

Additional Licensing: proposed conditions and exemptions

Properties covered by the scheme:

All houses let in multiple occupation in the borough, that are not subject to mandatory licensing under the Housing Act 2004 will require a licence under the proposed additional licensing scheme.

Conditions

- The conditions attached to additional licences will in the main be the same as those attached to mandatory licences, with the exception that the condition relating to Anti-social behaviour will not apply as a general condition. Please see below.
- 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.
- There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation, condition and contents of the HMO.
- These mandatory conditions are prescribed by Schedule 4 Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.

The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. *General*

- 1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants (*discretionary condition*).
- 1.2 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 between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).

- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.7 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(*discretionary condition*).

2. *Gas Safety*

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked within the previous twelve months. Any defects noted on the certificate must be promptly rectified (*mandatory condition*).
- 2.2 The Licence Holder is required to ensure that a carbon monoxide detector is installed and kept in working order in any room within the premises where a solid fuel appliance is installed. The Licence Holder must supply to the authority, on demand, a declaration by as the condition and positioning of such alarms (*mandatory condition*).

3. *Electrical Safety*

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical

installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g. fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).

- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should be carried out every twelve months with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*).
- 3.3 Where low-risk (i.e. works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition Report (EICR), the Licence Holder shall at the expiry of the EICR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR (*discretionary condition*).

4. *Furniture*

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

5. *Fire Precautions*

- 5.1 Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Southwark. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified.

Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.

The LACoRs Fire Guide provides guidance on the levels of fire precautions expected in different types of HMO -

http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

(discretionary condition that ensures we are meeting mandatory requirements)

- 5.2 The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of any smoke alarms *(mandatory condition)*.
- 5.3 At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear *(discretionary condition)*.
- 5.4 Consonant with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (<http://www.legislation.gov.uk/ukxi/2005/1541/contents/made>) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. The manager shall supply a copy of the risk assessment to London Borough of Southwark on demand *(discretionary condition)*.
- 5.5 Following testing, the Government have advised that several fire door manufacturers have failed the standard testing requirements, meaning that the fire doors sold will not hold back fire for a minimum of 30 minutes. This presents a significant safety risk to occupants.

The Government have issued some guidance to the private sector in relation to fire doors: https://www.gov.uk/government/publications/advice-for-building-owners-on-assurance-and-replacing-of-flat-entrance-fire-doors?utm_source=8f072d3d-8cb9-40d8-9d2f-edb0c7a50b03&utm_medium=email&utm_campaign=govuk-notifications&utm_content=weekly

The licence holder shall carry out a full inspection of any fire doors installed in the HMO. The licence holder shall ensure that:

- The door is sound and in good repair.
- Any glazing in the door is in good repair and at least 6mm minimum thick wired cast glass.
- The door been fitted with 100mm butt hinges that are securely fixed.
- The intumescent strips and cold smoke seals are in place and in good repair.
- The self-closer fitted to the door operates correctly, closing the door without intervention.
- The gap between the frame and the door is no more than 3mm.

The licence holder shall submit to the Council within three (3) months of the date of the licence a signed declaration stating that the above has been carried out.

In addition, the licence holder shall submit to the Council within three (3) months the licence manufacturers certification that the door meets the relevant British Standard for fire resistance and smoke control. Where you

cannot evidence that the fire door meets the relevant British Standard for fire resistance and smoke control from both sides, carry out the following:

- Review your fire risk assessment.
- Put in place interim measures to mitigate the risk of sub-standard doors. The level of interim measures will depend on the nature and size of the building but could include;
 - advising the occupants in writing of the evacuation procedures and the reason and need to keep fire doors closed,
 - carrying out fire drills,
 - decreasing the intervals between management inspections,
 - putting in a waking watch,
 - making sure the route of escape is free of obstacles and combustible materials,
 - where it is safe to do so providing escape windows.

With the interim measures in place, either:

- i. either obtain third party certification that the in-situ doors meet the relevant British Standard, or
- ii. plan to replace the doors.

Where you are uncertain that the doors to be purchased are from a manufacturer that can supply actual certified 30-minute fire resistant doors then we would recommend buying and installing doors labelled as 60-minute fire resistant. By doing so you are providing yourself with some assurance that the doors should at least provide 30-minute fire resistant if not greater.

The licence holder shall submit to the Council within twelve (12) months of the date of the licence third party certification that the in-situ doors meet the relevant British Standard or manufacturers certification relating to the resistance of the new fire doors installed at the HMO (*discretionary condition*).

- 5.6 The licence holder must inform the Council by email [add email] within 72 hours of becoming aware of the occurrence of a fire within the house (*discretionary condition*).

6. *Tenancy Matters*

- 6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).
- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) creates new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 28 days upon demand (*discretionary condition*).

- 6.3 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 (*discretionary condition*).

7. *Anti-Social Behaviour*

- 7.1 The Licence Holder shall take all reasonable and practical steps for preventing and dealing with anti-social behaviour and undertaking a thorough process of reasonable and effective steps to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police, regarding their occupiers. For the purpose of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the neighbouring area of the house (*discretionary condition*).

8. *Waste Disposal*

- 8.1 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:

- The collection days for the refuse and recycling bins for the property (LINK TO WEBSITE)
- Details on what they can and can't recycle (LINK TO WEBSITE)
- How they can dispose of bulky waste. (LINK TO WEBSITE)
- General waste guidance from the Council's website: (LINK TO WEBSITE).

A copy of the information provided to the occupiers must be kept for 5 years and provided to the Council within 28 days on demand.

- 8.2 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.
- 8.3 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property.
- 8.4 The Licence Holder shall carry out regular checks and ensure that the common parts, gardens and yards 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; and that waste such as old furniture, bedding, rubbish or refuse from the property is not left outside the property or in its vicinity.

- 8.5 The Licence Holder must not leave old furniture, bedding, rubbish or refuse from the property on the immediately outside the property or private land.
- 8.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner.
- 8.7 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.

(discretionary conditions that ensure we are meeting mandatory requirements).

- 8.8 The licence holder shall label any furniture, soft furnishing and kitchen appliances and white goods provided at the property, using a suitable indelible marker pen (removable labels are not acceptable) with the address and, where relevant, the room number the articles relate too, e.g. Room 1, 38, postcode. The labelling should be readable and clear. The licence holder will regularly check the labelling and re-label should the existing labelling have faded to the point it can no longer be read. This doesn't apply to articles provided by the tenants. Note. This condition will be applied in defined hotspot areas where there have been significant issues with dumping of articles of furniture, etc. as a way of easily identifying the properties the articles come from. *(discretionary condition).*

9. *Fit and Proper Person*

- 9.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the HMO Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

10. *Changes in the use and layout of the Property*

- 10.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

11. *Council Standards for Licensable Houses in Multiple Occupation*

- 11.1 The maximum occupancy for this house in multiple occupation is **X** people in **X** households (*mandatory condition*) (*Dependant on each property's suitability for occupation including the size of the property/letting rooms, and level of kitchen and bathroom facilities*).

11.2 Table to be inserted stating room, room size, maximum people and maximum households.

11.3 The Licence Holder must ensure that no room is used by more than the number of persons specified in the licence (*mandatory condition*).

11.4 The total of number of people must not exceed the maximum stated. The table above outlines the number of people and households allowed per room (*discretionary condition*).

11.5 Licensed properties must comply with Southwark's Standards for HMOs within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).

11.6 The Licence Holder is required:

- a) to ensure that 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 (*mandatory condition*);
- b) to ensure that 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 (*mandatory condition*);
- c) to ensure that 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 (*mandatory condition*);
- d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation (*mandatory condition*).

11.7 The Licence Holder shall 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 (*mandatory condition*);
- 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 (*mandatory condition*);
- 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 (*mandatory condition*).

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 (*mandatory condition*).

For the purposes of paragraph's 11.6 and 11.7 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 (*mandatory condition*).

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 considered in determining the floor area of that room for the purposes of this paragraph (*mandatory condition*).

11.8 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).

11.9 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

12. *Access to Utility Meters*

12.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

13. *Flats in Multiple Occupation in a block of flats*

13.1 The licence holder shall ensure the tenants of the Flat in Multiple Occupation (FMO) are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:

- Evacuation arrangements, e.g. an all-out or stay-put policy.
- The safest route to safety from the FMO.
- The designated fire assembly area.
- Fire Drill arrangements (if any).
- Fire Warden and/or waking watch arrangements (where provided).
- The nearest manual call point (where provided).

(*discretionary condition*)

14. *Training Courses*

14.1 The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark.

Details of Training Courses:

London Landlord Accreditation Scheme (LLAS) and:

Accreditation and Training for Landlords & Agents Service (ATLAS)

Website: www.londonlandlords.org.uk

The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses (*discretionary condition*).

15. *Interim Measures*

15.1 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are:

[List measures – examples given below]

- Battery operated smoke detectors located in [add locations].
- Battery operated heat detectors located in [add locations].
- Battery operated hand-held emergency lighting located in [add locations].
- A 'waking fire watch' comprising:
 - 24 hour continuously staffed fire patrols of the building.
 - Trained and competent staff.
 - Staff given appropriate equipment and PPE.
 - An 'all out' evacuation plan managed by the watch staff.
- Undersized shower cubicles located in [add locations].
- Undersized baths located in [add locations].
- Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms].

These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance.

The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).

16. *Missing documents*

16.1 Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence:

[delete/add as appropriate]

- i. Energy Performance Certificate (EPC)(s)
- ii. Written tenancy agreement(s) with the occupying tenants.
- iii. Lease Agreements/Commercial Agreement with owner (if any)
- iv. Building insurance certificate

- v. Inventory of furniture and fittings(s)
- vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any)
- vii. Gas Safety Certificate(s)
- viii. Portable Appliance Test (PAT) report(s)
- ix. Test certificates for fire alarm system
- x. Test certificates emergency lighting system
- xi. Asbestos report(s)
- xii. Fire Risk Assessment

Email the copies to [email address]

(discretionary condition)

16. *Infectious Disease Control*

16.1 In the event of either a national or local outbreak of an infectious disease (that poses a significant risk to health) that is spread by air, water or touch (or a combination of these), the licence holder shall as a minimum put in place the following measures:

- **Inform**

Notify all occupants in writing of the nature of the infectious disease, how it is spread and the measures put in place at the HMO to limit its spread.

Provide a Notice, clearly displayed, in an accessible common area, setting out the nature of the infectious disease, how it is spread and the measures put in place at the HMO to limit its spread.

- **Clean**

Increase the frequency of the cleaning schedule for all the common areas in the HMO, including (but limited to) living and dining areas, shared bathrooms, toilets and kitchens. The minimum frequency should be three times a week.

The cleaning regime should include (but is not limited to) the sanitisation/disinfection of:

- Door and window handles and locks,
- Doors, handles and controls of all white goods communally provided,
- Taps and plugs,
- Showers,
- Baths,
- Wash hand basins,
- Toilets,
- Shared surfaces, e.g. dining tables, chairs, coffee tables, etc.
- All shared surfaces and cupboards used in the storage, preparation and cooking of food and making drinks,
- The doors, handles and controls of cooking appliances and kettles.

- **Sanitise**

Provide hand sanitiser stations in each common room including (but limited to) living and dining areas, shared bathrooms, toilets and kitchens and at the main entrance to the HMO. The sanitiser should not be diluted in any way and supplied in pump action containers for ease of use.

Examples of an infectious disease that would require these measures to be put in place are, COVID-19, Tuberculosis, SARS-CoV, etc.

The licence holder must inform the Council by email [add email] within 72 hours of becoming aware of the occurrence of an outbreak.

(discretionary condition)

Exemptions

Exemptions to the proposed additional licensing scheme include:

- a) properties licensable as an HMO under mandatory licensing;
- b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
- c) properties already subject to a management order or empty dwelling management order;
- d) properties subject to a temporary exemption notice.
- e) owners who reside in property they own as their main residence (owner-occupiers).
- f) holiday lets; and tenancies under a long lease and business tenancies.
- g) an HMO which is managed by a charity registered under the Charities Act 2011 and which—
 - i) is a night shelter, or
 - ii) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.
- h) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
- i) Student accommodation directly managed by educational institutions, e.g. halls of residence.
- j) Homes let to up to two single people who are unrelated.
- k) Single family dwellings where a dwelling is occupied by one household.
- l) Homes with up to 2 lodgers.