

Appendix 3b Licence Conditions

Additional HMO Licence Conditions

PLEASE TAKE THE TIME TO READ THESE LICENCE CONDITIONS.

FAILURE TO COMPLY WITH THESE CONDITIONS IS A CRIMINAL OFFENCE

Note – Items described as ‘Not Used’ are conditions which are not applicable to this licence type and therefore have been removed.

Property Address: <<insert property address>>

Permitted Occupation

- 1A) The licence holder shall check and ensure the following applies for the licensed property,
- 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;
 - 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;
 - 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;
 - **that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.**
 - 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;
 - 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;
 - 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.

PLEASE NOTE: Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 meters is not to be taken into account in determining the floor area of that room.

- 1B) If any of the conditions imposed in paragraph 1A have been breached in relation to the HMO and the licence holder has not knowingly permitted the breach, the local housing

authority will notify the licence holder of the breach allowing a specified time period for you to take action to remedy the breach.

If action is not taken and the breach(es) remain after this notification period, the Council will take enforcement action against you, which may include serving a financial penalty notice (FPN) for up to £30k, Prosecution in Court and other enforcement action.

- 1) The Licence Holder must not allow a new resident to occupy the property or any part of the property if that occupation:
 - a) Exceeds the maximum permitted number of persons for the property as detailed in paragraph 1A (above) and in the schedule of permitted occupation below.
 - b) Exceeds the maximum permitted number of households for the property as detailed in paragraph 1A (above) and in the schedule of permitted occupation below.
 - c) Exceeds the maximum number of persons per room as detailed in paragraph 1A (above) and in the schedule of permitted occupation below.
 - d) Exceeds the maximum permitted number of persons for any letting as detailed in paragraph 1A (above) and in the schedule of permitted occupation below.A new resident means a person who was not an occupier of the property and/or the specific room at the date of the issue of the licence.

Occupancy and Maximum Permitted Person per Letting

2) Maximum numbers allowed in a dwelling and maximum numbers of persons per room.

An example of an occupancy schedule is reproduced below:

Letting	Location	Area (sq m)	Max permitted number per room
Bedroom 1	Ground floor	13.42	2
Bedroom 2	First floor	12.69	2
Bedroom 3	First floor	8.27	1
Bedroom 4	Second floor	5.32	1
Bedroom 5	Loft	4.01	0

TOTAL MAXIMUM PERMITTED NUMBER OF PERSONS FOR THE HOUSE - 6
(Determined by number of bedroom spaces)

TOTAL MAXIMUM PERMITTED NUMBER OF HOUSEHOLDS - 4

COMMENTS

Assessed as a multiple occupancy residence

Room '1' has sufficient space for two people aged over 10 years old.

Room '2' has sufficient space for two people aged over 10 years old.

Room '3' has sufficient space for one person aged over 10 years old.

Room '4' has sufficient space for one person aged under 10 years old.

Room '5' is undersized and should not be used as sleeping accommodation at the end of the existing tenancy.

There is a bathroom located: Ground Floor

There is a bathroom located: First Floor

There is a kitchen of 20 sqm located on the ground floor

Notification of Changes

- 3) The Licence Holder shall inform the Council's Property Licensing Team directly, in writing or by email, of the following within 28 days of the change occurring:
 - a) Any change in the ownership or management of the property.
 - b) Any change in address, email or telephone number for the licence holder and/or agent.
- 4) The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document by the Council's Property Licensing Team on the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to receive and act upon any letter, notice or other document sent to that address.
- 5) The Licence Holder must advise the Council's Property Licensing Team directly, in writing or by email, if they create or remove any rooms, bathrooms, WCs or kitchens in the property, at least 28 days before starting works.
- 5A) The Licence Holder must provide to the Council, in writing, if any room in the property has a floor area of less than 4.64 square metres. These details must be provided to the Council within 28 days on demand.

PLEASE NOTE: Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 meters is not to be taken into account in determining the floor area of that room

Tenancy Management

- 6) The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property, details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand.
- 7) **Not Used**
- 8) The Licence Holder shall not cause or permit any person who has previously applied for a property licence in respect of the property and has either:
 - (a) been found not to be a Fit and Proper person, or
 - (b) been made subject to a Banning Order under the Housing and Planning Act 2016 to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property.
- 9) A - The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property. No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references.

*(References should be as a minimum, checks to ensure the tenant's identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent and their past tenant history – **see 9 B below for further details**.)* The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.

B – In conjunction with 9 A above the Licence Holder shall carry out adequate checks prior to the tenancy commencing. These checks must incorporate a professional credit check, employment reference (where applicable) and previous landlord reference (where applicable). Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand.

10) **Not Used.**

11) The Licence Holder shall protect any deposit taken under an assured shorthold tenancy by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must comply with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Council within 28 days on demand.

12) The Licence Holder shall carry out a full property inventory at the commencement of each tenancy. A copy shall be provided to the tenant. A copy of the inventory must be provided to the Council within 28 days on demand.

13) The Licence Holder must provide to the Council, in writing, details of the tenancy management arrangements that have been, or are to be, made to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Evidence of these must be provided to the Council within 28 days on demand and amongst other things shall include the following:

- a) Notification of an emergency 24hr contact number (including out of hours response arrangements)
- b) Notification of arrangements for the disposal of rubbish and bulky waste
- c) Written records of property inspections for management and repair issues.

14) **Not Used.**

15) The Licence Holder shall ensure that inspections of the property are carried out at least every three (3) months to identify any problems relating to the condition and management of the property. The Council may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection

and issues found and action(s) taken. Copies of these must be provided to the Council within 28 days on demand. *Sample inspection template forms are available online at www.newham.gov.uk/propertylicensing.*

Responsibility for Anti-Social Behaviour (ASB)

16) The Licence Holder shall take prompt action to address problems of antisocial behaviour (ASB) resulting from the conduct of occupiers of, or visitors to, the property and must comply with the requirements of paragraphs (a) to (f) below (If the Licence Holder has an agent it is still the Licence Holder's responsibility to ensure their agent acts on their behalf in compliance of the conditions):

- a) If the Licence Holder receives a complaint from any person or organisation (including the Council) regarding ASB involving the occupiers of or visitors to the property, the Licence Holder must contact the occupiers within 14 days of receiving the complaint. The Licence Holder must inform the occupiers in writing of the allegations of the ASB and of the consequences of its continuation.
- b) If the Licence Holder is informed by the Council, Police or other organisation that any occupiers have entered into a Community Resolution; or have been issued with an Acceptable Behaviour Contract; or a civil injunction has been obtained against the occupiers; or if the occupiers have been prosecuted in relation to ASB, the Licence Holder must visit the property within 7 days of being notified.
- c) During the visit the Licence Holder must provide the occupiers with a warning letter advising them that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, and of the consequences of its continuation.
- d) Any letters, emails, legal notices or other documents relating to ASB, which are sent or received by the Licence Holder, or the agent on behalf of the Licence Holder, must be copied and kept for 5 years by the Licence Holder. Any correspondence, letters and records referred to in conditions 15(a) to (f) must be provided by the Licence Holder to the Council within 28 days on demand.
- e) Where the Licence Holder has reasonable grounds to suspect that the ASB involves criminal activity the Licence Holder shall ensure that the appropriate authorities are informed.
- f) The Licence Holder shall co-operate with the Police and Council in resolving ASB in any licensed property under their control. Such co-operation includes attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Council when requested.

Property Management and Safety

- 17) The Licence Holder shall ensure that, if they are informed, in writing, by email or other form or communication, a complaint of disrepair or pest infestation in the property from the occupiers or the Council, they take action to remedy the disrepair and/or infestation. The Licence Holder shall respond in writing to any such complaint, within 14 days, stating what action they have or are taking.
- 18) Copies of any such written complaint (including by email) and the Licence Holder's response referred to in condition 20 must be provided by the Licence Holder to the Council within 28 days on demand.
- 19) The Licence Holder shall ensure that any repairs, improvement works or treatments at the property are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Council within 28 days upon demand.
- 20) If gas is supplied at the property, the Licence Holder shall take all reasonably practicable steps to ensure that all gas installations and appliances are in a safe condition. The Licence Holder must keep a current valid gas safety certificate obtained within the last 12 months by a Gas Safe registered Engineer or, if the boiler was installed less than 12 months ago, a Gas Safe Installation Certificate. A copy must be provided to the Council within 28 days on demand. Copies of this certificate must also be provided to all occupiers at the start of their occupation.
- 21) The Licence Holder shall take all reasonably practicable steps to ensure that all electrical appliances provided at the property are in a safe condition. The Licence Holder must obtain an electrical appliance test report in respect of all electrical appliances that are provided by the landlord and provide a copy to the Council within 28 days of demand.
- 22) The Licence Holder shall take all reasonably practicable steps to ensure that the electrical installation at the property is in a safe condition. The Licence Holder must obtain a 'satisfactory' electrical installation condition report (EICR) for the property and provide a copy to the Council within 28 days of demand. The EICR must be produced by a competent person who is appropriately qualified to prepare this report. If the person issuing the EICR is not properly registered with the Electrical Contractors Association (ECA), National Inspection Council for Electrical Installation Contracting (NICEIC), ELECSA, NAPIT or Registered Competent Person Scheme (www.electricalcompetentperson.co.uk), the Licence Holder must also provide written evidence that the electrician has the necessary qualification/s, skills and experience to issue the condition report within 28 days of demand. *(PLEASE NOTE: The Council will not contact the electrician on your behalf).*
- 23) The Licence Holder must give new occupiers of the property within 7 days of the start of their occupation, the following information on Waste and Recycling, in writing:

- The collection days for the refuse and recycling bins for the property (see <https://my.newham.gov.uk/Maps/>)
- Details on what they can and can't recycle (www.newham.gov.uk/Recycling)
- How they can dispose of bulky waste. (www.newham.gov.uk/bulkywaste)
- General waste guidance from the Council's website: www.newham.gov.uk/wasteguidance.) A copy of the information provided to the occupiers must be kept for 5 years and provided to the Council within 28 days on demand.

24)The Licence Holder must provide the tenants with adequate facilities for the disposal of refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.

25)The Licence Holder shall carry out regular checks and ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling; and that waste such as old furniture, bedding, rubbish or refuse from the property is not left outside the property or in its vicinity.

26)The Licence Holder must not leave old furniture, bedding, rubbish or refuse from the property on the immediately outside the property or private land.

27)The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner.

28)If the Licence Holder becomes aware that the occupiers of the property or their visitors are not using the waste disposal facilities provided and/or leaving waste outside the property or in its vicinity (for example old furniture, mattresses), they must write a warning letter to the occupiers within 7 days advising them to remove the items immediately. A copy must be kept and must be provided to the Council within 28 days on demand.

29)The Licence Holder shall carry out regular checks and ensure that the property is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the property they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Council within 28 days on demand.

Fire Safety

30)The Licence Holder shall ensure that a smoke alarm is installed on each storey of the property on which there is a room used wholly or partly as living accommodation. (A bathroom or lavatory is to be treated as a room used as living accommodation).

- 31)The Licence Holder shall ensure each smoke alarm installed in the property shall be kept in proper working order and shall submit to the Council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.
- 32)The Licence Holder shall ensure that a carbon monoxide alarm is installed in any room in the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. ("Room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.)
- 33)The Licence Holder shall ensure each any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.
- 34)The Licence Holder must submit to the Council, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.
- 35)The Licence Holder shall carry out a fire risk assessment in accordance with The Regulatory Reform (Fire Safety) Order 2005 and take action to minimise the risk of fire in accordance with the assessment. The Licence Holder shall ensure that any fire fighting equipment and fire alarm at the property are maintained in good working order. The Licence Holder must provide to the Council, within 28 days on demand, a copy of the fire risk assessment, all periodical inspection reports and test certificates for any automatic fire alarm system, emergency lighting and fire fighting equipment provided in the property.
(INSERT LACORS)
- 36)The Licence Holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the Council within 28 days on demand.

Please Note: Compliance with these conditions does not automatically mean your property is free from the hazard of fire. Subsequent enforcement action may have to be taken to reduce the hazard. More information can be found here: www.newham.gov.uk/propertylicensing

Financial Management

37)Not Used

- 38)When rent or licence fees are collected or received from the occupiers, a written rent receipt must be given to the occupiers, within 7 days of receiving the rent. *(This can be an email or written invoice confirming to the tenant, the date and amount paid.)* Copies of the rent receipts and records must be provided to the Council within 28 days on demand.

Documents to be displayed

- 39)The Licence Holder shall display notices in the common parts with the following information,

- Name, Address and Emergency Contact number of the Licence Holder or managing agent; AND
- a notice specifying the occupancy limits as stated in this licence. (*You may wish to display a copy of the relevant pages of this licence*)

General Conditions

40)The Licence Holder must arrange for access, to be granted to Council officers when requested, at any reasonable time. They must not impede Council officers in carrying out their statutory duties including inspecting, surveying and investigating the property to ensure compliance with licence conditions and any other relevant legislation.

41)The Licence Holder shall provide the Council, within 28 days of receiving a written notice, with such of the following particulars as may be specified in the notice with respect to the occupancy of the property:

- a) The names and numbers of individuals and households in occupation specifying the rooms they occupy within the property.
- b) The names and number of individuals in each household.

42)The Licence Holder shall ensure that if any alteration or construction works are in progress, works are carried out at the property are carried out in such a manner as to ensure the safety of all persons occupying or visiting the property in compliance with Health and Safety legislation.

43)The Licence Holder shall ensure that on completion of any works, the property is left in a clean and tidy condition and free from builders' debris.

Limitations of Licence

LICENCE TRANSFER - This licence can **NOT** be transferred to another person or organisation or property.

COMPANIES AND PARTNERSHIPS - If the Licence Holder is a company or partnership and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

WARNING

PENALTY FOR BREACH OF LICENCE CONDITIONS- Failure to comply with any of the above licence conditions may result in enforcement action and/or prosecution.

The fine for a breach of these licence conditions is now UNLIMITED for each offence.

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. www.newham.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.

BUILDING CONTROL- This licence does **NOT** grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise. This licence does not offer any protection or excuse against enforcement action taken by the Building Control (Development Control) Department.

PROPERTY CONDITION - This licence is **NOT** evidence that the property is safe or free from hazards and defects. The licence does not offer any protection against criminal or civil legal action being taken against the Licence Holder, or anyone else with an interest in the property, in respect of any hazards, nuisances or any other problems discovered in relation to the condition of the property.

CONSUMER RIGHTS & UNFAIR PRACTICES - The Licence Holder's attention is drawn to Office of Fair Trading's (OFT) guidance on unfair contracts in relation to their tenancies or licences. The Licence Holder must negotiate its agreements in good faith and must not carry out misleading or aggressive commercial practices. Full information should be supplied to any prospective occupier including details of this licence. Further advice can be found here: <https://www.gov.uk/government/publications/unfair-contract-terms-cma37> and <https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>.

It is not the responsibility of the Council's Property Licensing Team to ensure the Licence Holder has complied with the above statutory requirements. If you are unclear on any of the matters outlined above, you should seek professional advice.

PROSECUTION/ CONTRAVENTIONS CONSEQUENCES - Please note that any prosecutions or enforcement action or legal action taken against the licence holder or anyone associated with licence holder, or the management of the property, may affect the licence holder's 'fit and proper' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.