

Standard Conditions for the Selective Licensing Scheme in London Borough of Tower Hamlets

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Property Address:

«address1» «address2» «address3» «address4» «address5»

Licence No: «refno»

In these Conditions, “house” is meant to refer to the building or part of a building, which is licensed under Part 3 of the Housing Act 2004.

“Authority” refers to the local authority, namely the London Borough of Tower Hamlets.

1.0 Permitted occupation

- 1.1. 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 table of occupation below.
 - Exceeds the maximum number of households for the house as detailed in the table of occupation below.
 - Exceeds the maximum permitted number of persons for any room as detailed in the table of occupation or below.

(A new resident means a person who was not an occupier of the house and/or the specific room at the date of issue of the licence).

Table of occupation

Room	Location	Area	Maximum Number permitted for sleeping
Bedroom «Punit1»	«Plocation1»	«Pfloor_area1»m ²	«Ppermitted1»
Bedroom «Punit2»	«Plocation2»	«Pfloor_area2»m ²	«Ppermitted2»
Bedroom «Punit3»	«Plocation3»	«Pfloor_area3»m ²	«Ppermitted3»
Bedroom «Punit4»	«Plocation4»	«Pfloor_area4»m ²	«Ppermitted4»
Maximum Households	«Ppermitted_hhld»	Maximum Occupiers	«Ppermitted_occ»
Notes:			

Rooms cannot be used for sleeping purposes

Room	Location	ZERO
Room????	???? Delete if not required	ZERO
Notes:		

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, 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.

- 2.2. 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.

- 2.3. The licence holder is to obtain a reference for any new tenancy. References need to provide sufficient detail as to the tenant’s past record to show the tenant has not been responsible for anti-social behaviour and include the name and address of the person providing it. A copy of this should be kept for the duration of the tenancy and be available on the request of Tower Hamlets Council

- 2.4. If tenants are unable to provide a reference for good reason for example because they were previously homeless, it is their first tenancy or the landlord is unwilling to provide one in this case the tenant should be asked to sign a declaration confirming they have been informed of and understand the need to comply with the tenancy agreement and not cause anti-social behaviour. A copy of this should be kept for the duration of the tenancy and be available on the request by Council

- 2.5. The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of the licence. This evidence must be provided to the Council within 28 days on demand.

- 2.6. The Licence Holder shall protect any deposit taken under an assured shorthold tenancy by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must comply 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 Council within 28 days on demand.

- 2.7. The Licence Holder must provide to the Council, in writing, details of the tenancy management arrangements that have been, or are to be, made to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Evidence of these must be provided to the Council within 28 days on demand and amongst other things shall include 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) Written records of property inspections for management and repair issues

- 2.8. The Licence Holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. The Council may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the property. The records of such inspections shall be 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. Copies of these must be provided to the Council within 28 days on demand.

3. Notification of Change

- 3.1 The Licence Holder shall inform the Council's Health and Housing Team directly, in writing or by e-mail, of the following within 28 days of the change occurring:
- a) Any change in the ownership or management of the property.
 - b) Any change in address, email or telephone number for the licence holder and/or agent.
- 3.2 sent to that address. 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 Environmental Health and Trading Standard Department 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
- 3.3 The Licence Holder must advise the Council's Health and Housing Team directly, in writing or by email, if they create or remove any rooms, bathrooms, W.Cs or kitchens in the property, at least 28 days before starting works.

4.

4. Fit and proper person

- 4.1 The licence holder must ensure that any persons involved with the management of the house must be a fit and proper person as per the **definition** under section 88 (3)(a) or (c) of the Housing Act 2004.
- 4.2 The Licence Holder or their Managing Agent must inform the Council within 14 days of any changes in their circumstances as follows:
- a) Details of any unspent convictions not previously disclosed to the local Council that may be relevant to the licence holder and/or the property manager and their fit and proper person status and in particular any such conviction in respect of any offence involving fraud or dishonesty, or violence or drugs or any offence listed in schedule 3 to the Sexual Offences Act 2003;
 - b) Details of any finding by a court or tribunal against the licence holder and/or the manager that he has practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origin, or disability in, or in connection with, the carrying on of any business;
 - c) Details of any contravention on the part of the licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which have led to civil or criminal proceedings resulting in a judgement or finding being made against him;
 - d) Information about any property the Licence Holder or manager owns or manages or has owned or managed which has been made subject to:
 - A control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or
 - Any enforcement action described under **Part 1, Sections 5(2) or 7(2) of the Housing Act 2004 concerning Category 1 and Category 2** housing conditions hazards;
 - e) Information about any property the Licence Holder or Manager owns or manages or has owned or managed in relation to which a Local Housing Authority has either refused to grant a licence under Parts 2 or 3 of the Act, or has revoked a licence;
 - f) Information about any property the Licence Holder or Manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004;

5. Responsibility for Anti-Social Behaviour (ASB)

- 5.1 The Licence Holder shall take prompt action to address problems of antisocial behaviour (ASB) resulting from the conduct of occupiers of, or visitors to, the property and must comply with the requirements of paragraphs (a) to (h) 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) If the Licence Holder receives a complaint from any person or organisation (including the Council) regarding antisocial behaviour involving the occupiers of or visitors to the property, the Licence Holder must contact the occupiers within 14 days of receiving the complaint. The Licence Holder must inform the occupiers in writing of the allegations of the ASB and of the consequences of its continuation.
- b) If the Licence Holder is informed by the Council, Police or other organisation that any occupiers have entered into a Community Resolution; or have been issued with an Acceptable Behaviour Contract; or a civil injunction has been obtained against the occupiers; or if the occupiers have been prosecuted in relation to ASB, the Licence Holder must visit the property within 7 days of being notified.
- c) During the visit the Licence Holder must provide the occupiers with a warning letter advising them (amongst other things) that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, and of the consequences of its continuation.
- d) Any letters, emails, legal notices or other documents relating to ASB, which are sent or received by the Licence Holder, or the agent on behalf of the Licence Holder, must be copied and kept for 5 years by the Licence Holder.
- e) Where the Licence Holder has reasonable grounds to suspect that the ASB involves criminal activity the Licence Holder shall ensure that the appropriate authorities are informed.
- f) The Licence Holder shall co-operate with the Police and Council in resolving ASB in any licensed property under their control. Such co-operation includes attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Council when requested.
- g) Any correspondence, letters and records referred to in conditions 15(a) to (e) must be provided by the Licence Holder to the Council within 28 days on demand.

6. Property Management and Safety

- 6.1 The License holder / Landlords must comply with Electrical Safety in the Private Rented Sector (England) Regulations 2020). This requires the License holder to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Electrical contractors that are on a relevant competent person scheme can be found at www.competentperson.co.uk
- 6.2 The licence holder must ensure that: (for new tenancies from 1st July 2020 and all existing specified tenancies from April 2021)
 - a. Every electrical installation in the house is in proper working order and safe for continued use; and
 - b. Supply the authority, on demand, with a declaration as to the safety of such installations;

Note: For the purpose of condition 10, “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.
 “electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;
- 6.3 Where the Licence Holder becomes aware of a pest problem or infestation at the property they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Council within 28 days on demand.
- 6.4 The licence holder shall ensure that inspections of the property are carried out a minimum of every 6 months to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. The records must contain a log of who carried out the inspection, date and time of inspection and issues found and action(s) taken. Copies of these must be provided to the Council within 14 days on demand.
- 6.5 The Licence holder must be resident in the United Kingdom, Or sign a declaration that an appoint person or agent would completely fulfil the licence holder’s role and responsibility and will be held to account for any failure or noncompliance.
- 6.6 The Licence holder shall ensure that, as far as is reasonably practicable, the exterior of the property and boundary walls, fences and gates are kept free from graffiti.

- 6.7 The Licence Holder shall ensure that, if they are informed, in writing, by email or other form or communication, a complaint of disrepair or pest infestation in the property from the occupiers or the Council, they take action to remedy the disrepair and/or infestation. The Licence Holder shall respond in writing to any such complaint, within 14 days, stating what action they have or are taking.
- 6.8 Copies of any such written complaint (including by email) and the Licence Holder's response referred to in condition 5.7 must be provided by the Licence Holder to the Council within 28 days on demand.
- 6.9 The Licence Holder shall ensure that any repairs, improvement works or treatments at the property are carried out by competent person(s) who is employed directly by the Licence Holder or 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.
- 6.10 If gas is supplied at the property, the Licence Holder shall take all reasonably practicable steps to ensure that all gas installations and appliances are in a safe condition. The Licence Holder must keep a current valid gas safety certificate obtained within the last 12 months by a Gas Safe registered Engineer or, if the boiler was installed less than 12 months ago, a Gas Safe Installation Certificate. A copy must be provided to the Council within 28 days on demand. Copies of this certificate must also be provided to all occupiers at the start of their occupation.
- 6.11 The Licence Holder shall take all reasonably practicable steps to ensure that all electrical appliances provided at the property are in a safe condition. The Licence Holder must obtain an electrical appliance test (PAT) report in respect of all electrical appliances that are provided by the landlord and provide a copy to the Council within 28 days of demand.

7. Waste Management

- 7.1 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:
- A. The collection days for the refuse and recycling bins for the property
Details on what they can and can't recycle:
https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/recycling_and_waste/waste_collections.aspx
 - B. How they can dispose of bulky waste:
https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/recycling_and_waste/Bulky_waste/bulky_waste.aspx
 - C. General waste guidance from the Council's website:
https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/recycling_and_waste/waste_collections.aspx
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 The Licence Holder must not leave old furniture, bedding, rubbish or refuse from the property on the land immediately outside the property or private land.

- 7.6 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.
- 7.7 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.

8. Fire Safety

- 8.1 The Licence Holder shall ensure that a smoke alarm is installed on each storey of the property on which there is a room used wholly or partly as living accommodation.
- 8.2 The Licence Holder shall ensure each smoke alarm installed in the property shall be kept in proper working order and shall submit to the Council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.
- 8.3 The Licence Holder shall ensure that a carbon monoxide alarm is installed in any room in the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. ("Room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.)
- 8.4 The Licence Holder shall ensure each carbon monoxide alarm installed in any room in the house shall be kept in proper working order.

The Licence Holder must submit to the Council, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.

- 8.5 The Licence Holder shall ensure 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 such furniture must be provided to the Council within 28 days on demand.
- 8.6 Please Note: Compliance with these conditions does not automatically mean your property is free from the hazard of fire. Subsequent enforcement action may have to be taken to reduce the hazard. More information can be found here (under Useful Links):
https://www.towerhamlets.gov.uk/ignl/housing/Health_and_housing/Landlord_licensing_scheme/Selective_Licensing.aspx

9. Financial Management

- 9.1 When rent is collected or received from the occupiers, a written rent receipt must be given to the occupiers, within 7 days of receiving the rent. (This can be an email or written invoice confirming to the tenant, the date and amount paid.) Copies of the rent receipts and records must be provided to the Council within 28 days on demand

10. General Conditions

- 10.1 The Licence Holder must arrange for access, to be granted to Council officers when requested, at any reasonable time. They must not impede Council officers in carrying out their statutory duties including inspecting, surveying and investigating the property to ensure compliance with licence conditions and any other relevant legislation.
- 10.2 The Licence Holder shall provide the Council, within 28 days of receiving a written notice, with such of the following as may be specified in the notice with respect to the occupancy of the property:
- a) The names and numbers of individuals and households in occupation specifying the rooms they occupy within the property.
 - b) The names and number of individuals in each household.
- 10.3 The Licence Holder shall ensure that if any alteration or construction works are in progress, works are carried out at the property are carried out in such a manner as to ensure the safety of all persons occupying or visiting the property in compliance with Health and Safety legislation.

- 10.4 The Licence Holder shall ensure that on completion of any works, the property is left in a clean and tidy condition and free from builders' debris.
- 10.5 The Licence holder and/or manager may be required to attend an accredited property management training course. One such course is run by the London Landlord Accreditation Scheme and for information on this scheme refer to: www.londonlandlords.org.uk

WARNING

PENALTY FOR BREACH OF LICENCE CONDITIONS-Failure to comply with any of the above licence conditions may result in enforcement action and/or prosecution

The fine for a breach of these licence conditions is now UNLIMITED for each offence.

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LIMITATIONS OF LICENCE

LICENCE TRANSFER

This licence can NOT be transferred to another person or organisation or property.

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.

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 or the Planning Department to ensure the correct planning permissions are in place:

https://www.towerhamlets.gov.uk/lgn/planning_and_building_control/planning_policy_guidance/Local_plan/local_plan.a.spx.

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.

BUILDING CONTROL

This licence does NOT grant any Building 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 Department.

LEASE AGREEMENTS

For landlords with leasehold properties, if you are granted an HMO licence this does not mean that you also have permission for such use. It is your responsibility to check your lease agreement and obtain all relevant permissions from the freeholder to use your property as an HMO.

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.

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 in the link below:

<https://www.gov.uk/government/publications/unfair-contract-terms-cma37>

and

<https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>

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 matter outlined above, you should seek professional advice.

CONTRAVENTIONS CONSEQUENCES (PROSECUTION)

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.