

# Private Rented Property Licensing

## Guide for landlords and managing agents

<b>Page 2</b>	Private Rented Property Licensing – An Introduction
<b>Page 3</b>	Mandatory HMO Licensing
<b>Page 4</b>	Additional HMO Licensing
<b>Page 5</b>	Exemptions
<b>Page 6</b>	What is an HMO?
<b>Page 7</b>	FAQ Application Form
<b>Page 11</b>	Returning your Application form
<b>Page 12</b>	How much will it cost?
<b>Page 13</b>	Right of appeal
<b>Page 15</b>	Appendix One - Conditions

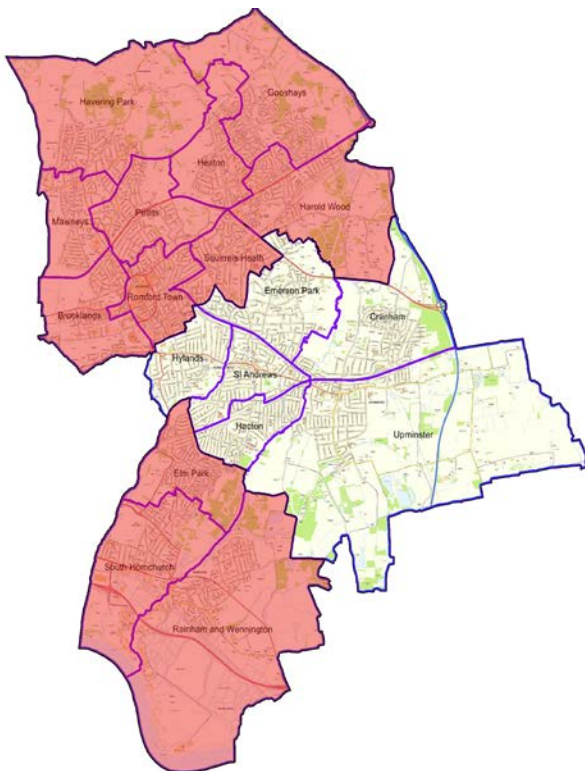
## Private Rented Property Licensing – An Introduction

This guide gives you all the information you need to understand the London Borough of Havering property licensing schemes and how to make a property licence application. You may also find it useful to read the Communities and Local Government guidance on HMOs

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15652/HMO\\_Lic\\_landlords\\_guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15652/HMO_Lic_landlords_guide.pdf)

The London Borough of Havering has 2 types of licensing scheme;

- 1) Mandatory License - All HMO's with **5 or more people** in the borough must have a licence\*
- 2) Additional License which is required for all HMOs which;
  - Do not require a mandatory licence
  - have 3 or more occupants
  - have more than one household and
  - are located in one of the following 12 wards



- Brooklands
- Elm Park
- Gooshays
- Harold Wood
- Havering Park
- Heaton
- Mawneys
- Pettits
- Rainham & Wennington
- Romford Town
- Squirrels Heath
- South Hornchurch

You can find the ward your property is located in by using <https://www.postcode.directory> and entering your rented property postcode.

\*applies only to HMOs of 3 or more storeys prior to 1 October 2018

## What if I don't get a licence?

Failure to have the correct HMO licence may result in landlords and managing agents being prosecuted and subject to an unlimited fine. They can have control of their unlicensed properties taken away from them, and could also be made to repay any rents they have received from their tenants.

The following section provides general information of Mandatory and Additional licensing and the definition of a House in Multiple Occupation (HMO). Please go to the next section for guidance on completing the application form.

## Mandatory HMO Licensing

Mandatory houses in multiple occupation (HMO) licensing under part 2 of the Housing Act 2004 **applies to all HMOs occupied by five or more persons living in two or more households.**

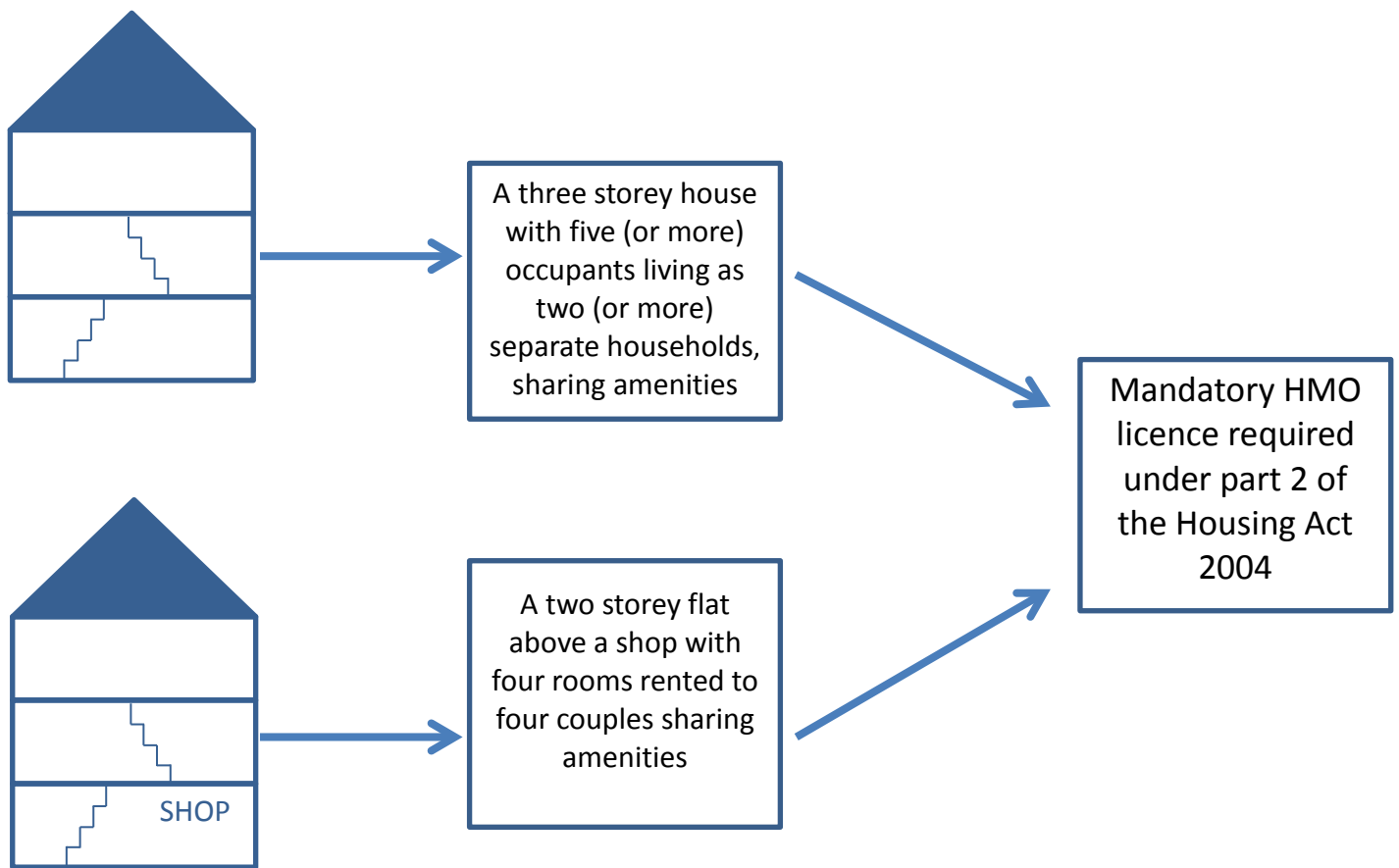
**If your property meets the criteria above you should apply for a licence under part 2 of the Housing Act 2004 immediately. This applies to all areas of the borough.**

For the property to be used as an HMO, it must have the correct planning use class, and you may be required to apply for the planning class of the property to be changed from C3 (dwelling house) to C4 (house in multiple occupation). There is no guarantee that this will be granted and the planning requirement remains separate to property licensing requirement.

**You must apply for a licence even if you do not have the correct planning use. If you rent a property as an HMO without a licence you could be prosecuted or fined.**

N.B. The licence fee is not refundable if you are later refused planning permission for change of use.

## Some examples of properties to be licensed:



## Additional Licensing

The additional licensing scheme for houses in multiple occupation (HMOs) applies to HMO's that do not require a Mandatory HMO Licence and requires all landlords who let a property that is occupied by 3 or more non-related occupiers that are sharing some basic facilities or amenities such as a kitchen or bathroom to have a licence

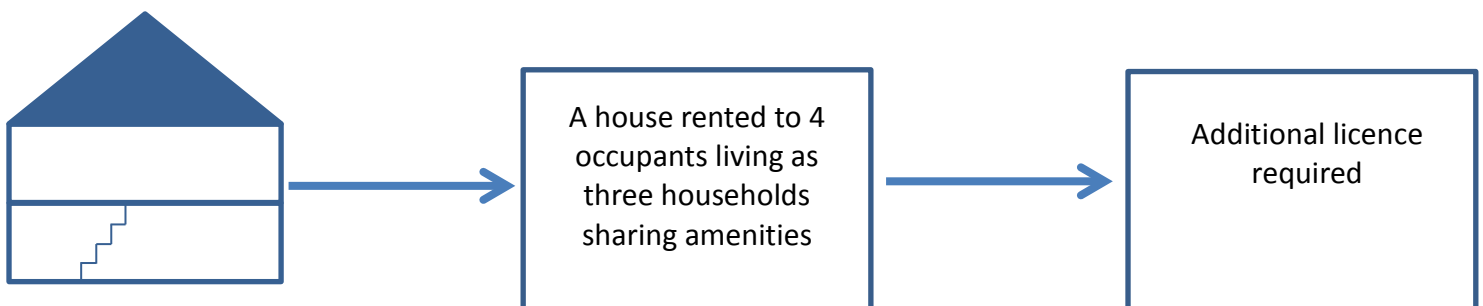
The additional licensing scheme covers 12 wards which are: Brooklands, Elm Park, Gooshays, Harold Wood, Havering Park, Heaton, Mawneys, Pettits, Rainham & Wennington, Romford Town, South Hornchurch and Squirrells Heath. If the property is in one of these wards it will require an additional licence.

**If your property meets the criteria above you should apply for a licence before 1<sup>st</sup> March 2018.**

For the property to be used as an HMO, it must have the correct planning use class, and you may be required to apply for the planning class of the property to be changed from C3 (dwelling house) to C4 (house in multiple occupation). There is no guarantee that this will be granted and the planning requirement remains separate to the property licensing requirement.

**You must apply for a licence even if you do not have the correct planning use. If you rent a property as an HMO without a licence you could be prosecuted or fined.**

**An example of properties to be licensed:**



## **Exemptions**

In some cases properties maybe exempt from the requirements of licensing under part 2 of the Housing Act. The following list gives those exemptions.

- Buildings controlled or managed by a Local Housing Authority.
- Buildings controlled or managed by registered social landlords and housing providers.
- Buildings controlled or managed by Police.
- Buildings controlled or managed by fire brigade.
- Buildings controlled or managed by Health Service Body.
- Buildings regulated by other enactments.

- Certain university/college accommodation occupied by students.
- Buildings occupied by religious communities (except section 257 HMO's).
- Any building occupied by two persons who form two households.

If you think that your property is exempt from the requirement of licensing please contact us.

## What is a HMO?

A house in multiple occupation (HMO) is a property that is occupied by 3 or more unrelated individuals/households who share facilities such as a kitchen or bathroom, or do not have exclusive occupation of the whole property.

For example, HMOs can commonly be occupied by a group of individuals sharing a house or flat, individuals living in bedsit accommodation, and some properties that have been converted into several flats.

Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are also considered to be HMO.

A house in multiple occupation is defined by the Housing Act 2004. There are four tests that define what a HMO is:

- 1. The standard test:** Any building which consists of one or more units of accommodation which are not self-contained and where two or more households share one or more basic amenities, or where the accommodation is lacking basic amenities.
- 2. The self-contained flat test:** Any part of a building which is a self-contained flat, which consists of one or more units of accommodation, in which two or more households share one or more basic amenities or where the accommodation is lacking basic amenities.
- 3. The converted building test:** Any building, which has been converted and contains one or more units of accommodation which are not self-contained (whether or not the building also consists of some self-contained units).

- 4. Certain converted blocks of flats:** Any building which has been converted into and consists of self-contained flats only, and it does not comply with the 1991 Building Regulations and less than two thirds of the flats are owner occupied, (more than one third on short tenancies).

## FAQ Application Form

### Section 1

- 1.1 – Type of Application – unless you are renewing your mandatory licence you should choose ‘new application’
- 1.2 Please refer to the guidance above on the difference between a mandatory HMO and Additional HMO
- 1.4 Who can apply for a license?

Anyone can apply for a property licence; however they must be the most appropriate person to do so. Normally this will be the owner or manager employed by the owner.

### Section 2

Proposed license holder

The proposed licence holder needs to be the most appropriate person, namely the landlord, person in receipt of rent or in control of the property. If it is a limited company please give the full company name and address of a UK registered office and listed director who will be the proposed licence holder. At the very least, the council expects the licence holder to have the power to:

- Let and terminate the tenancies.
- Access all parts of the premises to the same extent as the owner.

### Section 3

The council also requires details of all interested parties involved in the ownership or management of the property this must be provided at the time of application.

Details of any mortgages on the property are also required as the Council will have to write to all mortgagees with details of the draft license.

### Section 4

4.2 The standard conditions to be attached to the license can be found at the end of this document Appendix 1.

### Section 5

Are you a fit and proper person?

In order to obtain a private rented property licence the applicant will need to demonstrate that they are a 'fit and proper' person. This will involve making a declaration to confirm their status with regards to criminal offences. In determining whether an applicant is 'fit and proper' the council must take into account any evidence found that the person applying for a licence has:

- Committed any offence involving fraud or other dishonesty, violence, drugs and certain sexual offences.
- Practised unlawful discrimination on the ground of sex, colour, race, ethnic or national origins or disability in connection with any business.
- Contravened any provision of the law relating to housing or landlord and tenant law.

The applicant must also be able to demonstrate satisfactory management and financial arrangements are in place for each rented property. Failure to meet the fit and proper person test may result in an application for a licence being refused or a reduced duration of a licence.

5.1 Further information on unspent convictions can be found at;

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>



5.9 The London Borough of Havering offers a discount of £35 per license, if you are an accredited landlord. To qualify you must provide your accreditation number and the date you became accredited from at least one of the schemes listed.

## Section 6

6.12 A current gas safety certificate is one that is less than 12 months old

## Section 7

7.5a When counting the number of storey's in the building you need to include:

- Basement and attics if they are occupied or have been converted for occupation by residents or if they are in use in connection with the occupation of the HMO by residents.
- Any storey's which are occupied by you and your family if you are a resident landlord.
- All the storey's in residential occupation, even if they are self-contained.
- Any business premises or storage space on the ground floor or any upper floor.

7.12 'Households' for the purposes of the Housing Act 2004 includes members of the same family living together who are:

- Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex).
- Relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins.
- Half-relatives are treated as full relatives.
- A foster child living with his foster parents is treated as living in the same household as his foster parent.

7.14 How many habitable rooms are there?

This means rooms that are, or could be, used for sleeping accommodation. Not bathrooms, kitchens, undersized rooms.

## Section 8

### What is a fire risk assessment?

A fire risk assessment is an organised and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. It is effectively a document to outline where the hazards lie and how they can be avoided. Under the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005, all HMOs are required to have had a fire risk assessment carried out.

Where it applies the Regulatory Reform (Fire Safety) Order 2005 (FSO) places a duty on the responsible person to 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. 'Responsible person' means "the person who has control of the premises". In practice this will usually be the landlord, but in the case of absentee landlords where the management role is undertaken by a managing agent it may be the managing agent.

### How to carry out a fire risk assessment

1. Identify the fire hazards.
2. Identify people at risk.
3. Evaluate, remove or reduce the risks.
4. Record your findings, prepare an emergency plan and provide training.
5. Review and update the fire risk assessment regularly.

## Section 9

9.1 A **regulated** tenancy is a long-term tenancy with a private landlord. You probably have a **regulated** tenancy if the tenancy started before 15 January 1989.

9.9 A landlord must put a tenants deposit in a government-backed tenancy deposit scheme (TDP) if an assured shorthold tenancy that started after 6 April 2007. In England and Wales the deposit can be registered with:

- Deposit Protection Service
- MyDeposits - including deposits that were held by Capita
- Tenancy Deposit Scheme

## Returning your Application

If your property is required to be licensed you should, wherever possible, use our online application form.

If you are unable to complete an online application you can request a paper application form by emailing us at [Landlordlicensing@havering.gov.uk](mailto:Landlordlicensing@havering.gov.uk)

For more information on fees and charges please see the fees and charges section below. Alternatively please contact the Private Sector Housing & Property Licensing Team on 01708 432777.

The council aims to work with landlords to licence their properties within a timely manner. Licences can last up to 5 years. Where the Council has determined that there is cause for concern regarding premises or management arrangements, or requests to apply for licensing have not been responded to in a timely manner, or there are significant council tax arrears (where the landlord is the liable person) the council may determine that the licence should be granted for a shorter period.

Any application requiring to be renewed or a re-application as a result of the Council revoking the licence will be dealt with as a new application and will be charged at the standard rate.

Tacit consent does not apply to applications made for a property licence.

## How much will it cost

## Mandatory License Fees

There are no discounts available for Mandatory fees. The fees are set out in the table below;

Number of rooms	New application fee
up to 5 lettings	£1115.00
6 to 9 lettings	£1284.00
10 to 14 lettings	£1473.00
15 to 19 lettings	£1630.00
20 lettings and above	£1788.00

## Additional HMO Fees

The fees are split into Part A and B. This covers the setup, administration and process of the application form, including where necessary an inspection of the property. A part B fee which covers the enforcement of the license will also be requested on application, however if for any reason a licence is NOT issued, the part B fee will be returned to you.

	Standard rate (applicable from 1 March 2018)
Part A	£550
Part B *	£350 (£35 discount for accredited landlords)
Total (with accreditation)	£865
Total (no accreditation)	£900

\*A 10% discount on the Part B fee **only** is available to accredited landlords. To qualify certificates and membership numbers must be supplied at time of application and be from one of the following schemes:-

- **NLA – National Landlords Association**  
<https://www.landlords.org.uk/>
- **RLA – Residential Landlords Association**  
<https://www.rla.org.uk/>
- **LLAS – London Landlords Accreditation Scheme**  
<http://www.londonlandlords.org.uk/>

## 13. Right of appeal

- **NALS – National Approved Letting Scheme**  
<http://www.nalscheme.co.uk/>

The Environmental Protection and Housing team (EPH) will work hard to support applicants throughout the application process and to assist you in the meeting the criteria in order to qualify for a licence.

If a landlord feels that the council has made a decision that is unfair, in the first instance we would request that they contact the EPH team at the council on 01708 432777 so that we can explain the reasons for our decision and hopefully resolve the problem. If however, the landlord still feels that the council has acted unfairly by:

1. Refusing to grant a licence.
2. Imposing certain conditions on a licence.
3. A decision to vary a licence.
4. A decision to revoke a licence.

The landlord can appeal to the Residential Property Tribunal (RPT). The RPT is an expert independent tribunal that act in the same way as the County Court to confirm, vary or overturn the council's decision.

Residential Property Tribunal Service

10 Alfred Place

London

WC1E 7LR

Tel: 020 7446 7700

Fax: 020 7637 1250

If you wish to make a complaint about the service you have received you can either visit the Council's website for details on how to make a corporate complaint.

# **Appendix 1:**

## **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](http://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](http://www.landlords.org.uk));
  - becoming an Accredited RLAAS Landlord through the RLA Accreditation Scheme run by the Residential Landlords Association ([www.rla.org.uk](http://www.rla.org.uk));
  - becoming a member of the Association of Residential Letting Agents (ARLA) ([www.arla.co.uk](http://www.arla.co.uk));
  - completing the Foundation Letting Course (England) run by the National Approved Letting Scheme (NALS) ([www.nalscheme.co.uk/](http://www.nalscheme.co.uk/));
  - attending and passing the Accreditation Day Seminar of the Midland Accreditation Scheme (MLAS) ([www.mlas.org.uk/](http://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](http://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](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.**