



## Property Licence Conditions

**Property Address: EXAMPLE HMO LICENCE**

### Additional HMO

#### 1: Permitted Occupation

The Licence Holder must not allow a new resident to occupy the house or any part of the house if that occupation:

1. exceeds the maximum permitted number of people for the house as detailed in the schedule of permitted numbers
2. exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted numbers
3. exceeds the maximum permitted number of people for any letting as detailed in the schedule of permitted numbers

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.

Please note:

1. Maximum permitted persons stated is regardless of age unless specified.
2. Bedrooms can only be occupied by a maximum of two people.
3. Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5m is not to be taken into account in determining the floor area of that room.
4. In order for a bedroom below the size stated below to be accepted, a member of the private sector housing team must determine that suitable communal space is available to tenants. Any room with a floor area of less than 6.51m<sup>2</sup> is never permitted to be used as sleeping accommodation.
5. Please refer the Council's HMO standards for more details on space standards, including when occupants have kitchen facilities in their room, or have a two-room letting.
6. For further details on the number of kitchens and bathrooms, and the facilities within them, please refer the Council's HMO standards for full details.
7. If the property is found to be overcrowded prior to the licence being issued, the licence will be issued for the permitted numbers of occupants and an enforcement notice may be served.

**The tables below outline the guideline requirements, however other factors may affect the number of permitted occupiers. Please refer to the Council's HMO standards for full details.**

Occupancy and Maximum Permitted Persons per Letting

Bedroom Floor Area (sq m) where there is a shared kitchen and bathroom	Maximum permitted number of occupants per room
13m <sup>2</sup> or above	2 people
9m <sup>2</sup> – 13m <sup>2</sup>	1 person

Note 1 kitchen and 1 bathroom is required per 5 occupiers. For full information please refer to the HMO standards.

Minimum Room Sizes of Communal Rooms:

Kitchen	6m <sup>2</sup>
Kitchen/Diner	8.5m <sup>2</sup>
Living Room	8.5m <sup>2</sup>

## 2: Tenancy Management

2.1 The licence holder 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 repairs and emergency issues. Copies of the written statement of terms must be provided to the London Borough of Barking and Dagenham Council (the council) within 7 days on demand.

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. This information must be provided to the Council within 28 days upon demand.

2.3 Checks must be carried out to confirm the tenants identity, and whether they have the right to rent a property (see [Checking your tenant's right to rent: Who you have to check - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/checking-your-tenant-s-right-to-rent-who-you-have-to-check)).

2.4 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.

2.5 The licence holder shall make fit for purpose tenancy management arrangements to ensure a prompt response to disrepair issues, to prevent or reduce anti-social behaviour by people occupying or visiting the property, and to ensure tenants occupy the property in a 'tenant-like manner'. Evidence of these management arrangements must be provided to the council within 28 days on demand.

2.6 The arrangements shall be communicated to the tenants in writing and shall include as a minimum the following:

- a) Notification of an emergency 24hr contact number (including out of hours response arrangements)
- b) Notification of arrangements for the disposal of rubbish and bulky waste
- c) Notification that inspections will be carried out for management and repair issues
- d) Notification that rent receipts will be provided within 7 days of receiving the rent where rent is not paid by bank transfer
- e) Advice on how to heat and ventilate the property to reduce the likelihood of condensation mould

2.7 The licence holder shall effectively and promptly 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 (if the licence holder has an agent it is still the licence holder's responsibility to ensure their agent acts on their behalf in compliance of the conditions):

- a) The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) concerning the visitors to or occupiers of the premises.
- b) Any letters, relating to antisocial 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 make sure notes are kept of any meetings or telephone conversations or investigations regarding antisocial behaviour for 3 years.
- d) If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the tenant within 7 days. The tenant must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.
- e) The licence holder shall monitor any allegations of antisocial behaviour from the date they are informed.
- f) Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must visit the premises within 7 days and provide the tenant with a warning letter advising them that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, the consequences of its continuation, and of the possibility of eviction if the behaviour continues.
- g) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed, eg. police, council, DWP, Home Office, etc.
- h) If after 14 days of receiving a written Community Protection Warning the tenant is continuing with antisocial behaviour, the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement, which shall include promptly commencing 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 or 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 If the licence holder is informed of a disrepair or an infestation in the property by the occupier or the council in writing, by email or other form of communication, they must take action to fix it. The licenceholder must respond in writing to any such complaint within 14 days, stating what action they have taken or taking.

3.2 Details in writing of any such written complaint (including by email) and the licence holder's response must be provided by the licence holder to the Council within 28 days on demand.

3.3 The licence holder shall ensure that any repairs, improvement works or treatments at the property are carried out by a competent person/people, and that that person has public liability insurance, whether that person is employed directly by the licence holder or by an agent/employee of the licence holder. Copies of receipts and/or invoices for any such works must be provided to the Council within 28 days upon demand.

3.4 The licence holder shall not cause or permit any person who has previously applied for a property licence in respect of the property and has either:

- a) been found not to be a Fit and Proper person, or
- b) been made subject to a Banning Order under the Housing and Planning Act 2016,

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property.

3.5 Licence holders who have been found to be evading their licensing responsibilities or are suspected of misconduct in relation to the management of their properties, may be required to provide a basic disclosure and barring service check at their own cost. A copy of the basic disclosure and barring service check must be provided to the Council within 28 days upon demand.

3.6 The licence holder shall make sure 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.

3.7 The licence holder must take all reasonably practicable steps to make sure The licence holder must obtain a 'satisfactory' electrical installation condition report (EICR) (or an Electrical Installation Certificate (EIC) if there has been a full rewire or it is a new build property) and provide a copy to the Council within 28 days upon demand. The EICR (or EIC) must be produced by a competent person who is appropriately qualified to prepare this report. If the person issuing the EICR (or EIC) 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 within 28 days of demand. (PLEASE NOTE: The Council will not contact the electrician on your behalf).

3.8 The licence holder shall make sure 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.

3.9 The licence holder must provide the tenants with adequate facilities for the disposal of refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.

3.10 The licence holder shall ensure that inspections of the gardens and yards are carried out at least every three (3) months to ensure they are not an eyesore, and that they are free from waste which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling. If issues are found action must be taken within 14 days. Details of actions taken must be provided in writing to the council within 28 days upon demand.

3.11 The licence holder shall ensure that waste such as old furniture, bedding, mattresses, rubbish or refuse from the property is not left outside the property or in its vicinity. If the licence holder is informed, in writing, by email or other form of communication, from the occupiers or the Council of waste outside the property, they shall:

- 1) If appropriate write a warning letter to the occupiers within 7 days informing them of the permitted means of disposing of waste.
- 2) If the tenants fail to remove the items take action to clear the refuse within 7 days.

- 3) Details of action taken must be provided in writing to the Council within 14 days upon demand.

3.12 The licence holder shall make sure that there is an approved storage container for refuse.

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

- a) The collection days for the refuse and recycling bins for the property: [Check your bin collection days | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- b) Details on what they can and can't put in each bin, including what can be recycled: [What goes in each bin | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- c) How they can dispose of bulky waste: [Book a bulky waste collection | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- d) General waste guidance from the Council's website: [Rubbish & Recycling | London Borough of Barking and Dagenham \(lbbd.gov.uk\)](#)
- e) Instructions that no refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.

A copy of the information provided to the occupiers must be kept for five years and provided to the Council within 28 days on demand.

3.14 If the licence holder becomes aware that the occupiers of the property or their visitors are not using the waste disposal facilities provided and/or leaving waste outside the property or in its vicinity (for example old furniture, mattresses), they must write a warning letter to the occupiers within 7 days advising them to remove the items immediately. A copy must be kept and must be provided to the Council within 28 days on demand.

3.15 Where the licence holder becomes aware of a pest problem or infestation at the property, they shall take steps within 7 days to make sure that a treatment programme is carried out to eradicate the pest infestation. Records shall be kept of such treatment programmes and these must be provided to the Council within 28 days on demand.

3.16 The licence holder must carry out a fire risk assessment in accordance with The Regulatory Reform (Fire Safety) Order 2005 and to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity. The licence holder must provide to the Council, within 28 days on demand, a copy or evidence of the fire risk assessment.

PLEASE NOTE: HMOs often require a higher level of fire detection, more fire doors and fire-fighting equipment but this is dependent on the size and complexity of the layout and other risks of the HMO. Your fire risk assessment will identify any measures required and should be based on the LACORS - guidance on fire safety provision for certain types of existing housing. For specific guidance on the appropriate fire detection systems please ensure it is compliant with British Standard BS 5839:6 2019- Code of Practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises. 3.17- The Licence Holder shall ensure that any firefighting equipment and fire alarm at the property are maintained in good working order and inspected by a competent person at regular intervals.

The Licence Holder must provide to the Council, within 28 days on demand, all periodical inspection reports and test certificates for any automatic fire alarm system, emergency lighting and firefighting equipment provided in the property.

3.17 In the property the licence holder shall install and maintain in good working order appropriate smoke alarms in the property and upon request shall submit a declaration of the condition and positioning of the alarms,

**Please note: The conditions below are to be treated as the standard level of fire detection. Your risk assessment may require a higher level of detection and other fire safety equipment.**

- a) The licence holder shall make sure a smoke alarm is installed on each storey of the house where there a room used wholly or partly as living accommodation (A bathroom or lavatory is to be treated as a room used as living accommodation).
- b) The licence holder shall make sure that each smoke alarm installed in any room or other part of the house is kept in proper working order and is replaced over time according to manufacturer's instructions.
- 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 make sure 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 fixed combustion appliance (excluding gas cookers). ("Room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation).
- e) The licence holder shall make sure carbon monoxide alarm installed in any room in the house shall be kept in proper working order and is replaced over time according to manufacturer's instructions.
- f) The licence holder must supply the Council, within 28 days on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.

3.19 The licence holder shall make sure 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 the furniture must be provided to the Council within 28 days on demand.

3.20 The licence holder shall make sure that inspections of the property are carried out at least every three (3) months to identify any problems relating to the condition and management of the property. The records of the 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, and schedule of routine maintenance and cleaning programme, and schedule of fire detector testing. Copies of these must be provided to the council within 28 days on demand.

3.21 The licence holder shall carry out checks every three (3) months to ensure that the Assured Shorthold Tenancy named tenants are still residing at the property and that the maximum household and occupant numbers are not exceeded, nor that other unnamed occupants have taken up residence.

#### **4: Documents to be Displayed**

4.1 The licence holder must 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 must 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 must 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 1st 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 make sure 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 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 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 planning pages on the Council's website.

6.2 The licence holder must advise the Council's Property Licensing Team directly, in writing or by email, if they create or remove any rooms, bathrooms, WCs or kitchens in the property, at least 28 days before starting works.

6.3 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.

6.4 If requested by email or in writing, the licence holder must provide the council within 28 days upon demand, with following regarding the occupancy of the property:

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

6.5 The licence holder shall inform the Council's property licensing team in writing or by email, of any change in ownership or management of the house, or any change in address, email or telephone number for the licence holder and/or agent.

6.6 The address of the licence holder given on their application form shall be used as the address for the proper service of any letter, notice or other document by the Council's property licensing

team on the licence holder. It is the licence holder's responsibility to ensure that they take all reasonable steps to receive and act upon any letter, notice or other document sent to that address.

6.7 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure that anyone occupying or visiting the premises is safe.

6.8 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.

## **7: Licence Limitations**

7.1 LICENCE TRANSFER - This licence can NOT be transferred to another person, organisation or property.

7.2 COMPANIES AND PARTNERSHIPS - If the Licence Holder is a company or partnership and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

## **8: Other Statutory and Legal Requirements**

8.1 PLANNING PERMISSION - 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. If the property is being used as a House in Multiple Occupation (HMO) this may constitute a breach of planning control and you should check the Council's website to ensure the correct planning permissions are in place. This licence does not offer any protection against enforcement action taken by the Planning Department. If you are unclear on the matters outlined above you should seek professional planning advice.

8.2 BUILDING CONTROL- This licence does NOT grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise. This licence does not offer any protection or excuse against enforcement action taken by the Building Control (Development Control) Department.

8.3 PROPERTY CONDITION - This licence is NOT evidence that the property is safe or free from hazards and defects. The licence does not offer any protection against criminal or civil legal action being taken against the licence holder, or anyone else with an interest in the property, in respect of any hazards, nuisances or any other problems discovered in relation to the condition of the property.

8.4 CONSUMER RIGHTS & UNFAIR PRACTICES - The licence holder's attention is drawn to Office of Fair Trading's (OFT) guidance on unfair contracts in relation to their tenancies or licences. The licence holder must negotiate its agreements in good faith and must not carry out misleading or aggressive commercial practices. Full information should be supplied to any prospective occupier including details of this licence. Further advice can be found here: <https://www.gov.uk/government/publications/unfair-contract-terms-cma37> and <https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>.

8.5 It is not the responsibility of the Council's Property Licensing Team to ensure the licence holder has complied with the above statutory requirements. If you are unclear on any of the matters outlined above, you should seek professional advice.

8.6 PROSECUTION/ CONTRAVENTIONS CONSEQUENCES - Please note that any prosecutions 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 'fit and proper' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.

8.7 Enforcement requirements could ultimately result in an unlimited fine.

8.8 For planning and building regulation queries please refer to the planning and building pages on the Council's website.

8.9 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 Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

**WARNING**

**PENALTY FOR BREACH OF LICENCE CONDITIONS**

**Failure to comply with any licence condition may result in either a civil penalty notice of up to £30,000 or a prosecution which has an unlimited fine.**