



Havering
LONDON BOROUGH

Appendix 4:

Additional Licensing Conditions

This Appendix contains the conditions that would form part of an additional HMO property licence.

Some of the conditions are mandatory; and the Housing Act 2004 requires the council to insert them.

The 2004 Act also gives the council discretion to insert further conditions, for example to control occupancy, to help reduce anti-social behaviour, to safeguard the health and safety of occupants and to ensure good management practices.

FAILURE TO COMPLY WITH LICENCE CONDITIONS IS A CRIMINAL OFFENCE

Permitted Occupation

- 1) The licence holder must not allow a new resident to occupy the house or any part of it if, by doing so, the number of persons or households occupying the house would:
 - a) exceed the maximum number of persons permitted to occupy the house, as detailed in the schedule of permitted occupation below;
 - b) exceed the maximum number of households permitted to occupy the house, as detailed in the schedule of permitted occupation below;
 - c) exceed the maximum number of persons for any letting, as detailed in the schedule of permitted occupation below.

A new resident means a person, who was not an occupier of the house and/or the specific room at the date on which the licence was issued.

Occupancy and Maximum Permitted Person per Letting

- 2) This condition will detail the maximum number of persons or households allowed in a dwelling; and/or the maximum number of persons allowed in each room.

Notification of Changes

- 3) The licence holder must inform the council of the following directly, in writing or by email, within 28 days of the change occurring:
 - a) any change in the ownership or management of the property;
 - b) any change in the address, email or telephone number of the licence holder and/or agent;

- 4) The licence holder must, at least 28 days before starting any work, inform the council directly, in writing or by email, of any change to the construction, layout or amenity provision of the house that would affect the licence or licence conditions.

Tenancy Management

- 5) The licence holder must: (a) supply the occupiers of the property with a written statement of the terms on which they occupy it and details of the arrangements made to deal with repair issues and emergency issues; and (b) provide the council with a copy of the said terms within 28 days of any request to inspect them.
- 6) The licence holder must ensure that: (a) only he/she or the agent listed on this licence creates new tenancies or licences to occupy the property whilst this licence is in force; and (b) provides the council with a copy of the terms of any new tenancies and licences within 28 days of any request to inspect them.
- 7) The licence holder must not cause or permit any person, who has previously applied for a property licence in respect of the premises 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 control or manage the premises, or to carry out or arrange any repair, improvement or other building works at the property.
- 8) The licence holder must:
 - (a) obtain references from any person who wishes to occupy the property, wherever possible, before entering into any tenancy, licence or other agreement enabling them to do so;
 - (b) not enter into any such agreement if the person is unable to provide suitable references unless there are exceptional circumstances for doing so
 - (c) retain copies of all references for the duration of this licence and
 - (d) provide the council with a copy of any such reference or references within 28 days of any request to inspect it or them

- 9) The licence holder must provide the council, within 7 days of any demand to inspect them, with written details of the arrangements made, or to be made, to:
- (i) prevent or reduce anti-social behaviour by persons occupying or visiting the property;
 - (ii) ensure the effective management of the property; and
 - (iii) ensure that the said arrangements include the provision of an emergency, 24hr contact number (including out-of-hours response arrangements);
- 10) The licence holder must ensure that an inspection of the property takes place at least every three (3) months to identify any problems relating to the condition and management of the property, or the behaviour of its occupants. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must identify: who carried out the inspection; the date and time of the inspection; and any issues found and action(s) taken. The licence holder must provide the council with a copy of these records within 28 days of any request to inspect them. The council may increase the frequency of the inspections required under this condition upon written notice to the licence holder.
- 11) The licence holder must:
- (i) not ignore or fail to take action to address any anti-social behaviour (ASB) on the part of the property's occupiers, or visitors to the property; and must
 - (ii) comply with the requirements of paragraphs (a) to (h) below.
- a) If the licence holder receives a complaint from any person or organisation (including the London Borough of Havering) regarding anti-social behaviour involving the occupiers of, or visitors to the property, the licence holder must contact the relevant occupier within 14 days of receiving the complaint. The licence holder must inform the occupier in writing about the allegations of anti-social behaviour and the consequences of it continuing.
 - b) If the licence holder is informed by the council, police or other organisation that any occupier or occupiers have entered into a Community Resolution, or an Acceptable Behaviour Contract, or that court proceedings for a civil injunction have been issued against the occupier or occupiers, or that the occupier or occupiers have been prosecuted in the criminal courts for acts associated with ASB, the licence holder must visit the property within 7 days of being so informed.

- c) During the visit the licence holder must provide the occupier or occupiers with a warning letter explaining (amongst any other matters): why their behaviour is not acceptable; that they are responsible for the conduct of their visitors; the impact on any victims or the local community; and the consequences of the behaviour continuing.
- d) The licence holder must keep any letters, emails, legal notices or other documents relating to anti-social behaviour that are sent or received by the licence holder, or the agent on behalf of the licence holder, for a period of 5 years.
- e) Where the licence holder has reasonable grounds to suspect that the anti-social behaviour involves criminal activity, the licence holder must ensure that the appropriate authorities are informed.
- f) The licence holder must co-operate with the police and local authority in any efforts they make to resolve problems of ASB at or in the property, or by the occupants of or visitors to the property. For example, the licence holder (or a person or agent instructed by them) should attend any case conferences or multi-agency meetings at which the problems are considered; and provide the police or local authority with information when requested.
- g) The licence holder must provide the council with a copy of any correspondence, letters and records referred to in conditions 11(a) to (f) within 28 days of any request to inspect them.

Conditions 12-16 will only apply in cases where a short term (12 month) licence is to be issued (landlords of concern)

- 12) The licence holder must, within 6 months of the date on which this licence is issued, if he or she has not already done so in the 5 years immediately before the licence is issued, attend training (to be specified in this condition) and become an Accredited Landlord unless they have appointed a regulated letting agent to manage the property on their behalf.
- 13) If the licence holder is required by a condition of the licence to attend training and accreditation with the London Landlord Accreditation Scheme (LLAS) or an equivalent, professionally-recognised organisation listed in condition 14, the licence holder must do this by:
 - a) booking and completing the LLAS one-day training course or equivalent, professionally-recognised training course; and
 - b) agreeing to comply with the UK Landlord Accreditation Partnership's Code of Conduct, or the equivalent, professionally-recognised code

To book the course and for more information about the requirements in conditions 16b and c above, visit www.londonlandlords.org.uk or call 020 7974 6975.

- 14) The other equivalent, professionally-recognised qualifications may be acquired by, as the case requires:
- attending and passing the NLA Foundation Course run by the National Landlords Association (www.landlords.org.uk);
 - becoming an Accredited RLAAS Landlord through the RLA Accreditation Scheme run by the Residential Landlords Association (www.rla.org.uk);
 - becoming a member of the Association of Residential Letting Agents (ARLA) (www.arla.co.uk);
 - completing the Foundation Letting Course (England) run by the National Approved Letting Scheme (NALS) (www.nalscheme.co.uk/);
 - attending and passing the Accreditation Day Seminar of the Midland Accreditation Scheme (MLAS) (www.mlas.org.uk/).
- 15) The licence holder must remain an accredited Landlord with LLAS or registered with the equivalent, professionally-recognised scheme for the duration of this licence.
- 16) The licence holder must: (a) keep the accreditation certificate or documents issued by LLAS or the equivalent, professionally-recognised scheme for the duration of the licence; and must (b) provide the council with a copy within 28 days of any request to inspect them.

Property management

- 17) The licence holder must, if informed (in writing, by email or other form or communication) about disrepair or a pest infestation in the property:
- (a) take such action as is necessary to remedy the disrepair and/or infestation;
 - (b) respond to the complaint in writing within 14 days of receiving it; and
 - (c) provide the council with a copy of any complaint and related correspondence and records within 28 days of any request to inspect them.

- 18) If gas is supplied to the property, the licence holder must take all reasonable, practicable steps to ensure that all gas installations and appliances in and serving the property are in a safe condition. The licence holder must have a current, valid gas safety certificate issued by a Gas Safe registered engineer. Alternatively, if the boiler was installed less than 12 months previously, the licence holder must have a Gas Safe Installation Certificate. The licence holder must provide the council with a copy of any such certificate or certificates within 28 days of any request to inspect them.
- 19) The licence holder must take all reasonable, practicable steps to ensure that all electrical appliances in the property are in a safe condition. The licence holder must provide the council with an electrical appliance test report in respect of all electrical appliances supplied by the landlord within 28 days of any request to inspect it.
- 20) The licence holder must take all reasonable, practicable steps to ensure that electrical installations in the property are in a safe condition. The licence holder must provide the council with an unexpired 'satisfactory' electrical installation condition report (EICR) for the property within 28 days of any request to inspect it. (Note: The licence holder must ensure the EICR is supplied by a competent person, who is appropriately qualified to issue 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. The licence holder must provide the council with any such evidence within 28 days of any request for it.
- 21) The Licence Holder must give new occupants, in writing and within 7 days of the start of their occupation, the following information on refuse disposal and recycling:
- the days on which the property's refuse and recycling bags are collected;
 - details about what occupants can and cannot recycle;
 - formal arrangements for how the occupants can disposal of rubbish and bulky waste; and
 - refer them to the council's website for general guidance about waste,
- The licence holder must keep a copy of the information provided to the occupants for a period of 5 years beginning with the commencement of their occupation and must provide the council with a copy of the same within 28 days of any request to inspect it.

- 22) The licence holder must make adequate arrangements for occupants of the property to dispose hygienically of refuse and recycling, without causing a nuisance to local residents or others. The licence holder must ensure that there are suitable receptacles in and at the property for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.
- 23) The licence holder must carry out regular checks to ensure that the common parts, gardens and yards at the property are kept free from waste, which could provide harbourage for pests and/or may be a nuisance and/or may be detrimental to the local amenities (other than waste stored in suitable receptacles for the storage of household refuse and recycling).
- 24) The licence holder must not discard old furniture, bedding, rubbish or refuse from the property on the public highway or pavement immediately outside the property or on private land, other than for the purpose of presenting it for an arranged collection. The Licence holder should also ensure that occupiers of the property are made aware of and observe any refuse or bulky waste collection arrangements that exist
- 25) The licence holder must ensure that any type of rubbish from the premises that the council does not routinely collect, such as hazardous waste, is collected and/or disposed of in a safe and hygienic manner.
- 26) If he or she becomes aware that the visitor of an occupant or occupants is dumping or leaving old furniture, bedding, rubbish or other refuse from the property on the public highway or private land, the licence holder must, in writing and within 14 days of becoming so aware, warn the occupant about the conduct of the visitor and require the occupant to remove the items immediately. The licence holder must provide the council with copies of any such correspondence within 28 days of any request to inspect it.
- 27) The licence holder must carry out regular checks and ensure that the property is kept free from pest infestation. If the licence holder becomes aware of a pest infestation or other pest problem at the property, he or she must, within 7 days of becoming so aware, take such steps as are necessary to ensure that a programme of treatment is undertaken to eradicate the infestation or problem. The licence holder must keep records of any such programme and provide the council with a copy of the same within 28 days of any request to inspect it.
- 28) The licence holder must take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity to include the carrying out of a fire risk assessment for

the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005.

In particular the licence holder must:

- (i) ensure that smoke alarms are installed on each storey of the property where there is a room used wholly or partly as living accommodation, in accordance with the LACORS housing fire safety guidance,
- (ii) ensure that each smoke alarm installed in any room, hallway, landing, bathroom or lavatory in the property is kept in proper working order; and
- (iii) provide the council, within 28 days of any request to inspect the same, with a declaration by him as to the condition and positioning of any such smoke alarms.

A copy of the LACORS housing fire safety guidance can be accessed online and downloaded free of charge at:

http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf

Note: properties will be assessed on a case by case basis upon inspection and may require a standard over and above the minimum.

29) The licence holder must:

- (i) 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. (For this purpose, 'room' includes halls and landings; and kitchens, bathrooms and lavatories are treated as living accommodation); and
- (ii) ensure that each carbon monoxide alarm installed in any room in the property is kept in proper working order; and
- (iii) provide the council, within 28 days of any request to inspect the same, with a declaration by him as to the condition and positioning of any such carbon monoxide alarms.

30) The licence holder must ensure that any firefighting equipment and fire alarm equipment is maintained in good working order. The licence holder must provide the council, within 28 days of any request to inspect the same, with a copy of all periodical inspection reports and test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment in the property.

- 31) The licence holder must ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and the fillings of cushions and pillows must comply with current fire safety legislation. The licence holder must provide the council with a declaration as to the safety of such furniture within 28 days of any request for the same.

Documents to be displayed

- 32) The licence holder must display a copy of the licence to which these conditions apply in the common parts of the property. Further, the licence holder must provide all occupiers with a copy of the licence before they commence occupation.
- 33) The licence holder must display a notice in the common parts of the property with the name, address and emergency contact number of the licence holder or managing agent. Further, the licence holder must provide all occupiers with a copy of the same information before they commence occupation.
- 34) The licence holder must display a copy of the current gas safety certificate in the common parts of the property. Further, the licence holder must provide all occupiers with a copy of the said certificate before they commence occupation.

Financial Management

- 35) No person other than the licence holder or the agent named on the licence may collect and receive rental monies from the occupants of the property. The licence holder and/or agent may pass on the rental monies to any third parties as required.
- 36) Where rents are collected or received from occupants, the licence holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

- 37) With the exception of properties that have been converted into self-contained units that have been separately banded for council tax purposes, management of the council tax account for the property shall remain the liability of the licence holder and, if requested, the licence holder must, within 28 days, provide the council with written details of the arrangements made to pay and settle the annual council tax liability in respect of the property.

General Conditions

- 38) The licence holder must ensure that suitable arrangements are in place to enable the council to access the property at any reasonable time of the day, upon reasonable notice, and must not obstruct Council officers in the performance of their statutory duties, including surveying the property to ensure compliance with licence conditions and relevant legislation.
- 39) The licence holder must provide the council, within 28 days of any request for the same, with such particulars as may be specified in the notice concerning the occupation of the house, including without limitation:
- a) the names and numbers of individuals and households in the property, and the rooms they occupy; and
 - b) the number of individuals in each household.

Limitations of Licence

- 40) **LICENCE TRANSFER** This licence is not transferable and may NOT be transferred to another person, organisation or property.
- 41) **REGISTERED COMPANIES** If the licence holder is a registered company and is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.
- 42) **PLANNING PERMISSIONS** 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.

You must ensure that, if necessary, the correct planning permissions are given to use the property as a House in Multiple Occupation (HMO). Failure to do so may be a breach of planning control.

This licence does not offer any protection against or excuse for enforcement action taken by the Planning Department. If you are unclear about the matters outlined above, you should seek professional planning advice.

- 43) **BUILDING CONTROL** This licence does NOT grant any Building Regulations approvals, certification, consent or permissions, retrospectively or otherwise. This licence does not offer any protection against or excuse for enforcement action taken by the Building Control Department
- 44) **PROPERTY CONDITION** This licence is NOT proof that the property is safe and free from hazards and defects. The licence does not prevent legal action being taken against the licence holder, or anyone else with an interest in the property, in the criminal and/or civil courts if any hazards or nuisances are found, or any other problems discovered in relation to the condition of the property.

It is not the responsibility of the London Borough of Havering Property Licensing Team to ensure the property is compliant with the above limitations.

- 45) **PROSECUTION/ CONTRAVENTIONS CONSEQUENCES** Please note that any prosecution 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 status as a 'fit and proper' person to hold a licence. The council can revoke or vary the licence at any time, giving proper statutory notice.
- 46) **CONSUMER RIGHTS & UNFAIR PRACTICES** The licence holder must ensure that any tenancy agreement he or she uses is free from unfair terms and complies with all legal requirements under consumer law, including the Consumer Rights Act 2015. Licence holders should carefully read the Competition and Markets Authority (CMA) 'Unfair Contract Terms Guidance' (CMA37) and follow this guidance when conducting their business, drawing up tenancies, contracts, or serving notices on tenants and/or agents.

It is also recommended that licence holders refer to the 'Guidance on Unfair Terms in Tenancy Agreements' (OFT356) which, though not up to date in terms of legal developments since publication in 2005, remains a useful guide to type of tenancy terms that are potentially 'unfair'.

The licence holder must act in good faith at all times and must not take any action, or omit to do anything, which might be considered a 'misleading action' or a 'misleading omission', as defined by the Consumer Protection from Unfair Trading Regulations 2008. The licence holder must provide prospective tenants with information about the same, including the details of this licence.

Licence holders must ensure that all goods supplied as part of a letting of furnished, residential accommodation are safe, including gas and electrical installations and appliances.

Further advice on all the above requirements can be found at:

- <https://www.gov.uk/government/publications/unfair-contract-terms-cma37>
- <https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>.
- <https://www.businesscompanion.info/en/quick-guides/good-practice/consumer-protection-from-unfair-trading>
- <https://www.businesscompanion.info/en/quick-guides/product-safety/goods-in-rented-accommodation>

PENALTY FOR BREACH OF LICENCE CONDITIONS

Failure to comply with any of the above licence conditions may result in enforcement action, as described above, and/or prosecution.

The fine for a breach of licence condition is UNLIMITED for each offence