



MANCHESTER
CITY COUNCIL

Neighbourhoods Directorate

Coca Cola Building
Hammerstone Road
Gorton
Manchester
M18 8EQ

Tel: 0161 234 5500

Beech Properties
60 Oxford Street
M1 5EE

Date: 14 October 2019

HMOlicensingenquiry@manchester.gov.uk

Dear Sir / Madam,

Re: Mr Stephen Beech
49 Ruskin Avenue, Manchester, M14 4DG

Further to our letter dated 23/09/2019, enclosed is a copy of the Mandatory HMO Licence for the above property.

As stated in the previous letter you or your company have been identified as a "relevant person" in the licence application. It is thus a duty of the City Council to provide you with a copy of certain documentation related to the application.

Enclosed within this pack is:

- The notice to grant a Mandatory HMO Licence
- A copy of the statutory and general conditions that are applicable to all HMO Licences and specific conditions that are applicable to the above stated property
- Explanatory notes for the notice (what the notice is and how to comply)
- A copy of the Licence

The legislation dictates that we issue a notice, this is to inform all relevant persons connected to the property that MCC has granted the Licence, and the conditions under which it has been granted.

Please read the entire notice and proposed Licence document carefully. The Licence includes conditions and standards that the licence holder is required to meet or maintain. Within the period of the Licence, Manchester City Council will conduct a compliance inspection of the licensed premises to ensure the conditions are met.

Failure to comply with licensing conditions may result in a civil penalty of up to £30,000 per condition and/or the Licence being revoked.

The Licence is a legal document and should be carefully observed. If you or the licence holder are in any way unclear, as to what actions are required to meet the conditions of the Licence, you should seek appropriate legal advice.

Please note that the name and address of the licence applicant will be placed on the Public Register of Licences as required under Part 7, section 232 of the Housing Act 2004.

If you have any general queries regarding the progress of your Licence application, please contact Neighbourhood Services on the above telephone number or by email. If you would like to speak to the officer who is dealing with your application in person, it may be advisable to call and make an appointment to meet them.

Please note that officers cannot provide you with legal advice and you should obtain your own independent advice should this become necessary.

Yours sincerely,

A black rectangular box used to redact the signature of David McAllister.

David McAllister
Neighbourhoods Directorate



MANCHESTER
CITY COUNCIL

**NOTICE OF GRANT OF
A LICENCE UNDER PART 2 AND SCHEDULE 5 OF THE
HOUSING ACT 2004**

To: Mr Stephen Beech (the Applicant)

Of: Beech Holdings 60 Oxford Street
Manchester
Greater Manchester
M1 5EE

and

To: Beech Properties
60 Oxford Street
Manchester
M1 5EE

and

To: Lloyds Bank Plc
Pendeford Securities Centre
Pendeford Business Park
Wobaston Road
Wolverhampton
WV9 5HZ

TAKE NOTICE THAT: Manchester City Council (the Council) as local housing authority has considered the application made by the Applicant for a licence in respect of the house known as **49 Ruskin Avenue, Manchester, M14 4DG** (the House) being a house required to be licensed under Part 2 of the Housing Act 2004.

On the 23/09/2019 the Council decided to grant a licence to the Applicant in respect of the House. A copy of the licence is attached to this notice.

The reasons for deciding to grant the licence are as follows:-

- The house is reasonably suitable for occupation by not more than the maximum number of households or persons prescribed in the licence / The House can be made reasonably suitable for occupation by the maximum number of households or persons prescribed in the licence by the imposition of conditions on the licence.
- The proposed licence holder is a fit and proper person to be the licence holder.
- The licence holder is the most appropriate person to be the licence holder.
- The proposed manager of the House is a fit and proper person.
- The proposed management arrangements for the House are satisfactory.
- The proposed manager of the house is either the person having control of the house or a person who is an agent / employee of the person having control of the house.

The granting of this HMO Licence is independent of any Planning requirements of this Council. If you do not have planning permission for the use of this property as a HMO, you should contact Manchester City Council Planning Department on 0161 234 4516 or via email: planningtst@manchester.gov.uk

You have a right of appeal to the Residential Property Tribunal against the decision of the Council to grant a licence in respect of the House or the terms or conditions of the licence. Any appeal against the decision of the Council to grant a licence or the terms of the licence must be made within the period of 28 days beginning with the date on which the decision to grant a licence was made.

Dated this day: 14 October 2019

Signed:

A black rectangular box redacting the signature of Fiona Worrall.

**On behalf of, and in the name of, Fiona Worrall
Strategic Director for Neighbourhoods**

Written enquiries should be made to:

The Neighbourhoods Service
Neighbourhoods Directorate
Coca Cola Building
Hammerstone Road
Gorton
Manchester
M18 8EQ
Tel: 0161 234 5500
Email: HMOlicensingenquiry@manchester.gov.uk



MANCHESTER CITY COUNCIL

Licence Ref Number: 162529/OL2

Address of licensed premises:-

49 Ruskin Avenue
Manchester
M14 4DG

Licence holder:-

Name: Mr Stephen Beech
Address: Beech Holdings 60 Oxford Street
Manchester
Greater Manchester
M1 5EE

Person / company managing this property:-

Name: Beech Properties
Address: 60 Oxford Street
Manchester
M1 5EE

The licence was granted on:- 14th October 2019

and is valid until:- 13th July 2024

This licence is not transferable and is issued subject to the conditions in the attached schedules.

The council is satisfied that the licensed premises are reasonably suitable for occupation by not more than **6** occupants and/or **6** households.

Dated this day: 14 October 2019

Signed:

**On behalf of, and in the name of, Fiona Worrall
Strategic Director for Neighbourhoods**

Manchester City Council Houses in Multiple Occupation Conditions

The licence holder must adhere to the following licence conditions. These conditions will be monitored by the Council and inspections will be carried out to ensure these are being complied with during the period of the licence.

Failure to adhere to one or more of these licence conditions could result in formal proceedings against you, with an unlimited fine, a civil penalty and/or the loss of your licence. The Council may also consider whether it is appropriate to make a Management Order to take over management of the premises.

Compliance inspections will be carried out to ensure the premises is safe, free from disrepair and well maintained by using the Housing Health and Safety Rating System. Any issues found will be dealt with via the enforcement means available under the Housing Act 2004 (as amended) and other relevant legislation.

Mandatory Conditions in Schedule 4 Housing Act 2004

1. If gas is supplied to the licensed premises the Licence Holder must produce annually to Manchester City Council (the Council) for their inspection, a gas safety certificate obtained in respect of the house named on the licence within the last 12 months.
2. The Licence Holder must;
 - i. Keep electrical appliances and furniture supplied by him in a safe condition
 - ii. Supply to Council, on demand, with a declaration by him as to the safety of such appliances and furniture.
3. The Licence Holder Must;
 - i. Ensure that smoke alarms are installed in the house and must keep them in a proper working order.
 - ii. Supply the Council, on demand, with a declaration by him as to the condition and positioning of such alarms.
4. The licence holder must;
 - i. Ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a

solid fuel burning combustion appliance, and must keep them in a proper working order.

(Note: for the purpose of this condition a "room" includes a hall or landing and a bathroom or lavatory is to be treated as a room used as living accommodation.)

ii. Supply the Council, on demand, with a declaration by him as to the condition and positioning of such alarms.

5. The Licence Holder must supply to the tenant/occupiers of the house a written statement of the terms on which they occupy it.

Mandatory Conditions relating to Floor Area

1. The licence holder must:

- i. Ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
- ii. Ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
- iii. Ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
- iv. Ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

2. The licence holder shall ensure that:

- i. Where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;
- ii. Where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
- iii. Where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.

3. Where;

- i. Any of the requirements imposed by conditions 1 and 2 relating to floor area have been breached in relation to the HMO,
- ii. The licence holder has not knowingly permitted the breach, and
- iii. the local housing authority have notified the licence holder of the breach,

The licence holder must rectify the breach within the specified period. The specified period means the period which is specified in the notification, which shall be not more than 18 months beginning with the date of the notification.

4. The licence holder shall notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.

Notes in relation to Mandatory Conditions relating to Floor Area

- i. Reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier (as defined by Section 262(6) of the Housing Act 2004) of the HMO.
- ii. A room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.
- iii. Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.
- iv. Conditions 1, 2 and 3 of this section do not apply to an HMO which is managed by a charity registered under the Charities Act 2011, and which is a night shelter, or consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Mandatory Conditions relating Waste

1. The licence holder must comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection

General Conditions Applicable to all Mandatory HMO Licences

1. The Licence Holder must inform the Council in writing or via email of any changes in their address and contact details within 28 days of any changes.

2. The licence holder must ensure that any persons involved with the management of the house including themselves to their best knowledge are "fit and proper persons" for the purpose of the Act. Any change in these circumstances shall be notified to local authority in writing.

- i. The Licence Holder must advise the Local Authority immediately if there will be any transfers in ownership, sale of the licensed property OR management of the property.
- ii. The Licence Holder must (if applying as a company/partnership etc) inform the Council in writing within 14 days of any changes affecting the company/partnership status, i.e. bankruptcy, changes in Directors, Partners or Company Secretaries.

3. The Licence Holder must ensure that the licensed premises comply with The Management of Houses in Multiple Occupation (England) Regulations 2006 SI 372 (Management Regulations), and any updated versions of this regulation and continue to do so throughout the period of the licence

4. The Licence Holder must comply with the Council's Standards for Houses in Multiple Occupation and associated guidance throughout the period of the licence unless otherwise specified in the licence, and must maintain those standards throughout the period of the licence.

5. The licence holder must ensure that a fire detection system, which includes smoke alarms, is installed in the property and that the system is kept in proper working order. The Local Authority may request that the licence holder supplies a declaration that the detection is in proper working order and require details of the positioning of such alarms.

(Housing Act 2004 Schedule 4 1(4))

6. The Licence Holder must keep on file and have available for the council upon request originals of the following documents:

- i. Fire detection equipment inspection and servicing certificate annually
- ii. Firefighting equipment (extinguishers, blankets etc), inspection and servicing certificate annually
- iii. Gas Safety Inspection certificate annually (if Gas is supplied to the HMO)
- iv. Electrical installations inspection certificate on demand
- v. Portable Appliance Test (P.A.T) certificate on demand
- vi. Certificates supplied annually must be available on a date specified by the Council.

vii. Energy Performance Certificate

7. The Licence Holder must take all reasonable steps to arrange full access to the whole of the licensed premises for the purposes of a compliance inspection by Manchester City Council within 7 days of a written request to do so.

Tenants/occupiers of the licensed premises must be given a minimum of 24 hours notice of the need for inspection by the Licence Holder or his representative.

8. The Licence Holder must ensure that waste carrier licences are placed where a contractor directly employed or employed by a third party working on behalf of the licence holder is used to remove waste from the property. The licence holder must have evidence of the carrier details available upon request of the Council.

9. The Licence Holder must take responsibility for waste and recycling, ensuring that there are adequate provisions inside the property to allow tenants to separate recycling.

10. The Licence Holder must ensure that there are sufficient external refuse and recycling containers available for tenants' use, ensuring that tenants/occupiers are given details in writing of the arrangements for the collection of refuse and bulky goods, throughout the tenancy and for specific periods like bank holidays and end of tenancies, and that the tenants/occupiers return the containers within the boundary of the property on the day of collection.

11. The Licence Holder must work with the Council to find solutions where tenants are not disposing of waste effectively.

12. The Licence Holder must ensure that any tenancy agreement used is written in plain English and must provide the Council with a copy within 30 days of a request to do so.

(Housing Act 2004 Part 2 Section 67 (2)(b))

13. The Licence Holder must have a written procedure in place to undertake reasonable steps to resolve complaints of nuisance, noise, or anti-social behaviour perpetrated by his or her tenant(s)/occupier(s) or visitor(s) to the licensed premises. The Licence Holder must keep on file and have available for the council upon request, evidence that tenants have been made aware of appropriate behaviour and the procedures that he or she will follow should such issues occur.

14. The Licence Holder must keep on file and have available for the council upon request, documented evidence of how he or she has followed his or her procedure relating to nuisance, noise, or anti-social where complaints have occurred

15. The Licence Holder must take reasonable steps to obtain references as to the character and behaviour of a prospective tenant/occupier from previous landlords and/or persons of standing in the community

16. The Licence Holder must act lawfully in requesting any advanced payments and in handling rents.

17. Where the Licence Holder demands a deposit he/she must provide the tenant/occupier with a statement of the terms of the tenancy deposit including:

- i. Details of the deposit required;
- ii. Details of what the deposit covers together with a written, agreed inventory signed by the tenants/occupiers;
- iii. Details of the arrangements and timescales for the return of the deposit.

18. Where the premises is alley gated the licence holder is responsible for providing the key to the tenant free of charge at the start of the tenancy.

19. The licence holder must provide the occupants of adjoining properties with direct contact details in case of an emergency or to enable them to inform the licence holder of problems affecting their properties.

20. The licence holder must provide a basic guide to new occupiers on the operation of the boiler, fire alarm, house alarm (if installed), heating system and extractor fans. The licence holder must also advise the occupiers on the location of the stopcock, fuse box and meters. Upon request by the Council the licence holder must provide written evidence of the information which has been provided to the occupiers.

Unsupported Temporary accommodation Conditions;

1. The licence holder may be required to attend training courses in relation to any applicable code of practice approved by the appropriate national authority. Where there is a lack of adequate day to day management of the house, the authority may require the licence holder to attend appropriate training
2. The licence Holder will engage with support services as and when required
3. The licence holder must notify the Council within 10 days of any death on the premises for B&Bs

Other Statutory and Legal Requirements

PLANNING PERMISSION - This 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. If the property is being used as a House in Multiple Occupation (HMO) this may constitute a breach of planning control and you should check the Council's website to ensure the correct planning permissions are in place. <https://www.manchester.gov.uk/planning>. This licence does not offer any protection against enforcement action taken by the Planning Department. If you are unclear on the matters outlined above you should seek professional planning advice.

N.B. If a Licence Holder is prosecuted for a breach of the Management Regulations this may also affect his/her status as a Fit and Proper person to hold the licence and the Council may revoke that licence.



Explanatory Notes

The Notice of Intention

The Notice of Intention to Grant a Licence is a legal document stating Manchester City Council's (the Council's) intention to grant a Mandatory HMO Licence for the property specified in the notice.

It is a legal requirement that the Council serve this notice on the licence applicant, and send a copy of it to certain persons connected to the property – these people are usually referred to legally as "relevant persons".

This notice informs of the intention to grant a licence and the conditions that the Council intends to place on the licensed property. The applicant and persons connected to the property have the right to comment on aspects of the Licence, this is referred to as giving representations.

Representations

Before the Council can grant a licence it must consider any representations made in accordance with the Notice of Intention to Grant a Licence. A representation is a formal statement made to an official body by a person expressing a point of view about some aspect of the Licence.

A representation to the Council should be made in writing to the Neighbourhood Services (see contact details at the foot of this document). However, in exceptional circumstances, the Council will accept an oral representation. Representations should be submitted before the end of the consultation period, which is stated on the notice.

If you, or any person connected to the property makes a representation the Neighbourhood Services will consider the issues raised and make a decision about whether any action needs to be taken. This action could include modifying some aspect of the Licence, e.g. the conditions attached, or investigating the matter further. The Council will always contact the applicant and all relevant persons to inform of the decision it has made. If you disagree with the decision the Council has made you have the right to appeal the decision with the residential property Tribunal.

The Licence

The Licence is a legal document that shows that the licence holder has been given permission to continue to operate a certain type of HMO, usually with certain conditions that the licence holder must meet.

The Licence relates only to the property specified in the licence. The Licence is usually valid for 5 years from the date of issue, however, the duration of the Licence is specified on the Licence document. The Licence may not be transferred to another person. If the owner/manager (or whoever acts as licence holder) changes while the Licence is in force, the Licence ceases to be in force and a new licence must be obtained.

Where a Mandatory HMO Licence application is made to the Council, it will either grant or refuse the Licence. In making this decision, the Council will consider, amongst other things:

- Whether the house is reasonably suitable for occupation by the proposed number of households or persons
- Whether the proposed licence holder is the most appropriate person to hold the Licence
- Whether he or she is a fit and proper person to be the licence holder
- Whether the proposed management arrangements for the property are satisfactory

Licence Conditions

Every licence must include certain statutory conditions, which are stated in Schedule 4 of the Housing Act 2004. There is also a set of general conditions that Manchester City Council has decided to apply to all licences. The Council also has the power to impose specific conditions on a licence if it considers them appropriate for regulating the management, use and occupation of the house concerned.

Conditions may relate to or include, amongst other things:

- Restrictions or prohibitions on the use or occupation of particular parts of the house
- Reasonable and practical steps for the prevention or reduction of anti-social behaviour
- Making facilities and equipment available in the property to meet prescribed standards and/or keep facilities and equipment in repair and proper working order
- That works are carried out within a particular timescale.

All conditions that are applied to licences are designed to demonstrate the minimum standard that must be met. The condition may specify a list of factors that should be achieved, some of which the licence holder may already comply with. It is the duty of the licence holder to read all conditions **entirely and carefully** and fulfil them completely. The council may impose time restrictions for compliance with certain conditions where appropriate. It is an offence to fail to comply with any condition on a licence. A civil penalty can be served of up to £30,000 per offence.

Variation and Revocation of Licence

The Council may vary or revoke the Licence with the consent of the licence holder or if the Council considers there has been a change of circumstances.

Offences

Offences in relation to licensing of HMO's can include:

- Having control of or managing a HMO which is required to be licensed but is not
- Knowingly allowing more than the maximum number of occupants stated in the Licence to reside in the premises
- Failing to comply with a condition of the Licence

It is an offence to supply false or misleading information to the Council (either directly or via another person) where it is known that the information is false or misleading, or the applicant or some other person has been reckless as to whether the information is false or misleading.

Advice

If you do not understand this notice or wish to know more about it, you should contact the Neighbourhood Services. If you want independent advice about your rights and obligations, you should go to a Citizen's Advice Bureau, Housing Aid Centre, Law Centre or contact a solicitor. Any statutory references in this document are references to the Housing Act 2004, which can be viewed on the Office of Public Sector Information website

Contact Details

Neighbourhoods Directorate
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E: HMOlicensingenquiry@manchester.gov.uk