

# Private Rented Sector Property Licensing

## Mandatory and Additional Licensing Conditions

There are two types of conditions that can be applied, mandatory conditions which the council must apply to all HMO licences 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.

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 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. Permitted Occupation**

1.1 The Licence Holder must ensure that no room is used by more than the number of persons specified in the licence. The table above outlines the maximum number of people and households allowed per room.

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
- exceeds the maximum permitted number of persons for any letting 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

Please note: Maximum permitted persons stated is regardless of age unless specified

Occupancy and Maximum Permitted Persons per Letting Table will appear on the licence conditions here specific to the property.

### **2. General**

2.1 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.

2.2 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 all reasonable steps are taken to collect and act upon any letter, notice or other document sent to that address on a regular basis.

2.3 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.

2.4 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.

2.5 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 21 days on demand.

2.6 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.

2.7 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 5% of the internal floor space of each habitable room must be provided.

2.8 Where the Licence Holder is in control of property with an [Energy Performance Certificate \(EPC\) Rating of less than 'E'](#) (GOV.UK website):

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 - [GOV.UK website](#)

Register on the [GOV.UK website](#).

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.

### **3. Gas Safety**

3.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, within 7 days, 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.

3.2 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.

### **4. Electrical Safety**

4.1 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. Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations 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.

4.2 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 by a competent person every twelve months, or as often as recommended for the type of appliance 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.

### 5. Furniture

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. All upholstered furniture and mattresses supplied by the licence holder shall comply with the requirements of The Furniture and Furnishings (Fire) (Safety) Regulations 1988 and bear the permanent labelling required by the regulations. For guidance visit [Business Companion](#) (external website)

### 6. Fire Precautions

6.1 In compliance with the requirements of the [Regulatory Reform \(Fire Safety\) Order 2005](#) 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. Reference should be made to a qualified fire safety engineer where necessary. The manager shall supply a copy of the risk assessment to London Borough of Southwark within 14 days of a written request.

Reference must be made to the [LACoRs Fire Guidance](#), available on our website, to ensure that the correct fire precautions are installed at the property appropriate to the size and occupation of the property. Reference should be made to a qualified fire safety engineer for advice where necessary.

6.2 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.

6.3 The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of any smoke alarms.

6.4 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.

## 7. Tenancy Matters

7.1 The Licence Holder must ensure that all occupants of the HMO and each of them are provided with a written statement of the terms and conditions on which they occupy it, e.g. a tenancy or licence agreement.

7.2 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 14 days upon demand.

7.3 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.

7.4 The Licence Holder shall not knowingly 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.

## 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](#)
- Details on [what they can and can't recycle](#)
- How they can [dispose of bulky waste](#)
- [General waste guidance](#) from the Council's 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 ensure that tenants are provided 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 ensure that checks are carried out, at least every 6 months, 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 ensure that there is not 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.

### **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.

### **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.

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

11.1 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. [Read Southwark's Standards for HMOs here.](#)

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.

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

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.

The terms of these conditions are unique to this property and cannot be applied to any other property.

For the purposes of this licence, any occupier is regarded as one person, regardless of age.



**Please note that room size standards within Southwark's HMO standards are greater than the national prescribed minimum room size standard stated in 11.2 and 11.3 below. Whilst the national prescribed standard is outlined below the Council requires compliance with its locally adopted HMO Standards referenced in 11.1 above.**

11.2 *The Licence Holder is required:*

- *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);*
- *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);*
- *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);*
- *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).*
- *The Licence Holder shall ensure that:*
- *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);*
- *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);*
- *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).*

## **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.

### **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).

**Failure to comply with any licence condition may result in proceedings including fines up to £5,000 and loss of the licence or may be subject to a penalty notice of up to £30,000.**

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

**End**