

## **Housing (Scotland) Act 2006**

### **Licensing Conditions for Houses in Multiple Occupation**

1. The licence holder must take steps to ensure that the premises, fittings and furniture, including fire precautions, equipment, plumbing, gas, electrical installations, and appliances are maintained throughout the period of the licence to standard required by Renfrewshire Council Benchmark Standards for Houses in Multiple Occupation (the “Benchmark Standards”) and that the property remains at all times wind and water tight.
2. The licence holder must hold certificates required by the Benchmark Standards including safety certificates for heaters, certificates for the electrical system, PAT certificates, and gas safety certificates. The licence holder shall at all times be in a position to exhibit such documents on demand to the licensing authority. Where any certificate is due to expire during the term of the licence this must be renewed so that there is no break in continuity of certification.
3. The premises shall be provided with:
  - a. adequate means of escape in case of fire;
  - b. adequate means of ensuring that the means of escape can be safely and effectively used at all times;
  - c. adequate and suitable firefighting equipment;
  - d. a suitable fire detection and alarm system complying with relevant legislative standards;
4. The licence holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the premises.
5. The licence holder shall ensure that the premises at all times be structurally sound and by their nature be capable of carrying all loads imposed on them in compliance with the relevant British Standards in relation to loading of buildings.
6. All battery operated CO alarms installed in the premises must be replaced every five years.
7. Liquid Petroleum Gas (LPG) must not be used or stored in the premises.

8. The licence holder shall ensure that there is adequate insurance cover in place in respect of the premises. The property must be insured for its full reinstatement value. Public liability insurance cover should be held in the sum of £5 million.
9. The licence holder shall ensure that no alterations be permitted to the premises without the written permission of the licensing authority.
10. When there is any change to the information supplied to the licensing authority, including home address and contact details, the licence holder must notify Renfrewshire Council within 7 days of the change.
11. The licence holder must maintain the property so it meets the repairing standard as defined by the Housing (Scotland) Act 2006 and must keep the following maintained:
  - a. the structural fire precautions;
  - b. exterior routes to a place of safety (including routes from below emergency escape windows); and
  - c. installations for gas, electricity and other service and utility provisions.
12. The tenancy agreement for all residents must contain the statutory terms as prescribed by the Private Residential Tenancies (Statutory Terms) (Scotland) Regulations 2017 or any successor legislation, unless the tenancy agreement was entered into prior to 1 December 2017 or a statutory exemption applies. Copies of all current tenancy agreements must be exhibited on demand to the Licensing Authority.
13. The licence holder, when requested, must exhibit to the licensing authority any records retained in relation to the following:
  - a. The number of residents occupying the property; and
  - b. Dates of entry and departure of each resident.
14. The licence holder shall use all available means to ensure that no disturbance or anti-social behaviour arises within or from the premises.
15. The licence holder must ensure that actions to secure repossession must only be by lawful means.
16. The licence holder shall comply with the current regulations regarding the maximum resale price of gas and electricity supplied, as appropriate.

17. Adequate facilities must be provided for the storage and disposal of refuse and include adequate recycling facilities.
18. The licence holder shall ensure that residents' mail is available to residents on a daily basis.
19. The licence holder shall ensure that telephone socket is installed in the premises which residents can connect a telephone to for the purpose of calling the emergency services.
20. The number of persons residing at the premises at any one time shall not exceed the maximum number stated in the licence.
21. The licence holder shall allow free access to the premises for the following officials for licensing purposes:
  - a. any authorised officer of Renfrewshire Council;
  - b. any officer of Police Scotland; and
  - c. any officer of Scottish Fire and Rescue Service.
22. The licence holder shall display the licence and these conditions in a prominent position where it can be conveniently read by residents.
23. The licence holder shall deliver this licence document to Renfrewshire Council within seven days of the cancellation by the licence holder, or variation or revocation of the licence by Renfrewshire Council.

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### **Benchmark Standards for Houses in Multiple Occupation**

- BS1. Prior to the granting or renewal of a house in multiple occupation (“HMO”) licence, all newly constructed, altered, converted or extended premises intended to be used as a HMO living accommodation will be inspected by Council Officers to ensure the HMO living accommodation complies with building standards applicable to the building as provided in the Buildings (Scotland) Act 2003 (as amended), the Buildings (Scotland) Regulations Act 2004 (as amended) or any successor legislation.
- BS2. The Health and Safety Act 1974 and accompanying regulations apply to HMO living accommodation where persons are employed on the premises. When applicable, the licence holder must be aware of their statutory obligations.
- BS3. Current legislative food standards apply to HMO living accommodation where food is provided as part of the living arrangements. When applicable, the licence holder must be aware of their statutory obligations.
- BS4. Enforcement of fire safety in licensable HMO living accommodation is the responsibility of the Scottish Fire and Rescue Service. Council officers will however take into account fire safety when inspecting the HMO living accommodation to ensure that it constitutes suitable living accommodation. Where any concerns are noted, these will be passed to the Scottish Fire and Rescue Service for their consideration as appropriate. Licence holders must be aware of their obligations under the Fire (Scotland) Act 2005 to conduct fire risk assessments and provide appropriate fire safety measures to ensure the safety of occupants. Licence holders should also be aware of any statutory guidance issued by the Scottish Government, which provides benchmarks for fire safety within relevant premises. When in doubt, advice should be obtained from a competent fire safety specialist. Both the Scottish Government and the Scottish Fire and Rescue Service recommend that duty holders who wish to contract the services of external fire safety risk assessors verify that the assessor is competent in fire risk assessment. Further information on risk assessor competence can be found at [http://www.firescotland.gov.uk/media/1173445/sfrs\\_advice\\_on\\_fire\\_safety.pdf](http://www.firescotland.gov.uk/media/1173445/sfrs_advice_on_fire_safety.pdf)

BS5. If furnishing or products are provided to occupants of the HMO living accommodation then the licence holder must be aware of their statutory obligations in relation to product safety.

BS6. HMO living accommodation must, unless otherwise agreed in writing with the licensing authority, comply with the standards and recommendations provided for in relation to the suitability of HMO living accommodation in the Statutory Guidance for Scottish Local Authorities issued under section 163 of the Housing (Scotland) Act 2006 or any successor statutory guidance.

In addition, HMO living accommodation must, unless otherwise agreed in writing with the Licensing Authority, comply with the following additional standards:

**AS1. Space and Layout**

Every stair for a change in level of more than 600mm must have a handrail on at least one side, fixed at a height of at least 840mm and not more than 1m above the pitch line of a flight or surface of a landing.

**AS2. Security**

Secure locks must be placed on all access doors. All door locks must be capable of being opened from the inside without a key. The licensing authority may require additional security, including locks on accessible windows which may present a security risk.

**AS3. Sanitary facilities, water and drainage**

Any WC compartment must be suitably ventilated and, as a minimum, any ventilator must have an opening area of 1/30<sup>th</sup> of the floor area of the WC compartment it serves or a mechanical extraction capable of at least 3 air changes per hour.

**AS4. Provision of heating**

A. Solid fuel appliances must be certified for safe use by a HETAS approved engineer or equivalent. Inspection and certification of solid fuel appliances are to be carried out at a frequency determined by the HETAS approved engineer.

B. Any living accommodation in a smoke controlled area of Renfrewshire must ensure that any solid fuel appliance being used is exempt or that authorised fuels are used.

C. Oil fired heaters must be certified safe for use by an OFTEC Registered Technician or equivalent. Inspection and certification of solid fuel appliances are to be carried out at a frequency determined by the OFTEC Registered Technician.

D. Inspection and certification of solid fuel and oiled heaters are to be carried out at a frequency determined by the HETAS approved engineer (or equivalent) or OFTEC Registered Technician (or equivalent) as applicable.

## **AS5. Chimneys and Flues**

- A. All chimneys/flues that are in use must be cleaned annually and a valid certificate provided by a member of The Guild of Master Chimney Sweeps or The National Association of Chimney Sweeps or equivalent. The licence holder must retain the current certificate and those of the previous two years.
  
- B. Open-flued combustion appliances should not be fitted in the same room (or in an adjoining room) as an extract fan. If no reasonable alternative is available, a spillage test must be carried out on the appliance. If the appliance is to burn solid fuel, the spillage test must be carried out by a HETAS approved engineer or equivalent. If the appliance is a gas appliance, the test must be carried out by a Gas Safe engineer or equivalent. The appliance must comply with all current relevant legislative standards.

## **AS6. Electrical Safety**

- A. Any work to electrical installations must be carried out by an appropriately qualified person and in accordance with the relevant regulations, statutory guidance and all current legislative standards.

All bathrooms and shower rooms must be provided with an IP44 rated light fitting.