

## **Item: 4**

**Licensing Committee: 28 April 2022.**

**Housing (Scotland) Act 2006.**

**Licensing of Houses in Multiple Occupation.**

**Joint Report by Corporate Director for Strategy, Performance and Business Solutions and Corporate Director for Neighbourhood Services and Infrastructure.**

### **1. Purpose of Report**

To consider updated standards and conditions for licences for houses in multiple occupation.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, in terms of the Housing (Scotland) Act 2006, houses in multiple occupation (HMOs) require to be licensed, with a licence required for a property occupied by three or more persons who are members of more than two families, who live together and share either cooking, toilet or personal washing facilities.

#### **2.2.**

That HMOs must meet physical standards set out by the Council, based on guidance issued to all local authorities by the Scottish Government.

#### **2.3.**

That the Council's existing HMO standards and conditions have been reviewed and, although no material changes are proposed, the documents have been reworded to aid clarity and simplified to aid compliance by licensees.

#### **2.4.**

The proposed updated standards and conditions, attached as Appendices 1 and 2 respectively to this report.

**It is recommended:**

#### **2.5.**

That the updated conditions for licences for houses in multiple occupation, attached as Appendix 2 to this report, be adopted.

## **3. Background**

### **3.1.**

Houses in multiple occupation (HMOs) (subject to certain statutory exemptions) require to be licensed in terms of the Housing (Scotland) Act 2006. An HMO is defined in section 125 of the Act and can be summarised as a house with living accommodation occupied by three or more people, who are members of more than two families; and that those people who share the house, are required to share a toilet, personal washing facilities or facilities for the preparation or provision of cooked food. People count as occupants only if the accommodation is their only or main residence. However, accommodation occupied by a student during term time is regarded as that person's only or main residence. Patients in hospital are not counted as occupants of the hospital.

### **3.2.**

The Council publishes information about licensing of HMOs, including standard licence conditions, at <https://www.orkney.gov.uk/Service-Directory/L/houses-in-multiple-occupation.htm>.

### **3.3.**

The Environmental Health service is responsible for processing applications and issuing licences for HMOs

## **4. Standards and Conditions**

### **4.1.**

HMOs must meet the physical standards set out by the Council, which should be based on guidance issued to all local authorities by the Scottish Government. The main reason for this is that HMOs can present risks to occupiers if they are not safe, well managed and of good quality. As well as setting physical standards, the Council may attach conditions to HMO licences. Standards generally relate to the physical structure and conditions may be used to require specific matters to be addressed by the licence holder.

### **4.2.**

It is considered good practice to review standards and conditions from time to time. HMO licence standard conditions were last reviewed in 2011. Officers have therefore taken the opportunity to review the current set of HMO standards and conditions.

### **4.3.**

No material changes are proposed, but the standards and conditions have been reworded to aid clarity and simplified to aid compliance by licensees. The proposed updated standards and conditions are attached as Appendices 1 and 2 respectively to this report.

#### **4.4.**

Section 18.2.4 of the Council's Scheme of Administration provides that the Licensing Committee has delegated authority to determine standard conditions to which licences, permits, approvals and registrations issued under the Housing (Scotland) Act 2006 will be subject.

### **5. Corporate Governance**

This report relates to the Council complying with its statutory duties as a Licensing Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

### **6. Financial Implications**

There are no direct financial implications to the Council arising from the recommendations of this report.

### **7. Legal Aspects**

The legal aspects are contained within the body of this report.

### **8. Contact Officers**

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### **9. Appendices**

Appendix 1: Updated standards for houses to be licensed for multiple occupation.

Appendix 2: Updated standard conditions to be attached to licences for houses in multiple occupation.

# Houses in Multiple Occupation – Standards

## Orkney Islands Council

### Housing (Scotland) Act 2006

Orkney Islands Council has established these standards for Houses in Multiple Occupation (HMO). Nevertheless, because houses in multiple occupation may differ there is provision for an applicant for a licence to seek exemption from, or relaxation of, a standard. Such an application should be made in writing to the Environmental Health Manager at the council and should specify the grounds on which the application for relaxation of standards is made. As well as complying with these standards, holders of HMO licences must comply with any conditions attached to the HMO licence.

### Interpretation

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

**House in multiple occupation**, an HMO, is defined in the Housing (Scotland) Act 2006 as:

HMO means any living accommodation occupied by 3 or more persons who are not all members of the same family or of one or other of two families which

- falls within subsection (2), and
- is occupied by those 3 or more persons as an only or main residence, or which is of such type, or which is occupied in such manner, as the Scottish Ministers may by order specify.

**Living accommodation** falls within this subsection if

- it is a house, or
- it is, or forms part of, any premises or group of premises owned by the same person and its occupants share one or more of the basic amenities with each other.

**The basic amenities** are

- a toilet,
- personal washing facilities, and
- facilities for the preparation or provision of cooked food.

**Authorised person** shall mean any person authorised by Orkney Islands Council, Police Scotland, or the Scottish Fire and Rescue Service for the purposes associated with the licensing of houses in multiple occupation and includes a constable, or any officer authorised by the Council.

**Chief Fire Officer** means the Chief Fire Officer of the Scottish Fire and Rescue Service and/or any officer authorised by the Chief Fire Officer.

**Chief Constable** means the Chief Constable of Police Scotland.

**Competent person** means 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 required.

In relation to electrical systems a competent person shall be either:

- a professionally qualified electrical engineer;
- or A member of the Electrical Contractors' Association;
- or A member of the Electrical Contractors' Association of Scotland;
- or a certificate holder of the National Inspection Council for Electrical Installation Contracting.

In relation to gas safety this case a Gas Safe registered engineer.

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

## 1. Maximum Number of Occupants

1.1. The maximum number of occupants in an HMO and in each housing unit shall be calculated in accordance with these Standards and will be specified in the licence.

## 2. Security

2.1. Any entry door to a housing unit shall be capable of being locked by the residents to ensure their privacy and security. Any such lock must comply with the Fire Officer's requirements for safe escape in the event of an emergency.

2.2. The accommodation must have secure locks on all access doors and ground floor or accessible windows.

2.3. All door locks must be capable of being opened from the inside without the need for a key, so that residents can escape in case of fire.

2.4. The licence holder shall allow access to the premises for HMO licensing purposes to any person authorised on that behalf of the Council, Chief Constable or Chief Fire Officer.

## 3. Emergency Contacts

3.1. The licence holder shall ensure that they clearly and prominently display advice to residents on action to be taken in event of an emergency.

3.2. The licence holder shall ensure that there is a contact number displayed for use during an emergency.

3.3. If the premises is known to have poor mobile phone reception the licence holder must ensure that there is an emergency landline connected to the property.

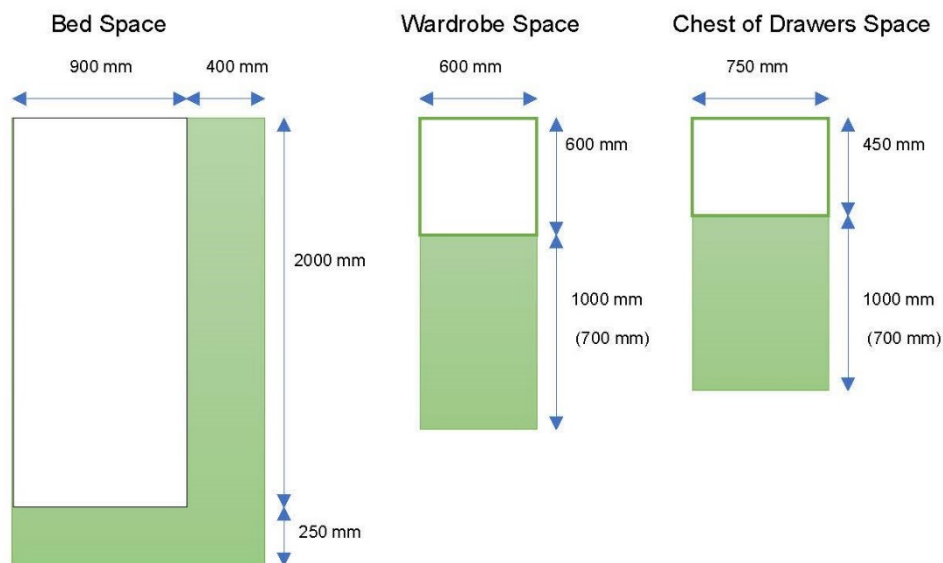
## 4. Space Standards

4.1. The living accommodation should not be overcrowded. Sleeping accommodation would generally be expected to be in the form of single or double bedrooms, although other arrangements may be more appropriate depending on the type and number of likely occupiers.

4.2. Every room used as a bedroom room shall be capable of accommodating at least:

- a bed; and
- a wardrobe (except where a built-in wardrobe of equal size is provided); and
- a chest of drawers.

together with their associated activity spaces having the dimensions shown below. The minimum width of a bedroom is 2.25m. (Diagram over page.)



Notes:

1. An activity space is measured at floor level.
2. The shaded area of one activity space may overlap only the shaded areas of another activity space.

Key:

- Activity space
- ( ) Reduced dimension when measured to a bed.

4.3. Every bedroom should be fitted with a lever latch door handle and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

4.4. Bedroom arrangements should allow for a resident in one bedroom to reach a bathroom, WC or corridor without passing through any other bedroom.

4.5. Floor space should only be counted where there is a ceiling height of at least 1.5 m. This means that, for example, attic bedrooms with coombed (sloping) ceilings still need to provide a reasonable usable floorspace.

4.6. The following space standards shall be complied with in relation to the size of bedrooms and living rooms provided in an HMO:

4.7. Where the residents share a common living room and kitchen the following spacing standards apply:

Single Room (1 adult)	6.5 m <sup>2</sup>
Double Room (2 adults)	10.5 m <sup>2</sup>
Triple Room (3 adults)	16.5 m <sup>2</sup> plus 4.5 m <sup>2</sup> per person when 4 or more people sharing
Family Room (2 adults plus children under 10)	10.5 m <sup>2</sup> plus 4.5 m <sup>2</sup> per child

4.8. Where there is no common living room available the kitchen must comply with the following standards:

1 adult	10 m <sup>2</sup>
2 adults	15 m <sup>2</sup>
3 or more adults	19.5 m <sup>2</sup> plus 6 m <sup>2</sup> per person when 4 or more people sharing
Family Room (2 adults plus children under 10)	15 m <sup>2</sup> plus 7 m <sup>2</sup> per child

4.9. Where the bedrooms have cookers:

1 adult	13 m <sup>2</sup>
2 adults	19 m <sup>2</sup>

4.10. Children shall not be accommodated in bedrooms with cookers.

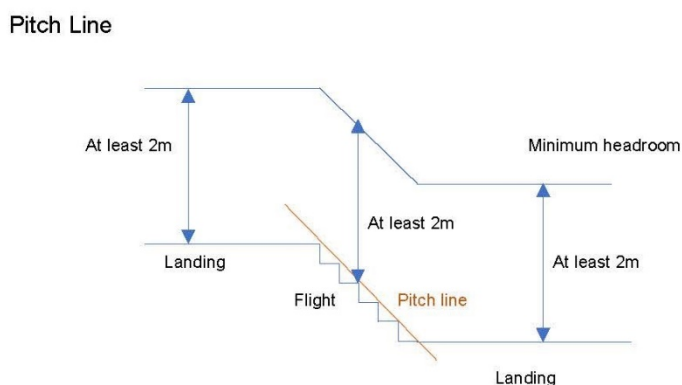
4.11. Where there is a communal living room, excluding any area used as a kitchen, must comply with the following standards:

3 – 6 persons	11 m <sup>2</sup>
7 – 10 persons	16.5 m <sup>2</sup>
11 – 15 persons	19.5 m <sup>2</sup>

## 5. Handrails and Protective Barriers

5.1. Any staircase that has a change in level of more than 600 mm shall have a handrail on at least one side, fixed at a height of at least 840 mm and not more than 1 m above the pitch line of a flight or surface of a landing.

5.2. A Protective barrier shall also be required at the edge of any floor, stair, ramp or raised area where there is a difference in level of 600mm or more, and at the edge of a landing where the route of travel from the adjoining level to the next flight changes direction through 90 degrees. Such a protective barrier must conform to the requirements of the current Building Regulation Technical Standards.

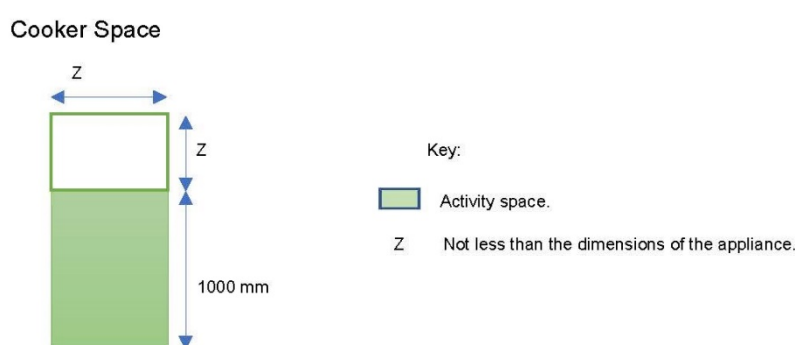


## 6. Kitchen Facilities

6.1. Wherever possible, living accommodation should contain appropriate amenities to permit occupiers to prepare, or be provided with, meals in the accommodation as well as snacks at reasonable times. In most cases this would be achieved by provision of kitchen facilities for resident use but in some types of accommodation meals may be prepared by staff.

6.2. The requirements for kitchen facilities should take account of the needs of the occupants and the arrangements for meals (for example, meals cooked communally require less space and equipment than if each person cooks separately). Where kitchen facilities are provided for resident use they should have:

- one sink with integral drainer for a maximum of 5 persons;
- every sink must be provided with an adequate piped supply of hot and cold water;
- a cold water supply to every sink which is a wholesome water supply, direct from the rising main, suitable for drinking and other domestic purposes;
- a minimum of 1 m<sup>3</sup> of storage for a maximum of 5 people. An additional 0.2 m<sup>3</sup> of storage for each person above 5 people should be provided;
- sufficient drawer space for the storage of cutlery and other cooking utensils;
- impervious work surface space of 2 m length for three people, and for any people above that number an additional 60 cm should be provided per person. This is an overall allocation which should provide appropriate space for items such as kettles or microwaves which are not specific to an individual.
- 1 reasonable size refrigerator and 1 reasonable size freezer for a maximum of 5 persons. The freezer need not be sited within the kitchen.
- 1 cooker with oven, grill and 4 cooking plates or rings for a maximum of 5 persons.
- cookers provided with the associated activity space shown below and 300mm worktop width available on both sides. This 600mm will be included as part of the work surface space specified above.



Note:

Any activity space is measured at floor level.

6.3. In a bedsitting room containing a cooker, sink and drainer there must be adequate worktop space. Spacing should be based on a minimum of 900 mm with a minimum of 300 mm each side of the cooker.



6.4. Where any bedroom is provided with a cooker for the sole use of the occupants of that room, these persons should be discounted in determining how many cookers require to be provided in a communal kitchen.

6.5. Where all meals are provided to occupants, a facility should still be available for making light snacks and hot drinks. This will include access to a wholesome, piped supply of drinking water.

6.6. Microwave ovens and dishwashers may be provided, where appropriate, but these should not be considered to entirely replace cookers and sinks.

## **7. Ventilation**

7.1. Where an extract fan is fitted in the same room (or in an adjoining room) as an open-flued combustion appliance a spillage test shall be carried out to ensure the combustion appliance is operating safely.

7.2. Testing must follow the current guidance for that particular appliance (or appliances).

7.3. Every bedroom, living room, kitchen, bathroom and toilet should have adequate natural ventilation or adequate mechanical ventilation.

## **8. Sanitary Facilities, Water and Drainage**

8.1. All sanitary facilities are to be provided within the accommodation and when calculating the number of facilities required, all persons living in the premises, including residents, staff and owners, should be taken into account.

8.2. There should be:

- one WC for a maximum of 5 persons;
- one bath or shower for a maximum of 5 persons.

8.3. Sanitary facilities shall be located in such a way that residents do not have to pass through any other bedroom but their own.

8.4. No communal WC, bath or shower shall be located more than one floor distant from the bedroom of the residents using that facility.

8.5. Any WC and wash hand basin shall be separated at least by a door from any room or space used wholly or partly for the preparation or consumption of food. Where they are separated only by a door, the WC must be suitably ventilated.

8.6. Access doors to sanitary and bathing facilities shall be fitted with a suitable locking mechanism to ensure privacy. Obscure glazing must be provided where relevant to ensure privacy.

8.7. Every WC shall have a wash hand basin within the toilet itself or within an adjacent space providing the sole means of access to the toilet.

8.8. Every wash hand basin, bath and shower shall be provided with an adequate piped supply of hot and cold water.

8.9. The building shall be provided with an adequate and efficient drainage system which complies with the relevant Standards.

## **9. Drying Facilities**

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

## 10. Electrical Points

10.1. The number of electrical socket outlets available for occupier use shall meet at least the following minimum requirements:

- 6 in each kitchen (for example 3 double sockets)
- 6 in each bedroom and living room
- up to 4 additional sockets anywhere in the building, with a minimum of one socket in the communal circulation space at each floor level.

10.2. These sockets should be easily accessible. Other outlets may be inaccessible, for example those for white goods.

10.3. Information shall be displayed advising residents to not overload electrical sockets.

## 11. Lighting

11.1. Every bedroom, living room, kitchen, bathroom and toilet should have adequate natural lighting.

11.2. The aggregate glazed area must be equal to at least 1/15th of the floor area of the premises, and the opening area should be at least 1/30th of the floor area.

11.3. There should be an electric lighting system providing at least one lighting point to every corridor, bedroom, living room, kitchen, bathroom, toilet and any other space having a floor area of 2 m<sup>2</sup> or more.

11.4. Any lighting point serving a staircase within an HMO should have controlling switches adjacent to the staircase at each storey or a suitable alternative such as energy efficient passive infrared sensors or central control via a timer.

11.5. Any ceiling strip light unit within the HMO must be fitted with a proper diffuser/cover.

11.6. In order to prevent the risk of electric shock and damage to electrical wiring due to condensation all bathrooms and shower rooms should be provided with an IP44 rated light fitting if it is required, in accordance with current regulations.

## 12. Space Heating

12.1. Each bedroom and living room shall have a fixed space heating appliance or shall be heated by a central heating system capable of maintaining a temperature of 18° Centigrade within such rooms when the outside temperature is  $\bar{1}^{\circ}$  Centigrade.

12.2. The use of portable Liquefied Petroleum Gas (LPG) room heaters is prohibited within any part of the premises. Fixed LPG room heaters are permitted when inspected and certified as safe for use by a registered Gas Safe Engineer, and on written approval by the Council.

## 13. Gas

13.1. The licence holder shall have evidence to demonstrate that all necessary checks of gas appliances have been carried out (e.g. an annual gas safety check under the Gas Safety (Installation and Use) Regulations 1998 or equivalent).

13.2. These must have been performed by a competent person, in this case a Gas Safe registered engineer.

13.3. The licence holder must provide the Council with a copy of the current gas safety certificate to confirm that necessary inspections have been undertaken.

13.4. The licence holder must retain the current gas safety certificate and those of the previous two years.

13.5. A gas-fired appliance shall have an adequate supply of air for combustion and shall comply with the requirements of any relevant British Standards (BS).

13.6. A gas-fired appliance installed in a confined space shall have an adequate supply of air for cooling as well as air for combustion. This must comply with any relevant BS.

## **14. Oil**

14.1. The licence holder shall ensure that an annual inspection of all oil-fired appliances or installations shall be carried out by a competent person.

14.2. Any necessary repairs or works identified during the inspection must be completed, where required by a competent person. The licence holder must then obtain a signed and dated certificate from the competent person stating that the system is functioning properly and safely.

14.3. An oil-fired appliance, other than a room-sealed appliance, shall have an adequate supply of air for combustion either via permanent ventilation or direct to the open air; or to an adjoining space (including a sub-floor space) which is itself permanently ventilated direct to the open air.

14.4. The ventilation must satisfy the current BS for oil firing.

14.5. An oil-fired appliance installed in a confined space shall have an adequate supply of air for cooling by way of permanent ventilation, in addition to air for combustion, either direct to the open air or to an adjoining space (including a sub-floor space). This shall be in compliance with the current BS for oil firing.

## **15. Electricity**

15.1. The licence holder shall ensure that the electrical installation and any appliances provided by them are maintained in a safe working condition and routinely checked.

15.2. The licence holder shall ensure that a formal inspection of the electrical installations (in accordance with Chapter 73 of BS 7671) is carried out every five years by a qualified person.

15.3. The inspection certificate must meet the following minimum requirements:

- thorough visual inspection of the complete electrical installation which is not concealed.
- at least a 20% sample of the internal condition of all fixtures and fittings
- complete testing of all circuits (fittings and accessories)
- schedule of Inspections and Schedule of Test Results must be fully completed and submitted.

15.4. Any necessary repairs or works identified during the inspection must be completed, where required by a competent person. The licence holder must then obtain a signed and dated satisfactory Electrical Installation Condition Report from the competent person.

15.5. The licence holder shall ensure that a routine check/inspection (i.e. Portable Appliance Testing) is carried out by a competent person at least once every three years on all electrical appliances provided by the licence-holder and shall obtain a certificate from that person which details the appliances checked and/or repaired or replaced, and which confirms that, following checks, all remaining appliances are functioning properly and safely.

15.6. Current and valid electrical installation and PAT reports must be held on file and available on request.

## **16. Solid Fuel**

16.1. Where applicable the licence holder shall ensure that an annual inspection of solid fuel fires, installations and appliances and an annual inspection/cleaning of chimneys/flues serving solid fuel appliances or fires shall be carried out by a competent person.

16.2. Following the execution of any necessary repairs or works identified by the competent person, the licence holder shall obtain from them a signed and dated certificate stating that the system is functioning properly and safely.

16.3. Current and valid certificates must be held on file and available on request.

16.4. A solid fuel appliance shall have an adequate supply of air for combustion by way of permanent ventilation either direct to the open air or to an adjoining space (including a sub-floor space) that is itself permanently ventilated direct to the open air.

16.5. An air supply provided as follows will satisfy this requirement:

- traditional open flued fire: 50% of the cross-sectional area of the throat or the flue as appropriate; or
- any other solid fuel appliance: a permanent air entry opening or openings with a total free area of 550 mm<sup>2</sup> for each kW of combustion appliance rated output over 5 kW.

## **17. Carbon Monoxide Detection**

17.1. A carbon monoxide (CO) alarm which meets the requirements current BS requirements must be installed in the same room as any gas appliance. Alarms should be powered by a battery designed to operate for the working life of the alarm and have a warning device to alert users when the working life is coming to an end.

17.2. Any CO alarm required must be maintained in full working order and replaced on or before the manufacturers recommended expiry date.

## **18. Repair and Maintenance**

18.1. Any installation, system, appliance or amenity required by these Standards shall be maintained and kept in proper and safe working order and in a good state of repair to the satisfaction of the Council and in accordance with any statutory requirements.

18.2. Any appliance provided by a tenant must be in a good state of repair and operate safely, must only be used for the purpose for which it was made and must be suitable for that purpose taking account of where it is used.

18.3. The licence holder shall keep the exterior of the premises in a good state of repair, to the satisfaction of the Council. This shall include:

- any external wall;
- any external door, including the door frame, lock, hinge or mechanism;
- any windows, including any sill, external painting and decorating;
- any drain, gutter and external pipe;
- any roof including the roof covering, ridging, skews, valleys, dormers, flashings;
- any chimney, chimney stack, chimney can, chimney stay, or flue;
- any ventilation duct or terminal;
- any pathway, step, lift, external staircase, ramp or landing, including any handrail or protective barrier, or other means of escape or access;
- any common part;
- any integral garage, outbuildings or store;

- any boundary, wall, gate or fence;
- any outside furniture.

18.4. The licences holder shall maintain the internal structure of the premises in a good state of repair, to the satisfaction of the Council. This shall include:

- any internal wall
- any doors, including door frame, lock, catch, hinge or mechanism;
- any windows, including any sill, catch, lock, mechanism, sash weight or cord, painting and decorating;
- any fixtures and fittings, including sinks and toilets;
- any floor and ceiling, including painting and decorating;
- any internal staircase or landing, including any handrail or protective barrier;
- any plasterwork and décor;
- any common part.

The above list is inclusive but not necessarily exhaustive.

## **19. Refuse Collection and Disposal**

19.1. The licence holder shall make arrangements with the Council for the provision of closed containers (dustbins) and the collection of waste.

19.2. The licence holder shall ensure that all common areas of the premises and all common external areas within the curtilage of the premises are kept in a clean, tidy and well-maintained condition to the satisfaction of the Council.

19.3. The licence holder shall be responsible for advising residents of the refuse collection day and their responsibility to put the dustbins in the correct location for collection on that day.

## **20. Fire Emergency Precautions**

20.1. The licence holder must ensure that the premises are fully compliant with the requirements imposed by the Fire (Scotland) Act 2005 (As Amended).

20.2. This places a duty on the licensee to undertake a Fire Risk Assessment and produce a Management Policy to ensure the safety of persons (whether they are employees, occupants, residents, tenants, visitors or others) in the premises in respect of harm caused by fire.

End.

Version: 2022-04-28.

# Licensing of Houses in Multiple Occupation: Licence Conditions

## Orkney Islands Council

### Housing (Scotland) Act 2006

#### Note

It is a criminal offence in terms of section 154 of the Housing (Scotland) Act 2006, without reasonable excuse, to fail to comply with any condition imposed on this licence.

Orkney Islands Council has established these conditions to ensure that Houses in Multiple Occupation (HMOs) are managed to an acceptable standard and that the standards set by the Council for facilities and health and safety are adequately maintained. Nevertheless, because houses in multiple occupation may differ there is provision for an applicant for a licence to seek exemption from, or relaxation of, a licence condition. Such an application should be made in writing to the Environmental Health Manager at the Council and should specify the grounds on which the application is made.

Applicants for licence should also examine the Council's Standards for Houses in Multiple Occupation to determine whether they might wish to seek a relaxation or exemption in respect of any of those.

#### Interpretation

**Authorised person** shall mean any person authorised by Orkney Islands Council, Police Scotland, or the Scottish Fire and Rescue Service for the purposes associated with the licensing of houses in multiple occupation and includes a constable, or any officer authorised by the Council.

**Licence** means the HMO licence noted in the Standards and Conditions for HMOs, including all the conditions or exemptions attached to the latter.

**The Council** means Orkney Islands Council and any officer authorised to act on its behalf in terms of this licence.

**The licence holder** means the person (or if a non-natural person, the incorporated company) named in the licence.

**HMO** means House in Multiple Occupation, as defined in the Housing (Scotland) Act 2006, Part 5 section 125.

#### The Licence

##### Licence Holder

This licence is granted to XXXXXX

##### The Premises

The Premises to which this licence applies are located at XXXXX

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

*These conditions refer to Licence OIC/HMO/XX*

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

## **Duration**

The Licence is granted on the XX day of XXXXX in the year Two Thousand and XXXXX and is valid, subject to the terms of the Housing (Scotland) Act 2006 until and including the XX day of XXXXXX in the year Two Thousand and XXXX.

## **Standard Licence Conditions (XXX conditions in total)**

### **1. Requirements to Meet Standards**

The licence holder shall ensure the premises complies with Orkney Islands Council's Standards for Houses in Multiple Occupation in force at the date of this licence (subject to any exemption or relaxation granted and specified in Schedule 1 of the licence).

### **2. Maximum Number of Occupants**

The number of qualifying persons residing in the premises at any one time shall not exceed XX persons.

### **3. Display of Licence**

The licence holder shall at all times display, or otherwise make available for the tenants, within the premises in a position accessible to all residents:

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

### **4. Complying with Regulations**

The licence holder shall comply with any statutory requirements (including, but not exclusively, those in terms of the Building (Scotland) and Planning, Food Safety, and Health and Safety and the Furniture and Furnishings (Fire) (Safety) Acts and Regulations) which apply to the premises, its contents or services provided, including the requirements of any statutory requirement governing the role of a landlord.

### **5. Reporting of Incidents**

The licence holder shall notify the Council, as soon as is reasonably practicable, of the details of any incident affecting, or within, the licensed premises which:

- has resulted in structural damage to, or structural collapse within, the premises, or
- which has involved a gas leak, fire or explosion necessitating the callout of the Emergency Services.

### **6. Prevention of Vermin**

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

## **7. Prevention of Nuisance and Disturbance**

The licence holder shall be responsible for the day-to-day running of the premises and shall ensure as far as reasonably practicable that no disturbance or nuisance arises within or from the premises.

## **8. Other Matters putting Residents at Risk**

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

## **9. Repossession**

The licence holder shall ensure that actions to secure repossession is only by lawful means.

## **10. Occupancy Agreements**

10.1. The licence holder shall keep adequate and up-to-date records in accordance with Occupancy Agreements of the Council's Standards for Houses in Multiple Occupation.

10.2. The licence holder shall comply with their contractual obligations in terms of any tenancy agreement.

10.3. All residents must be provided with written tenancy agreements which comply with the legal requirements for private rented tenancy agreements in force at the time.

10.4. These records may be kept in a paper or electronic form

## **11. Requirement to Retain Records**

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

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



## **Schedule 1**

No exemptions or relaxations have been granted for this licence.

**Annex 1**

End.

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