

Property Licence Conditions



Property Address:

This document contains standard conditions for all properties licensed under an HMO licensing scheme (part 2 of Housing Act 2004).

Please note: *Each licence is unique and so some conditions may be removed, or new ones added depending on the specific circumstances of the property. Further conditions may have to be amended, removed or added due to changes in law, legislative requirements.*

IMPORTANT INFORMATION

Limitations of the 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.

LICENCE HOLDER RESPONSIBILITY- Please note, the legal responsibility for compliance with the conditions of this licence remains with the Licence Holder, even if there is an agent or other entity involved with the management or other involvement of the property. If the property is sold, then the licence holder should arrange for the licence to be revoked and any new owner should make a new application for a licence.

Other Statutory and Legal Requirements

PLANNING PERMISSION and BUILDING CONTROL - This licence does **NOT** grant any planning approvals, Building Control (Development Control) consents or permissions under the Town and Country Planning Act 1990, Building Act 1984 or any related Planning or Building Control (Development Control) legislation, retrospectively or otherwise.

If the property is being used as a House in Multiple Occupation (HMO) without the correct planning consent this may constitute a breach of planning control and you should check to ensure the correct planning permissions are in place. We may also reduce the term of the licence whilst you seek the correct permissions.

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 advice. You can find out more here.

<https://www.rbkc.gov.uk/planning-and-building-control/planning-and-building-control>

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, management or other matters.

LICENCE HOLDER CONTACT INFORMATION - The address of the Licence Holder given on the application form shall be used as the address for the proper service of any letter, notice or other document by the Council 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, email, notice or other document sent to that address.

Penalties for Non-Compliance.

Failure to comply with any licence condition without a reasonable excuse may result in a civil penalty of up to £30,000 or prosecution, leading to criminal conviction and an unlimited fine and other penalties as stated in the Private Sector Housing Enforcement Strategy.

Please note that any prosecutions, enforcement, or legal action taken against the Licence Holder, manager or anyone they are associated with, may affect their 'fit and proper person' status which could lead to the revocation of HMO licences at this or other properties.

The Council will normally seek to publish any prosecutions, enforcement, or legal action in the press and within publicly accessible and governmental intelligence databases. It may also result in an order banning a person from operating as a landlord within England.

1. Permitted Occupation:

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 the schedule of permitted occupation below.
- b) Exceeds the maximum permitted number of households for the property as detailed in the schedule of permitted occupation below.
- c) Exceeds the maximum number of persons per room as detailed in the schedule of permitted occupation below.
- d) Exceeds the maximum permitted 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 property and/or the specific room at the date of the issue of the licence.

Justification for determining levels of occupation:

The maximum number of occupiers has been determined with reference to the Council's standards for houses in multiple occupation, taking account of the room sizes, the amenities provided, and the facilities present. (See Appendix 1 at the end of this document for more information about how occupancy limits are determined).

If any of the lettings listed above have been rated for zero maximum occupiers, then at the end of the existing tenancy that accommodation must not be occupied or used for sleeping accommodation

Permitted Occupancy - Statutory Minimum*

The Licence Holder shall check and ensure that;

- a) 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.
- b) 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;
- c) 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;
 - d) any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
 - e) 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;
 - f) 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;
 - g) 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.

**See Appendix 1 for more information about the Council's space standards and the statutory minimum space standards.*

2. The Licence Holder must inform 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 by email to HMOLicensing@rbkc.gov.uk within 21 days of request being made by the Council.
3. If any of the conditions imposed in Condition 1, above, have been breached in relation to the HMO and the licence holder has not knowingly permitted the breach, the Council will notify the licence holder of the breach allowing a specified time period to remedy the breach.

If action is not taken and the breach(es) remain after this notification period, the Council may take enforcement action.

4. Gas Safety

If gas is supplied to the house, the licence holder shall ensure that all gas installations and appliances are maintained in a safe condition at all times.

The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This certificate must be emailed to the Council at HMOLicensing@rbkc.gov.uk within 14 days of a request being made by the Council. A copy of the certificate must be provided to each tenant/occupier at the start of their Occupancy.

All work on gas appliances or installations must be carried out by Gas Safe certified operatives.

5. Furniture Safety

The Licence Holder shall:

- a) keep furniture made available by him in the house in a safe condition. All upholstered furniture made available in the property should comply with current fire safety legislation.
- b) email to the Council at HMOLicensing@rbkc.gov.uk, a declaration by him as to the safety of furniture within 14 days of a request being made by the Council.

6. Electrical Appliances

The Licence Holder shall:

- a) keep all electrical appliances made available by him in the house in a safe condition.
- b) email to the Council at HMOLicensing@rbkc.gov.uk, a declaration by him as to the safety of such appliances within 14 days of a request being made by the Council.

7. Electrical Installations

The licence Holder shall:

- a) ensure that every electrical installation in the house is in proper working order and safe for continued use; and
- b) hold a current and valid Electrical Installation Condition Report (EICR) obtained within the last 5 years for every electrical installation in the house; and
- c) within 14 days of a request from the Council, email to HMOLicensing@rbkc.gov.uk a copy of every EICR obtained in respect of the house within the last 5 years.

The EICR must cover 100 per cent live testing of all circuits and accessories. Accessories include but are not limited to sockets, light fittings etc. All electrical wiring must be safe and tested under the current edition of the Institution of Engineering Technology Wiring Regulations BS 7671 (as amended).

This must be undertaken by a qualified and competent electrician who is registered with a trade body accredited by the United Kingdom Accreditation Service (UKAS) such as NAPIT, NICEIC or ECA.

Note: A copy of the EICR must also be provided to the tenants at the start of their tenancy.

8. Carbon Monoxide Alarms

The Licence Holder is required to;

- a) ensure that a carbon monoxide alarm is installed in any room in the house which is used as living accommodation and contains a fixed combustion appliance (excluding gas cookers); and
- b) keep any such alarm in proper working order; and
- c) send by email to the Council at HMOLicensing@rbkc.gov.uk, a declaration by him as to the condition and positioning of any such alarm within 14 days of request being made by the Council.

Note: a room is classed as 'living accommodation' if it is used for the primary purposes of living or is a room in which a person spends a significant amount of time. A bathroom or lavatory is to be treated as a room used as living accommodation.

9. Tenancy Management

The Licence Holder shall

- a) supply to the occupiers of the house a written statement of the terms on which the tenants occupy it, details of the arrangements in place to deal with repairs

- and emergencies and a copy of this licence and its conditions.
- b) Send by email to the Council at HMOlicensing@rbkc.gov.uk, copies of the written statements of the terms on which the tenants occupy within 14 days of request being made by the Council.

10. Waste Management

The Licence Holder must provide the following information on Waste and Recycling in writing to new occupiers of the property within 7 days of the start of their occupation:

- a) The collection days for the refuse and recycling bins for the property. More details can be found here: <https://www.rbkc.gov.uk/bincollections/default.aspx>
- b) Details of items that can and cannot be recycled. More details information can be found here: <https://www.rbkc.gov.uk/bins-and-recycling/rubbish-and-recycling/recycling/about-recycling>
- c) How to dispose of bulky waste. More details can be found here: <https://www.rbkc.gov.uk/bins-and-recycling/rubbish-and-recycling/bulky-household-waste-collections>

11. General Fire Precautions

The licence holder must take general fire precautions to ensure, so far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity to include (where common parts exist) 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.

12. Fire Safety/Smoke Alarms

The licence holder shall ensure the following are installed in the premises and are maintained in good condition and proper working order:

- a) An adequate fire alarm system.
- b) An adequate emergency lighting system.
- c) An adequate number of smoke detectors/alarms/sounders, including at least one smoke alarm [or smoke detector] on each storey of the house on which there is a room used as living accommodation (living accommodation here includes bathroom or WC).
- d) Suitable and sufficient fire-fighting equipment, including fire extinguishers, fire blankets, and other equipment considered necessary.
- e) An adequate number of Notices detailing procedures in the event of fire.

The licence holder shall email copies of the annual inspection and test certificates for automatic fire alarm systems and emergency lighting to the Council annually, starting 12 months from the date the licence is granted. Copies of such certificates must also be emailed to the Council at HMOlicensing@rbkc.gov.uk, within 14 days of a request being made.

It shall be the responsibility of the licence holder to ensure sufficient instructions are given to the residents of the licensed property regarding the procedures to be followed in the event of a fire.

The licence holder shall ensure that the supply of electricity to any automatic fire detection and/or emergency lighting system is in the landlord's name and these

supplies are not disconnected or threatened with disconnection through non-payment of monies owed to the relevant statutory undertaker.

Please Note: Compliance with this condition does not automatically mean that your property is free from fire hazards. If the Council finds such hazards upon inspection, it may take enforcement action to ensure that the property is made safe.

13. Pests

- a) Where the Licence Holder becomes aware of a pest problem or infestation at the licensed property they shall, within 7 days, take steps to ensure that a suitable treatment programme is carried out to eradicate the pest infestation.
- b) Records shall be kept of such treatment programmes and copies of these must be emailed to the Council at HMOLicensing@rbkc.gov.uk within 14 days of a request being made.

14. Notifying the Council of Changes

The Licence Holder shall inform the Council's Private Sector Housing Team directly, in writing or by email to HMOLicensing@rbkc.gov.uk, of the following within 21 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.

15. Alterations to construction, layout or amenity provision

The Licence Holder must advise the Council's Private Sector Housing Team directly, in writing or by email to HMOLicensing@rbkc.gov.uk of any proposed changes to the layout of the property, including creating, removing or changing the use of any bedrooms, sitting rooms, bathrooms, WCs or kitchens in the property, at least 21 days before starting works.

The licence holder shall ensure that whilst any alteration or construction works are in progress, that adequate measures are taken to ensure the safety and welfare of all persons occupying or visiting the premises. The licence holder shall ensure that on completion of any works, the property shall be left in a clean, tidy condition and free from builders' debris

16. Providing particulars regarding occupancy

The licence holder shall if required by written notice to provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house:

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

The particulars shall be emailed to the Council at HMOLicensing@rbkc.gov.uk within 14 days on demand.

17. Information for Tenants

The Licence Holder shall display in the common parts of the property for the benefit of the occupiers:

- a) The name, address and emergency contact information of the licence holder or

- managing agent.
- b) The permitted occupancy of the property
- c) A copy of this Licence. Alternatively, a copy must be given to all tenants within 21 days of the licence being issued.

18. Anti-Social Behaviour

The Licence Holder shall investigate and address problems of antisocial behaviour (ASB) resulting from the conduct of occupiers of, or visitors to, the licensed property as soon as possible after it has been brought to their attention. (If the Licence Holder has an agent, it is still the Licence Holder's responsibility to ensure that 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 antisocial behaviour 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) The Licence Holder must co-operate with the Police and the Council in resolving ASB in the licensed property. Such co-operation includes reporting persistent ASB of their tenant or visitors to the Council, attending or being represented at any case conferences or multi-agency meetings and providing information to the Police or the Council when requested.
- c) 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.
- d) During the visit the Licence Holder must provide the occupiers with a warning letter advising them (amongst other things) 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.
- e) The Licence Holder shall make a record of the action they have taken and keep any emails or letters in respect of any reported ASB for 5 years.
- f) The licence holder shall email to the Council at HMOLicensing@rbkc.gov.uk, any correspondence, letters and records referred to in conditions 17(a) to (f) within 14 days on demand.
- g) The Licence Holder shall ensure that any reasonable requirement made by the Council for addressing antisocial behaviour is complied with.

19. Inspections

- a) The Licence Holder shall ensure that inspections of the property are carried out at regular intervals to identify any issues relating to the condition, management, and contents of the property. In particular, the Licence Holder must ensure that the property is clean, in good repair and free from pest infestation. At minimum, inspections should take place every 6 months.
- b) The records of such inspections shall be kept for the duration of this licence. At minimum, the records must contain a log of who carried out the inspection, date and time of inspection, what was inspected, the inspection findings, and action(s) taken. Copies of these records must be emailed to the Council at HMOLicensing@rbkc.gov.uk within 14 days of request being made by the Council.

20. Responding to Complaints

- a) The Licence Holder shall ensure that, if they are informed, in writing, by email or other form of communication, of a complaint of disrepair, lack of facilities, utilities, maintenance problems or pest infestation from the occupiers or the Council, they take action to remedy the problem. The Licence Holder shall keep a record of any such complaint and respond in writing within 14 days, stating what action has been or will be taken.
- b) The Licence Holder shall keep a record of the action they have taken and keep any emails, receipts for work, letters and other documentation in respect of any complaints and keep for the duration of their licence term.
- c) The Licence Holder must email the Council at HMOLicensing@rbkc.gov.uk, a copy of these documents within 14 days of request being made.

21. Creation of Tenancies

The Licence Holder shall ensure that only he/she or an agent listed on this licence creates new tenancies or licences to occupy this property. Copies of any new written terms of tenancies or licences must be provided to the Council by email to HMOLicensing@rbkc.gov.uk within 7 days.

22. Persons who are banned or deemed not to be “Fit and Proper”

The Licence Holder shall not knowingly 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

To aid compliance with this condition the Licence Holder can consult the <https://www.london.gov.uk/rogue-landlord-checker>

23. Tenancy Deposit Scheme

The Licence Holder must ensure that any tenants' deposit is placed in a government-backed tenancy deposit protection (TDP) scheme <https://www.gov.uk/deposit-protection-schemes-and-landlords>.

The Licence Holder shall keep a written record of the scheme used and the prescribed information of the deposit scheme for each tenant and a copy of the prescribed information given must be emailed to the Council at HMOLicensing@rbkc.gov.uk within 21 days on demand

24. How to Rent Checklist

The Licence Holder must ensure that the tenant is provided with “How to rent: the checklist for renting in England”, as published by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government, see <https://www.gov.uk/government/publications/how-to-rent> for more details.

The Licence Holder shall keep a written record of when each tenant is provided with the How to Rent document and shall email this written proof to the Council at

HMOLicensing@rbkc.gov.uk within 21 days of a request being made.

25. Landlord Training

If required to do so by the Council the Licence Holder will ensure that **within 3 months** of a request being made by the Council, the Licence Holder and/or their manager completes an accredited Landlord Training course.

Written confirmation that the course has successfully been completed shall be emailed to the Council at HMOLicensing@rbkc.gov.uk within 21 days of it being issued by the trainer.

Accredited courses include:

- London Landlord Accreditation Scheme (LLAS) www.londonlandlords.org.uk - one day training course
- National Residential Landlords Association's (NRLA) www.nrla.org.uk ; National Residential Landlords Association (NRLA); www.nrla.org.uk/training-academy/accreditation/cpd-activities/accreditation-overview);
- Midland Accreditation Scheme (MLAS) (www.mlas.org.uk)
- DASH Services (www.dashservices.org.uk/Accreditation)

The Licence Holder shall continue to be an accredited Landlord with LLAS or registered with the equivalent professionally recognised scheme for the duration of this licence.

The Licence Holder shall keep a record of all training undertaken and shall email to the Council at HMOLicensing@rbkc.gov.uk, certificates for the training courses undertaken within 14 days of a request being made.

26. Financial Management

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.

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 email the Council at HMOLicensing@rbkc.gov.uk with a copy of the same within 14 days of any request to inspect them.

27. Maintaining Supplies of Gas, Electricity and Hot and Cold Water

The Licence Holder shall ensure that the supplies of hot and cold water, gas or electricity to any residential premises is not unreasonably interrupted. For this purpose, the licence holder shall ensure that:

- a) The apparatus for the supply and use of these services is maintained in good condition; and
- b) Where the landlord pays for supplies, these supplies are not disconnected, or threatened with disconnection through non-payment of monies owed to the statutory undertaker concerned.
- c) Where space heating and hot water are provided centrally and controlled by the

landlord, these services should be made available to meet the reasonable needs of tenants.

28. Security

The licence holder must provide a safe and secure environment for residents both within their lettings and in the common parts. At minimum all doors and windows that are vulnerable to unauthorised entry must be properly secured. In particular, the main front door must be capable of being opened and closed from the inside without the use of a key. Any lock fitted should comply with BS 8621 (2007) and provide keyless egress.

The licence holder must have a written policy on controlling the return of room keys when rooms are vacated. This shall include action to be taken to ensure lock barrels are changed or locks moved to other rooms in the property when keys are not returned.

APPENDIX ONE

Occupancy Limits

What to do when the rooms have been prohibited or the number of permitted occupiers has been reduced.

Licence Condition 1 above ("Permitted Occupation") sets the maximum number of persons or households that can lawfully occupy each bedroom and the house as a whole.

PLEASE NOTE: If the Council has reduced the numbers of persons or households that can occupy the HMO:

- No occupier has to leave the property immediately.
- But a prohibited room must not be re-occupied by any person once the existing occupier has left.
- And a double room that has been downgraded to a single must not be occupied by more than one person after the existing occupier(s) have left.

Occupancy Limits – Space Standards:

The occupancy limits in Condition 1 above have been applied with reference to space standards. There are two sets of space standards that apply to houses in multiple occupation in RBKC:

- The statutory space standard, set in law by central government
- accommodation standards set locally. The following sources of information may be useful:
- The Council's [HMO standards](#), governing room sizes, amenity standards, fire precautions and other matters in houses in multiple occupation, and

Guidance on how the Council applies the statutory and local space standards in houses in multiple occupation will be added to the Council's website as soon as possible.