

Private Rented Property Licensing

Guide for landlords and managing agents

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What if I don't get a licence?

Failure to have the correct licence may result in landlords and/or managing agents being prosecuted and subject to an unlimited fine **or** being issued with a fixed penalty notice of up to £30,000. 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. Your details may also be added to the Greater London Authority's Rogue landlord and agent database.

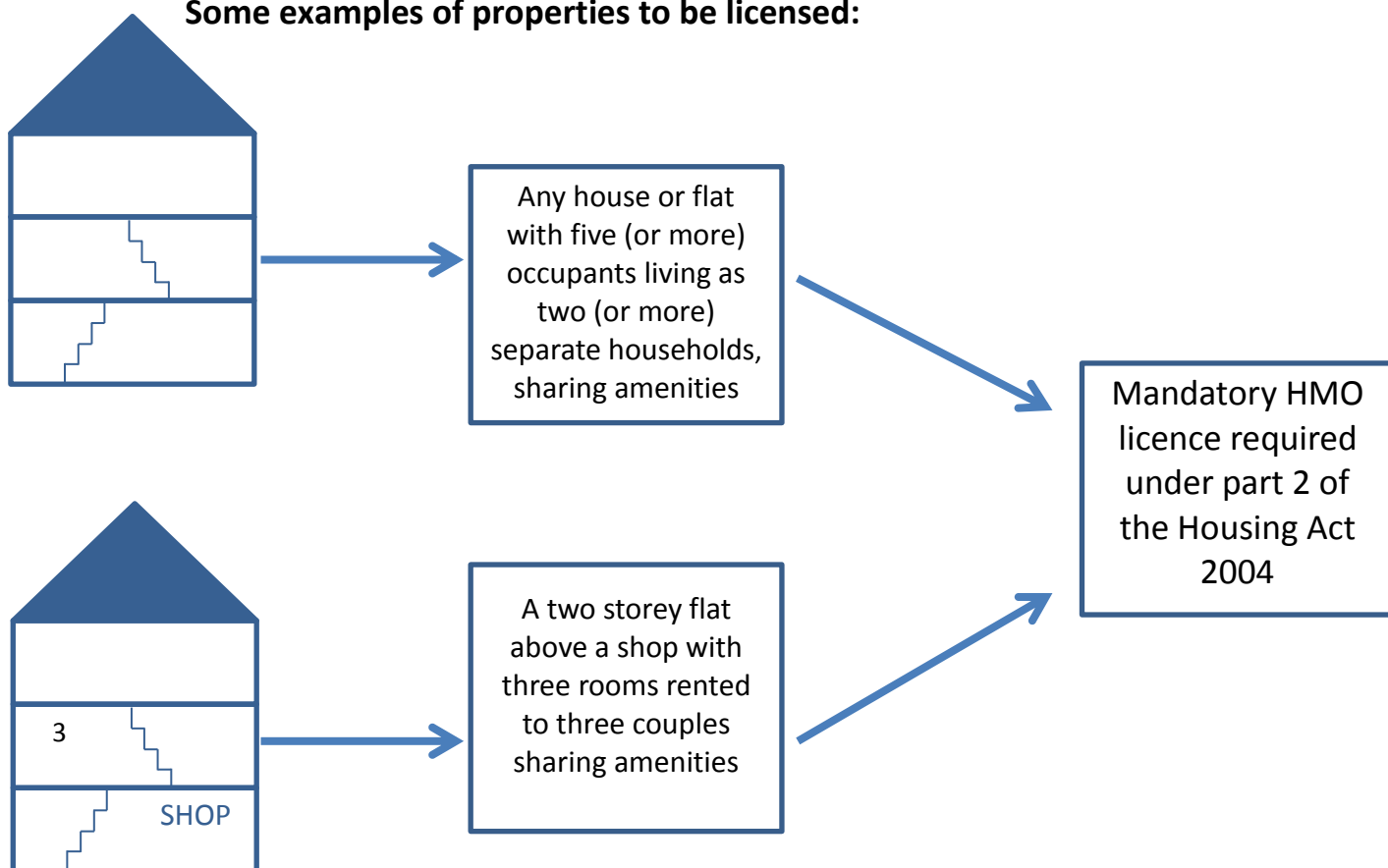
The next section provides general information on Mandatory and Additional licensing and the definition of a House in multiple Occupation(HMO). Information about Selective licensing and guidance on completing an application form is given later in this guide.

Mandatory HMO Licence

Mandatory houses in multiple occupation (HMO) licensing under part 2 of the Housing Act 2004 **applies to all HMOs that are 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.

Some examples of properties to be licensed:



Additional HMO Licence

The additional licensing scheme for houses in multiple occupation (HMOs) require all landlords who let a property that is occupied by 3 or 4 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 the whole of Havering.

If your property meets the criteria above you must apply for a licence.

Some converted properties will also require an Additional licence. Converted Properties (known as 257 HMOs)

What is a Section 257 HMO?

If the building is a house which has been converted entirely into self-contained flats the conversion will be regarded by local housing authorities as an HMO if:

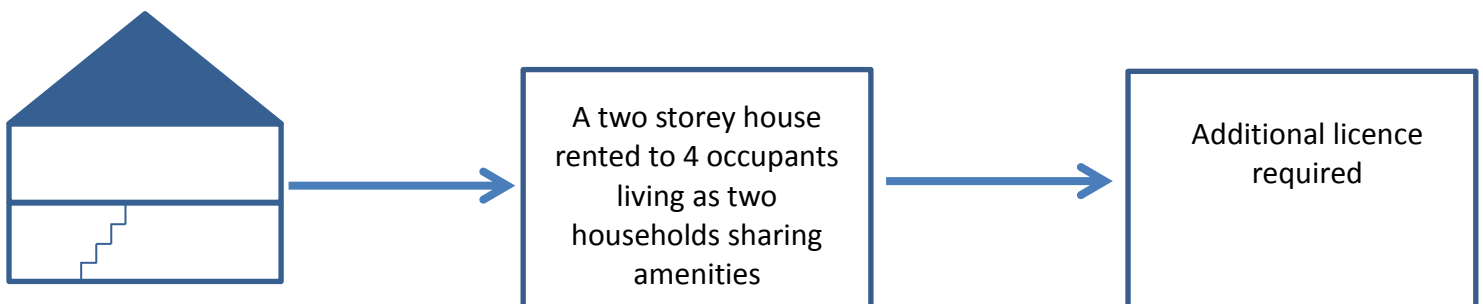
- it was converted before the 1991 Building Regulations came into force, and if it has not been subsequently improved to at least the 1991 Building Regulations standard, **and**
- more than one third of the flats are let out on shorthold tenancies.

In addition, the building will be a s 257 HMO if:

- the building was improperly converted without Building Regulations approval either before or after the 1991 Building Regulations deadline and it still does not comply with those standards.

One of the ways in which this can be determined is by checking the date on the building control certificate or the date that the leases were granted. If the date is before 1st June 1992, then it is reasonable to assume that the conversion works were carried out to the previous standard, not the 1991 standard.

An example of property to be licensed as an Additional HMO:



Selective Licence

A Selective Licence is required for any other privately rented home that is rented out to a single person or family (not a HMO) if the property is located within Romford Town or Brooklands wards only. Selective licensing came into operation on 25th January 2021. You must apply for a licence or risk enforcement action such as a financial penalty or prosecution.

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 (unless subject to Selective Licence)

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

Planning Consent

For the property to be lawfully used as an HMO it must have the correct planning use class. 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). **Please Note:** There is no guarantee that planning consent 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. Please note that the licence application fee is not refundable if you are later refused planning permission for change of use.

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

Type of Application

Type of Application – unless you are renewing an existing property licence you should choose ‘new application’

Please refer to the guidance above on the difference between a Mandatory HMO and Additional HMO

Who can apply for a licence?

Anyone can apply for a property licence; usually the applicant will be the owner or manager employed by the owner. However, the licence holder must be the most appropriate person.

Proposed Licence 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.

Interested Parties

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 licence.

Licence Conditions

The standard conditions to be attached to a property licence be found at the end of this document Appendix 1. Please read these conditions carefully and be aware that the licence holder may be prosecuted and fined or issued with a financial penalty for failing to comply with licence conditions

Fit and Proper Person

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.

Further information on unspent convictions can be found at;

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

The London Borough of Havering offers a discount of £35 per HMO licence if the licence holder is 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.

Gas Safety Certificate

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

Electrical Condition Report

An electrical condition report relates to the fixed electrical installation in your property (fuseboard, sockets, light fixtures etc.) and is usually valid for five years

Number of Storeys in a property

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.

Households

'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.

Habitable Rooms

How many habitable rooms are there and sizes?

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

The size of the rooms will determine how many people are permitted to occupy the property.

Tenancies

The most common tenancies are Assured shorthold tenancies (ASTs)

A **regulated** tenancy is a long-term tenancy with a private landlord. The tenant may have a **regulated** tenancy if the tenancy started before 15 January 1989.

Tenancy Deposit Schemes

A landlord must put a tenants deposit in a government-backed tenancy deposit scheme (TDP) if it is 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

How much will it cost

Selective Licence Fee

The fee for a Selective licence is set out below. Part A fee will be collected at the time the application is made and Part B will be payable once the Council has approved the licence application.

Standard rate	
Part A	£450
Part B (without accreditation)	£450
Part B (with accreditation) *	£415
Total (with accreditation)	£865
Total (without accreditation)	£900

*A £35 discount is available to accredited landlords. To qualify certificates and membership numbers must be supplied at time of application.

Mandatory HMO Licence Fees

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

Number of rooms	Application Fee
5 lettings	£1,115
6 to 9 lettings	£1,284
10 to 14 lettings	£1,473
15 to 19 lettings	£1,630
20 lettings and above	£1,788

Additional HMO Licence Fees

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

****A £35.00 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:-

Landlord Accreditation Schemes qualifying for discounts:

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

Licence term

The Council aims to work with landlords to licence their properties within a timely manner. Licences will usually last for 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 to Apply for a Licence

In order to improve efficiency and reduce costs all applications must be made electronically, other than in exceptional circumstances. Please visit our website to make an online application: www.havering.gov.uk/landlordlicence

If you are unable to make an online application or if you need assistance please contact us in the first instance **by telephone on 01708 432777 or 432006 or by email: landlordlicensing@havering.gov.uk** so we can discuss other ways in which you can apply.

Please note the Council may charge an additional fee for paper applications.

Right of Appeal

The Private Sector Housing Team 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 us by telephone or email 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.

Contact: First Tier Tribunal Service (Property Chamber) 10 Alfred Place, London, WC1E 7LR Tel: 020 7446 7700 Fax: 020 7637 1250

For more information: <https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

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

Appendix 1:

Licence Conditions

Licensing conditions

Additional and Mandatory HMOs

1. Permitted occupation

1.1 A new resident must not be permitted to occupy the house or any part of the house if that occupation:

- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
- exceeds the maximum permitted number of households for the house 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 of the issue of the licence.

[There will be a table here showing number of occupants etc]

1.2 The above shall apply UNLESS the room sizes are below the mandatory standards which are set out below

1.2.1 The licence holder must ensure the following minimum space standards are complied with:

(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.

1.2.2 The licence holder must ensure that—

(a) 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;

(b) 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;

(c) 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.

1.2.3 The licence holder must take the necessary steps to rectify any breaches within **18 months** of the date of notification.

(a) any of the conditions imposed above have been breached in relation to the HMO,

(b) the licence holder has not knowingly permitted the breach, and

(c) the local housing authority have notified the licence holder of the breach

1.2.4 the licence holder to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.

Notes

(i) a reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.

(ii) a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.

(iii) Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.

(iv) This does not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which—

(a) is a night shelter, or

(b) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

(v) This applies in relation to an HMO in England in respect of the first licence granted on or after 1st October 2018 in relation to the HMO, regardless of whether a licence was in force in relation to the HMO immediately before that date.

Household Waste

1.3. The licence holder must comply with any scheme which is provided by the local housing authority to the licence holder relating to the storage and disposal of household waste at the HMO pending collection.

2 . Tenancy management

2.1 2.1The licence holder:

(a) shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues;

(b) must provide the Council with signed copies of the said terms that were provided to each occupier, within 7 days of any request to inspect them.

2.2 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of the deposit being safeguarded in a statutory deposit scheme. This information must be provided to the council within 28 days on demand.

2.3 The licence holder whilst fully meeting his/her obligations; shall in combination with their tenancy agreement, develop and implement a fit for purpose tenancy management system that ensures tenants occupy the property in a 'Tenant-like manner.'

The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand:

- provision of an emergency contact number (including out of hours response arrangements)
- formal arrangements for the disposal of rubbish and bulky waste
- schedule or details of the tenants' role and responsibility, including instructions for the heating systems and equipment.

2.4 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below.

a) The licence holder must not ignore or fail to take action within a reasonable timescale, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.

b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.

c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.

d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.

e) The licence holder shall, from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour.

f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises concerned with a warning letter about the consequences should the anti-social behaviour continue.

g) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed. For example, police, council, DWP, Home Office, etc.

h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti-social behaviour.

i) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the council, police or any other agency.

j) The license holder is expected to co-operate fully and assist any agency that becomes involved in dealing with any matter relating to ASB.

Any correspondence, letters and records referred to in condition 2.4 above must be provided to the council within 28 days on demand.

3. Property management

3.1 The licence holder shall ensure all gas installations and appliances are 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 must be provided to the Council within 28 days on demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives.

- 3.2 The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand. (Note: The licence holder must ensure the electrical appliance test report is supplied by a competent person, who is appropriately qualified to issue this report.
- 3.3 The licence holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing. They shall obtain a certificate from the person conducting that test, specifying the results of the test; and supply that certificate to the council within 7 days of receiving a request in writing for it from the council.
- 3.4 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.5 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the council within 28 days on demand.
- 3.6 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.
- 3.7 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms within 21 days of the request.
- a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (If there is only a bathroom or lavatory on a storey a smoke detector is required).
- b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.
- c) The licence holder shall submit to the council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.
- 3.8 The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation

and contains a solid fuel burning combustion appliance (“room” includes a hall or landing. A bathroom or lavatory is included as a room).

a) The licence holder shall ensure any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.

b) The licence holder must supply the authority, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.

3.9 The licence holder shall ensure that any fire-fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any fire alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the council within 28 days on demand.

3.10 The licence holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the Council within 28 days on demand.

3.11 The license holder shall proactively inspect and identify any disrepairs or maintenance issues and address them as required.

The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand.

- Updated log of property inspections for management, repair and maintenance purposes, at least once every 3 months. This should include, date of inspection and actions taken, or repairs carried out.
- Schedule of routine maintenance and cleaning programme including works undertaken.
- Schedule of monthly fire testing report including an evacuation plan.

4. Documents to be displayed

4.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy.

4.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.

- 4.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 4.4 If there have been new tenancies issued after 1 October 2008 for the premises, the licence holder must obtain a valid Energy Performance Certificate (EPC). Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand. Where individual rooms in a building are rented out and there are shared facilities (e.g. kitchen and/or bathroom), an EPC is not required.

5. Financial management

- 5.1 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.
- 5.2 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.

6. General

- 6.1 The licence holder must advise the council department responsible for licensing, in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions. For planning and building regulation queries please refer to the relevant pages on the council's website.
- 6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 6.3 The licence holder shall, if required by written notice provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house: The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property and the number of individuals in each household. The particulars shall be provided to the Council within 28 days on demand.

- 6.4 The licence holder shall inform the council of any change in address, ownership or management of the house.
- 6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.
- 6.6 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.

Failure to comply with any licence condition may result in proceedings including unlimited fines per breach or financial penalty and loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely, compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any HMO for more than six people will also require planning permission. Please contact the planning team planning_enforcement@havering.gov.uk to clarify what planning permissions are already in place for the property and advice on the process. Please note that unlawful HMOs may be subject to planning enforcement action. The council do have powers of enforcement against breaches of planning control and that, upon summary conviction, continued failure to meet the council's enforcement requirements could ultimately result in an unlimited fine.

For planning and building regulation queries, please refer to the planning pages on the council's website. WWW.HAVERING.GOV.UK

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Selective licences

1. Permitted occupation

- 1.1 A new resident must not be permitted to occupy the house or any part of the house if that occupation:
- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation below
 - exceeds the maximum permitted number of households for the house 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 of the issue of the licence.

2. Tenancy management

- 2.1 The licence holder shall:
- (a) supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues;
- (b) must provide the Council with signed copies of the said terms that were provided to each occupier, within 7 days of any request to inspect them.
- 2.2 The licence holder shall demand references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.
- 2.3 The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the council within 28 days on demand.
- 2.4 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used within 30 days of the deposit being safeguarded in a statutory deposit scheme. This information must be provided to the council within 28 days on demand.

- 2.5 The licence holder whilst fully meeting his/her obligations; shall in combination with their tenancy agreement, develop and implement a fit for purpose tenancy management system that ensures tenants occupy the property in a 'Tenant-like manner.'

The following arrangements shall be implemented to fulfil the requirements of this condition. Copies of the documents and evidence must be provided to the council within 28 days on demand:

- provision of an emergency contact number (including out of hours response arrangements)
- formal arrangements for the disposal of rubbish and bulky waste
- schedule or details of the tenants' role and responsibility, including instructions for the heating systems and equipment

- 2.6 The licence holder shall effectively address problems of anti-social behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (j) below.

- (a) The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.
- (b) Any letters, relating to anti-social behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.
- (c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.
- (d) If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the anti-social behaviour in writing and of the consequences of its continuation.
- (e) The licence holder shall from the date of receipt of the complaint of anti-social behaviour, monitor any allegations of anti-social behaviour.
- (f) Where the anti-social behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days

visit the premises and provide the tenant with a warning letter advising them of the possibility of legal proceedings if their behaviour continues.

- (g) Where the licence holder or his agent has reason to believe that the anti-social behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed. For example, police, council, DWP, Home Office, etc.
- (h) If after 14 days of giving a warning letter the tenant has taken no steps to address the anti-social behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal eviction proceedings to address the anti-social behaviour.
- (i) Where the licence holder is specifically invited they shall attend any case conferences or multi-agency meetings arranged by the council, police or any other agency.
- (j) The license holder is expected to co-operate fully and assist any agency that becomes involved in dealing with any matter relating to ASB.

Any correspondence, letters and records referred to in condition 2.6 above must be provided to the council within 28 days on demand.

3. Property management

- 3.1 The licence holder shall comply with the Gas Safety (Installation and Use) Regulations 1998 (or any successor legislation), In particular they shall ensure that any gas installations and appliances are 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 must be provided to the council within 28 days on demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives.
- 3.2 (a)The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the council within 28 days on demand. (Note: The licence holder must ensure the electrical

appliance test report is supplied by a competent person, who is appropriately qualified to issue this report.

- 3.2 (b) The licence holder shall ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing. They shall obtain a certificate from the person conducting that test, specifying the results of the test; and supply that certificate to the council within 7 days of receiving a request in writing for it from the council
- 3.3 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the council within 28 days on demand.
- 3.5 The licence holder shall comply with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- (a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (If there is only a bathroom or lavatory on a storey a smoke detector is required).
- (b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.
- (c) The licence holder shall submit to the council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.
- (d) The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance ("room" includes a hall or landing. A bathroom or lavatory is included as a room).
- (e) The licence holder shall ensure each/any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.
- (f) The licence holder must supply the authority, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.
- 3.6 The licence holder shall ensure that any firefighting equipment and fire alarms are maintained in good working order.

- 3.7 The licence holder shall ensure that any fire-fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any fire alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the council within 28 days on demand
- 3.8 The licence holder shall ensure that furniture made available in the property is in a safe condition. All upholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the council within 28 days on demand.
- 3.9 The licence holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection and issues found, and action(s) taken. Copies of these must be provided to the council within 28 days on demand.

4. Documents to be provided

- 4.1 The licence holder shall provide a copy of the licence to which these conditions apply to all tenants/occupiers at the start of their tenancy.
- 4.2 The licence holder shall provide details of the name, address and emergency contact number of the licence holder or managing agent in the property to the existing tenant(s). Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the Council within 28 days on demand.
- 4.3 The licence holder shall give a copy of the current gas safety certificate to the tenant(s) of the property. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.
- 4.4 If there have been new tenancies issued after 1 October 2008 for the premises, the licence holder shall comply with the Energy Performance of Buildings (England and Wales) Regulations 2012, this means they must obtain a valid Energy Performance Certificate (EPC). Copies must be/have

been made available to all tenants/occupiers at the start of their tenancy and provided to the council within 28 days on demand.

5. Financial management

- 5.1 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.
- 5.2 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.

6. General

- 6.1 The licence holder must advise the council's property licensing team in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions. LandlordLicensing@Havering.gov.uk
- 6.2 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 6.3 The licence holder shall if required by written notice provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house:
- the names and numbers of individuals/households accommodated specifying the rooms they occupy within the property
 - number of individuals in each household.

The particulars shall be provided to the council within 28 days on demand.

- 6.4 The licence holder shall inform the council of any change in address, ownership or management of the house.

- 6.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.
- 6.6 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.

For planning and building regulation queries, please refer to the relevant pages on the council's website. WWW.HAVERING.GOV.UK

Failure to comply with any licence condition may result in proceedings including unlimited fines or financial penalty and loss of the licence.

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005. Conversely, compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.