MANCHESTER CITY COUNCIL

Manchester City Council
Housing Compliance & Enforcement Team
Hammerstone Road
Gorton
Manchester
M18 8EQ

Drake & Co Estate Agents Ltd (Darrell Kerr)
161a Dickenson Road
Manchester
M14 5HZ
United Kingdom

citywide.hst@manchester.gov.uk

06 June 2023

Dear Drake & Co Estate Agents Ltd (Darrell Kerr)

Licensing Of Houses In Multiple Occupation (Housing Act 2004 Part 2 Section 64)
Notice of Approval to Grant a Licence (Schedule 5 Part 1)

Re: 9, Derby Road
Manchester
M14 6UN

LICENCE REFERENCE: MAN-514583786674

I am now able to confirm that a licence has been granted under the above legislation for the above property. Enclosed are the licence documents.

Please read the entire notice and proposed Licence document carefully. The Licence includes conditions and standards that the proposed licence holder will be required to meet or maintain.

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. Manchester City Council will conduct a compliance inspection upon the property to ensure they are met.

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

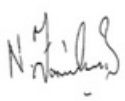
All person(s) associated with this licence are reminded that the conditions attached to this licence must be met. The licence holder and manager must not breach the conditions of the licence; doing so may result in penalties being imposed and legal action being taken. The property may be inspected by Council officers at any time and evidence that conditions are being adhered to can be requested.

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

It is an offence for a licence holder to fail to comply with any condition of a licence.

If you have any further queries please do not hesitate to contact me.

Yours sincerely,



Neil Fairlamb
Director of Neighbourhoods

MANCHESTER CITY COUNCIL

HOUSING ACT 2004 Part 2 and Schedule 5 (1)

Notice to Grant a Licence in Respect of a House in Multiple Occupation (HMO)

LICENCE REFERENCE: MAN-514583786674

9, Derby Road, Manchester, M14 6UN

[Licence Holder]

To: Michael Dunphy
Of: 59 Thornhill Road, Stockport, SK4 3HL

[Managing Agent]

To: Drake & Co Estate Agents Ltd (Darrell Kerr)
Of: 161a, Dickenson Road, Manchester, M14 5HZ

Manchester City Council, 'the Council' has approved an application for a licence for the house in multiple occupation known as 9, Derby Road, Manchester, M14 6UN "the house".

The decision to approve the licence was made on 06 June 2023

The Council is of the opinion that the following matters have been satisfied and these are the reasons for granting the licence:

- The house is reasonably suitable for occupation by not more than the maximum number of households or persons specified, or that it can be made so suitable by the imposition of conditions as detailed in the attached licence.
- The licence holder is the most appropriate person to be the licence holder of the house.
- The licence holder is a fit and proper person.
- The manager of the house is either the person having control of the house or a person who is an agent or employee of the person having control of the house.
- The manager of the house is a fit and proper person to be the manager of the house.
- The management arrangements for the house are otherwise satisfactory.

If you do not agree with the decision to approve the licence, or disagree with any of the terms of the licence, you may appeal to a Residential Property Tribunal (RPT) within 28 days beginning on the date on which the decision was made.

The granting of this HMO Licence is independent of any planning requirements of this Council. If there is no planning permission in place for use of this property as a HMO, the council planning department should be contacted on 0161 2344516 or via email: planning@manchester.gov.uk.

It is the licence holder's responsibility to ensure that they have read and understood the conditions attached to the licence.

Date
06 June 2023

Signature

Neil Fairlamb
Director of Neighbourhoods

Please contact the Property Licensing Team by e-mail to discuss your case further
citywide.hst@manchester.gov.uk

Notes

The Notice of Grant
The Notice of Grant a Licence is a legal document confirming Manchester City Council's (the Council's) decision 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 decision to grant a licence and the conditions that have been placed on the licensed property. The applicant and persons connected to the property have the right to appeal against a Notice of Grant of Licence, this is referred to as the right of appeal.

Right of Appeal against a Notice of Grant of Licence
If you do not agree with this notice you may appeal against it to the Residential Property Tribunal but you must do this within 28 days from the service on you of this notice.

The Residential Property Tribunal may allow an appeal after the end of the time period specified above if there are good reasons for the delay.

In addition to the applicant or any relevant persons right to appeal against a decision by the local housing authority on application to grant the licence, an appeal to grant the licence may in particular relate to any of the terms of the licence.

The right of appeal against the local authority decision to refuse to grant the licence does not apply where the applicant is not a fit and proper person, having been convicted of a banning order offence.

If you appeal, the Residential Property Tribunal may allow or dismiss your appeal. If the Tribunal allows your appeal, they may confirm, reverse or vary the decision of the local housing authority. The tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.

If you decide to appeal you will need to apply to the Residential Property Tribunal. The address is:- HM Courts & Tribunals Service, 1st Floor, Piccadilly Exchange, 2 Piccadilly Plaza, Manchester, M1 4AH; Telephone on 0161 237 9491; Fax number 01264 785128; website: www.justice.gov.uk; email: rpnorthern@justice.gov.uk; The Tribunal staff will advise you on how to word your appeal. You must submit two copies of this notice with your appeal, one of which will be sent to the Council by the 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. On conviction this carries a fine of up to £30,000.

Variation and Revocation of Licence
The Council may vary or revoke the Licence with the consent of the licence holder of 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

LICENCE REFERENCE: MAN-514583786674

MANCHESTER CITY COUNCIL

HMO PROPERTY LICENCE

Under Section 64 of the Housing Act 2004

I hereby certify that the House in Multiple Occupation situated at

9, Derby Road, Manchester, M14 6UN

has been licensed with Manchester City Council under the above legislation and is subject to the attached conditions.

Licence Holder:	Michael Dunphy
Managing Agent:	Drake & Co Estate Agents Ltd (Darrell Kerr)
Valid from:	24 April 2023
Expiry date:	23 April 2028
Occupation:	This property is licensed for a maximum of **8 people** living as **8 households** regardless of age

Date
06 June 2023

Signature

Neil Fairlamb
Director of Neighbourhoods

A copy of this licence must be displayed in a prominent and accessible position within the above property at all times. Please note: This licence is non-transferable, and does not guarantee that the property has been inspected and approved as being of an acceptable standard. If a licence holder, or a person on whom restrictions or obligations under a licence are imposed, fails to comply with any condition of the licence they may be committing an offence that is punishable in the Magistrates' Court by an unlimited fine, or a civil penalty up to £30,000. If you have any queries or complaints about the standard of the property please contact the Council.

Property Licence Conditions

Property Address: 9, Derby Road, Manchester, M14 6UN

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. Ensure that every electrical installation in the house is in proper working order and safe for continued use;

ii. Supply to Council, on demand, with a declaration by him as to the safety of such installations; (NB. “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.)

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 place 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.