contract holders are fully aware of their responsibilities with respect to cleanliness of gardens, yards, and forecourts.
44. The licence holder shall ensure that gardens, forecourts, and boundary walls/fences of the property shall be kept free from overgrowth, litter or other accumulations and maintained in a clean and tidy condition.

#### **Noise and Anti-Social Behaviour**

45. The licence holder shall take all reasonable and practicable steps to prevent or reduce anti-social behaviour and to control noise by persons occupying or visiting the house. This shall include the following:-
  - i) What is meant by antisocial behaviour
  - ii) The standards expected by the occupation contract holder and their visitors.
  - iii) Explaining the impact of antisocial behaviour on others in the area, including repercussions from the Police, Educational establishments and the Local Authority.
  - iv) Recording details of all complaints received directly in respect of antisocial behaviour.

v) Invoking contract sanctions and action being taken under the occupation contract.

47. Following the receipt of information in respect of Anti-social behaviour, each contract holder will be required to sign the declaration included as Appendix A to this licence. Copies of the Declaration of Understanding must be kept in a logbook and submitted to the Council within seven days of such a request being made.
48. The licence holder will cooperate with the Council in order to eradicate problems relating to noise or antisocial behaviour and will, on request demonstrate that they have taken reasonable steps to manage the problem.
49. A logbook shall be kept and maintained by the licence holder. A copy shall be retained at the property, the logbook must contain up to date information in respect of the following:
- Contract holder agreements including information about the landlord (or agent) – [form RHW2](#) and, the holding and protection of deposits.
  - The furniture documentation/declaration.
  - Appendix A: Declaration of Understanding detailing fire precaution, refuse arrangement, noise and anti-social behaviour and waste management declarations.
  - Satisfactory Gas safety certificates.
  - Satisfactory Electrical Safety Installation Certificates.
  - Satisfactory Portable Appliance Testing; PAT certificates.
  - Satisfactory Fire Alarm service records.
  - Satisfactory Fire Alarm testing certificates.
  - Satisfactory Fire extinguisher service records.
  - Satisfactory Emergency lighting test certificates (if applicable).
  - Satisfactory Energy Performance Certificate; EPC for the dwelling.
  - A copy of the HMO licence and conditions.
  - Service inspections or receipts for any fire-fighting equipment present at the property.
  - How the dwelling meets the [Fitness For Human Habitation](#) (FFHH) requirement and if the property doesn't at any time meet such requirements, detail who to contact and how.
  - Information sheets provided to the occupiers concerning the disposal and maintenance/storage of refuse and recycling, Anti-social behaviour and how this is not permitted, fire safety etc.



House in Multiple Occupation Licence Conditions

**Schedule 1 Fire Safety**

**Schedule 2 Amenities Standards**

**Additional Conditions: Appendix**

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