

London Borough of Enfield Selective and Additional Licensing

Appendix 8

Licence Conditions for Additional Licensing Scheme

Housing Act 2004

January 2020

Proposed Licence Conditions

1. Occupation of the House in Multiple Occupation

- 1.1 A new resident must not be permitted to occupy the property or any part of the property if that occupation exceeds the maximum numbers specified in the licence. 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.
- 1.2 The licence holder will be required to ensure that the numbers of households and/or persons residing in the property 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 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. 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 property 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 copy of this licence and conditions attached to it
 - Provision of an emergency contact name and number (including out of hours)
 - A clause making it clear that the occupants of the house are responsible for both their behaviour and that of their household and visitors
 - A copy of the current valid gas safety certificate
 - A copy of the Energy Performance Certificate (EPC) if applicable, and
 - 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 here](#))
 - How they can dispose of bulky waste (for more information, see the [Council's website here](#))
 - General waste guidance from the Council's website (for more information, see the [Council's website here](#))

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 anti-social behaviour resulting from the conduct of occupiers or visitors to the property.
- 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 property.
- 2.7 The licence holder shall ensure that inspections of the property are carried out at least every three months to identify any problems relating to the condition and management of the property. This must include evidence of checks that the property 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.

3. Property Management

- 3.1 If the licence holder appoints a person to manage the property 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 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 property.
- 3.3 If gas is supplied to the property, to produce to the Council annually for its inspection a gas safety certificate obtained from a Gas Safe Registered Engineer, in respect of the property within the last 12 months.*
- 3.4 The licence holder shall ensure that the electrical installation and all electrical appliances made available by him or her in the property are in a safe condition and to 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 any gardens, yards and other external areas within the boundary of the house are kept in reasonably clean and tidy condition and free from pest infestation.
- 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 property.
- 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 house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; 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*.
- 3.10 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. 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 property 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 property:
- 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 house door, or to the doors of dwellings within the house, 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 property house 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 property, and any material change in the circumstances of any person managing or involved in the management of the property, such as:
- details of any unspent convictions not previously disclosed to the Authority that may be relevant to the licence holder or the property manager
 - 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
 - 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
 - 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 property by authorised officers at any reasonable time for the purpose of carrying out inspections of the property, 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 house:
- The names, dates of birth and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
 - number of individuals in each household and/or property.

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