

Additional HMO Licensing Consultation

Proposed licence conditions



NOTES

1. In these licence conditions:

- “*HMO*” refers to the building or such part of it as is licensed under Part 2 of the Housing Act 2004 (The Act).
- “*Authority*” refers to the local housing authority, namely the London Borough of Enfield.
- “*Licence Holder*” refers to: (a) the person to whom the Authority has granted this licence; and (b) from the date of his or her consent, any other person who agrees to comply with the licence restrictions and obligations that follow;

2. The following are standard conditions that will be attached to each licence. In some circumstances, where the Council believes there are specific issues not covered in the standard conditions for a particular property, additional or more specific conditions will be added.

The person to whom this licence is granted is responsible for ensuring compliance with its conditions at all times and remains so whether or not another person has also agreed to be bound by them.

In accordance with the Housing Act 2004, section 67 and Schedule 4 there are two types of conditions that a licence can include:

- 1 *Mandatory conditions* are required by law and must be included in a licence. These **mandatory conditions are in bold** and do not form part of the consultation.
- 2 *Discretionary conditions* are those which the council can apply for regulating the management, use and occupation of the property and its condition and contents. The proposed discretionary conditions do form part of the consultation and respondents are able to give us their views on these.

1. Occupancy and Maximum Permitted Persons per Letting

- 1.1 A new resident must not be permitted to occupy the HMO or any part of the HMO if that occupation exceeds the maximum numbers of persons and households specified in the licence. A new resident means a person who was not an occupier of the HMO and/or the specific room at the date of the issue of the licence.
- 1.2 The licence holder will be required to ensure that the numbers of households and/or persons residing in the HMO do not exceed the maximum numbers specified in the licence. These numbers will relate to the amenities that are, or can be, provided and/or to the size and layout of the units of accommodation available.
- 1.3 If numbers exceed the specified maximum levels at the time of licence issue, the licence holder will be expected to ensure that the numbers are reduced at the earliest opportunity. Existing tenancies must be allowed to run their full tenancy term, unless agreed with tenant/s, an earlier termination that complies with the correct statutory procedure.
- 1.4 **The licence holder must ensure that*:**
 - a) **the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;**
 - b) **the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;**
 - c) **the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;**
 - d) **any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.**
- 1.5 **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.**

The maximum number of persons who may occupy the HMO and the maximum number of persons who may occupy each room are specified in the licence documentation. Both elements of these occupancy requirements must be met; please note that the (overall) maximum number of persons permitted to occupy the HMO may be lower than the sum of the total numbers of persons allowed to occupy the HMO on a room by room basis.

1.6 In the event that the Council has notified the licence holder of a breach of licence condition 1.4 or 1.5 above, the licence holder must ensure that all necessary steps are taken to remedy the breach within a specified period, not exceeding 18 months from the date of notification of that breach*.

1.7 The licence holder must ensure that the Council is notified of any room in the HMO with a floor area of less than 4.64 square metres*.

2. Tenancy management

2.1 The licence holder shall provide each and every occupier of the HMO with a written statement of the terms on which they occupy the HMO* and details of the arrangements in place to deal with repairs and emergency issues. The licence holder must ensure that the Council is provided with a copy of any such written statement if requested.

2.2 The licence holder shall obtain references from persons who wish to occupy the HMO before entering into any tenancy, licence or other agreement with them to occupy the accommodation.

2.3 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in an authorised statutory tenancy deposit scheme. The licence holder must ensure compliance with the requirements of the tenancy deposit scheme as set out at Part 6 Chapter 4 and Schedule 10 of the Housing Act 2004. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council if requested.

2.4 The licence holder must provide to the tenant/occupier at the start of their tenancy, whether in the tenancy agreement or licence granted or otherwise:

- a) Provision of an emergency contact name and number (including out of hours)
- b) A clause making it clear that the occupants of the house are responsible for both their behaviour and that of their household and visitors
- c) A copy of the current valid gas safety certificate, if applicable
- d) A copy of the current Electrical Installations Condition Report

- e) A copy of the Energy Performance Certificate (EPC) if applicable, and
- f) Written information about waste and recycling detailing:
 - The collection days for the refuse and recycling bins/sacks for the property and where to place the waste on the day of collection
 - Details on what they can and can't recycle, for more information see the Council's website <https://new.enfield.gov.uk/services/rubbish-and-recycling/>
 - How they can dispose of bulky waste (for more information, see the Council's website <https://new.enfield.gov.uk/services/rubbish-and-recycling/>)
 - General waste guidance from the Council's website (for more information, see the Council's website <https://new.enfield.gov.uk/services/rubbish-and-recycling/>)

A copy of the information provided to the tenants/occupiers must be kept for five years and provided to the Council if requested.

- 2.5 The licence holder shall take reasonable and practicable steps to prevent or address problems of antisocial behaviour resulting from the conduct of occupiers or visitors to the HMO.
- 2.6 The licence holder must provide to the Council, if requested, details in writing of the tenancy management arrangements to prevent or address anti-social behaviour by persons occupying or visiting the HMO.
- 2.7 The licence holder shall ensure that inspections of the HMO are carried out at least every three months to identify any problems relating to the condition and management of the HMO. This must include evidence of checks that the HMO is being occupied by the level of occupancy specified in the licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection, issue(s) found, and action(s) taken. The records of such inspections shall be kept for the duration of the licence. Copies of these must be provided to the Council if requested.
- 2.8 The Licence Holder must ensure that all outhouses, garages, and sheds within the boundary of the HMO and are kept secure, are used for their intended purpose only. The licence holder must ensure that these structures are not used for residential accommodation unless the appropriate planning and building control consents have been obtained.

3. Property Management

- 3.1 If the licence holder appoints a person to manage the HMO during the period of the licence, the licence holder must before or upon the manager's appointment, obtain from the manager a written declaration that they have been provided with

the licence conditions and that they will ensure that the licence conditions are complied with. A copy of this declaration must be provided to the Council if requested.

- 3.2 The licence holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or housing conditions at the HMO. Where a requirement for works to be carried out is specified by the council, the licence holder must carry out the works within the specified time period(s).
- 3.3 **If gas is supplied to the HMO, to produce to the Council annually for its inspection a gas safety certificate obtained from a Gas Safe Registered Engineer, in respect of the HMO within the last 12 months*.**
- 3.4(a) **The licence holder shall ensure that every electrical installation in the HMO is in proper working order and safe for continued use and shall supply to the Council, if requested, a declaration by him or her as to the safety of such installations*. For the purpose of this condition “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010**
- 3.4(b) **The licence holder shall ensure all electrical appliances made available by him or her in the HMO are in a safe condition and shall supply to the Council, if requested, a declaration by him or her as to the safety of such appliances*.**
- 3.5 The licence holder must ensure that the exterior of the HMO and any gardens, yards and other external areas within the boundary of the HMO are maintained, kept in reasonably clean and tidy condition and are free from waste and pest infestation. The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about pest infestations.
- 3.6 **The licence holder must ensure that they comply with the refuse and recycling scheme provided by the Council to the Licence Holder and which relates to the storage and disposal of household waste at the HMO pending collection. The Licence holder must ensure that suitable and adequate provision is made for the storage of household refuse and recycling. Any receptacles provided by the Council for storage must be available to the tenants/occupiers.***
- 3.7 The licence holder shall ensure that any refuse furniture or other household contents discarded at a time of tenancy changes is not left on or outside the HMO.
- 3.8 **The licence holder must ensure that a smoke alarm is installed on each storey of the premises on which there is a room used wholly or partly as living accommodation, and to keep each such alarm in proper working**

order. For the purpose of this condition, bathrooms and lavatories are treated as rooms used as living accommodation.

To provide to the Council, if requested, a declaration by him or her as to the condition and positioning of any such alarms*.

- 3.9 The licence holder must ensure that a carbon monoxide alarm is installed in any room in the HMO which is used wholly or partly as living accommodation and which contains a fixed combustion appliance other than a gas cooker, and to keep any such alarm in proper working order, and to supply the Council, on demand, with a declaration by him or her as to the condition and positioning of any such alarm. For the purposes of this condition, a room includes a hall or landing, and a bathroom or lavatory is to be treated as a room used as living accommodation***
- 3.10 The licence holder must ensure that a Fire Risk Assessment is undertaken in accordance with The Regulatory Reform (Fire Safety) Order 2005 and that action to minimise the risk of fire at the HMO is taken in accordance with the assessment. The licence holder must ensure that any fire detection equipment, fire alarms and emergency lighting at the HMO are maintained in good working order by competent persons and are periodically serviced and tested in accordance with the relevant British Standards requirements for servicing and testing, being BS 5839 part 6 2019 for fire detection and fire alarm systems, and BS 5266 for emergency lighting systems. The licence holder must ensure that the Council is provided with, if requested, a copy of the Fire Risk Assessment, all periodical inspection reports and test certificates for any automatic fire alarm system, emergency lighting and fire-fighting equipment provided in the HMO.
- 3.11 The licence holder shall ensure that all furniture made available by him or her in the HMO are in a safe condition and to supply to the Council, if requested, with a declaration by him or her as to the safety of such furniture*.**

4. Documents to be displayed

- 4.1 The licence holder shall display the following information in a prominent position in the common parts of the HMO:
- a) A copy of the licence and these conditions, particularly highlighting the occupancy limits
 - b) The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent

5. Security

- 5.1 If previous occupants have not surrendered keys to the HMO entrance door , or to the doors of dwellings within the HMO, the licence holder must ensure that the relevant locks are changed, before new occupants move in.

6. Notification of Material Changes of circumstances

- 6.1 The licence holder must inform the Council if they no longer reside at the address given in their application form and must provide the Council with their new address and contact details within 21 days.
- 6.2 The licence holder must advise the Council in writing of any proposed changes to the construction, layout, fire precautions, amenity or change in the type of occupation of the HMO that would affect the licence or licence conditions.
- 6.3 The licence holder shall inform the Council within 21 days of any change in ownership or management of the HMO, and any material change in the circumstances of any person managing or involved in the management of the HMO, such as:
- a) details of any unspent convictions not previously disclosed to the Authority that may be relevant to the licence holder or the property manager
 - b) the status of either of them as a 'fit and proper person', including in particular a conviction in respect of any offence involving fraud or dishonesty, violence, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003
 - c) practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business
 - d) details of any contravention on the part of the licence holder or property manager relating to housing, public health, environmental health, or landlord and tenant law, which has led to civil or criminal proceedings and a judgment or finding being made against him or her.

7. General

- 7.1 The licence holder must allow for access to the HMO by authorised officers at any reasonable time for the purpose of carrying out inspections of the HMO and must not obstruct council officers carrying out their statutory duty to ensure compliance of licence conditions and any relevant legislation.
- 7.2 The licence holder shall if requested to provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the HMO:

- a) the names, dates of birth and numbers of individuals/households accommodated specifying the rooms they occupy within the HMO.
- b) number of individuals in each household and/or HMO.

*** The Council is obliged to impose these conditions under Schedule 4 of the Housing Act 2004**