

**Standard Conditions for the Additional Licensing Scheme in
London Borough of Tower Hamlets
Schedule 4 – Licence Condition under Part 2**

Contents	Page
1. Tenancy Management	1
2. Reducing Anti-Social Behaviour	2
3. Fit and Proper Person	2
4. Training	2
5. Property Management	2
6. General	4

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 2 of the Housing Act 2004.

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

1. Tenancy Management

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»
Bedroom «Punit5»	«Plocation5»	«Pfloor_area5» m ²	«Ppermitted5»
Bedroom «Punit6»	«Plocation6»	«Pfloor_area6» m ²	«Ppermitted6»
Max household	«Ppermitted_hhld»	Max Occupiers	«Ppermitted_occ»
Notes:			

Rooms that cannot be used for sleeping and living purposes

Room	Location or room size	ZERO
Kitchen		ZERO
Communal Living Room		ZERO
Bathroom\WC 1		ZERO
Bathroom\WC 2		ZERO
Any under sized room	<i>If not required delete this row</i>	ZERO

1.1 The licence holder/manager 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) 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.**
- e) 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;

- f) 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;
- g) 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.

Please note: Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 meters is not taken into account in determining the floor area of that room

- 1.2 The licence holder/manager is prohibited from allowing a new resident to occupy* the property and/or parts of the property if: -
- that occupation exceeds the maximum number of permitted persons in the property or,
 - that occupation exceeds the maximum number permitted for any unit of accommodation.

***A 'new resident' is a person not in occupation at the date the licence is issued.**

The licence holder shall ensure that the name, address, email and telephone number of the person responsible for managing the property is displayed in a prominent position in the common parts of the property. A 24 hour emergency telephone number should be provided and details of how to report any disrepair issues.

- 1.3 The Licence Holder shall ensure that a copy of the licence and licence conditions are displayed in a prominent position in the common parts of the property.
- 1.4 The licence holder must advise the Health and Housing Team directly, in writing or by email, if they plan to create or remove any rooms, bathrooms, WCs or kitchens in the property, at least 21 days before starting works.
- 1.5 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 repair and emergency issues. Copies of the written statement of terms must be provided to the Council within **21 days of a written request**.
- 1.6 The licence holder shall carry out the necessary right to rent checks for all tenants and obtain copies of the relevant documents for each tenant during the period of their tenancy. No new occupiers shall be allowed to occupy the property if they do not have the right to rent in the UK. Copies of the documents must be provided to the Authority within **21 days of a written request**.
- More information can be found at: <https://www.gov.uk/check-tenant-right-to-rent-documents/how-to-check>
- 1.7 The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a satisfactory reference. Copies of the documents must be provided to the Authority within **21 days of a written request**.
- 1.8 When rent or licence fees are collected or received from the occupiers in cash form, a written receipt must be given to the occupiers, within 7 days of receiving or collecting the cash payment. (This can be an email confirming to the tenant, the date and amount paid.) Copies of the rent receipts and records must be provided to the Council within **21 days of a written request**.
- 1.9 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in one of the 3 statutory tenancy deposit schemes. The tenant(s) must be given the prescribed information about the scheme being used within 30 days of the deposit being protected. Copies of the documents must be provided to the Council within **21 days of a written request**.

Any correspondence, letters and records referred on the conditions must be provided to the Authority within 21 days of written request.

2. Reducing Anti-social behaviour

- 2.1 The licence holder shall take all reasonable and practicable steps to prevent or reduce antisocial behaviour by persons occupying or visiting the house. All complaints of anti-social behaviour by occupants or their visitors shall be investigated and the following appropriate actions taken;
- The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour and whether it is continuing.
 - Where the antisocial behaviour is continuing after **28 days** from receipt of the complaint, the licence holder, or his agent must within **7 days** visit the property and issue the occupier with a warning letter advising them of the possibility of eviction.
 - 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.

- If after **14 days** of giving a warning letter the occupier has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms of occupation, (e.g. the tenancy agreement or licence).
- Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or police.

2.2 The licence holder and his representatives will ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required to the property for the purpose of undertaking landlord duties and responsibilities, the licence holder will ensure that the tenant receives at least 24 hours written notice of intention to enter the property specifying the reason entry is required. Only in emergency situations such as flood, fire or potential threat to life should these requirements be waived.

3 Fit and Proper Person

3.1 The licence holder must ensure that any persons involved with the management of the property must be a fit and proper person as per the definition under section 66 of the Housing Act 2004. The Licence Holder or their Managing Agent must inform the Council within **21 days** of any changes in their circumstances as a result of a conviction, or caution or civil penalty or any other fixed penalty notice in relation to the management or letting of properties.

3.2 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.

4. Training

4.1 The licence holder shall upon request of the Council attend such training courses as required in relation to any applicable Code of Practice approved under the provisions of the Housing Act 2004 section 233.

5. Property Management

5.1 The licence holder shall ensure that regular inspections, at least six monthly, of the property are carried out 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. Copies of these must be provided to the Council within **21 days of a written request**.

5.2 The Licence Holder must arrange for access, to be granted to Council officers when requested, at any reasonable time (minimum notice requirement is 24hrs). 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.

5.3

5.4 The licence holder shall ensure the property is maintained in reasonable repair and complies with The Management of Houses in Multiple Occupation (England) Regulations 2006 <https://www.legislation.gov.uk/ukxi/2006/372/contents/made>

5.5 The licence holder must ensure that works of repair, improvement or treatment at the property are carried out by a competent person or persons, employed directly by the licence holder or an agent or employee of the licence holder.

5.6 The licence holder shall ensure that all gas installation and appliances are in safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the 12 months. Copies of the certificate must be provided to the Authority within **7 days of a written request**.

5.7 The licence holder must have a current Electrical Installation Condition Report (EICR) for the fixed electrical installation in the parts of the property under their control. Any report should be less than five years old and copies must be provided to the Council within **7 days of a written request**.

5.8 The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit copies of the Portable Appliance Test (PAT) report for all electrical appliances that are supplied by the landlord to the Council within **7 days of a written request**.

5.9 All upholstered furniture and covers and fillings of cushions and pillows should comply with the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). The licence holder shall provide a declaration as to the compliance of such items to the Council within **21 days of a written request**.

5.10 The licence holder must ensure that the property has a valid Energy Performance Certificate which meets the current minimum energy efficiency standard (MEES) Regulations. More information can be found at: <https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>

- 5.11 The licence holder shall carry out a fire risk assessment in accordance with The Regulatory Reform (Fire Safety) Order 2005 and take action to minimise the risk of fire in accordance with the assessment. A copy of the fire risk assessment must be provided to the Council within **7 days of a written request**.
- 5.12 The licence holder shall maintain all existing automatic fire detection systems and emergency lighting including smoke alarms in proper working order and must provide the Authority with a BS5839 test report relating to the fire alarm and detection system and/or a BS5266 test report relating to the emergency lighting within **21 days of a written request**.
- 5.13 As a minimum all properties must have a suitable mains-wired fire detection system and a means of escape that is adequately protected against smoke and flames should a fire arise in a kitchen, bedroom or other communal room. A smoke alarm should be installed on each storey of the property on which there is a room used wholly or partly as living accommodation. (A bathroom or lavatory is to be treated as a room used as living accommodation). Please consult the case study in Part D of the LACORS guide that closest match the property and adopting those standards.
- 5.14 The licence holder must install a carbon monoxide alarm in all rooms containing a fixed combustion appliance (except gas cookers) of any fuel type and shall provide a declaration as to the condition and position of such alarms to the Authority within **21 days of a written request**. More information can be found in the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- 5.15 The licence holder must ensure each letting has a system of fixed space heating capable of maintaining an indoor temperature of at least 21°C in habitable rooms, including bathrooms, when the outdoor temperature is -1°C. The system is to be efficient, suitably sized and have sufficient controls to enable the occupier to regulate the temperature within their letting.
- 5.16 The licence holder shall ensure that there are suitable provision for household recycling and rubbish which are sufficient for the number of occupants within the property. All recycling and rubbish containers must be provided with a dedicated and appropriate storage area. For more information see the link below:
https://www.towerhamlets.gov.uk/ignl/environment_and_waste/recycling_and_waste/Recycling_and_waste.aspx
- 5.17 The licence holder must give new occupants, in writing and **within 7 days** of the start of their occupation, the following information on waste and recycling:
- The days on which the property's refuse and recycling bins are collected
 - Details about what occupants can and cannot recycle
 - How occupants can dispose of bulky waste.
- 5.18 The licence holder must not discard old furniture, bedding, rubbish or refuse from the property on the public highway or pavement immediately outside the property or on private land, other than presenting it for collection.
- 5.19 If/once 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.
- 5.20 The licence holder shall take such steps as are necessary to treat eradicate any pest infestation and prevent recurrence as soon as the infestation is discovered. Such steps should include engaging a competent pest control contractor to undertake a survey of the whole property and undertaking such treatment and proofing works as required. Copies of the any pest control report must be provided to the Council within **21 days of a written request**.
- 5.21 The licence holder shall inform the Council's Health and Housing Team directly, in writing or by email, of the following within **7 days of the change occurring**:
- a) Any change in the ownership or management of the property.
 - b) Any change in address, email and/or telephone number for the licence holder and/or agent.

6. General

- 6.1 The licence holder/managing agent shall provide the Council with the following particulars with respect to the occupancy of the house within **7 days of a written request**:
- a) The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
 - b) Number of individuals in each household.
 - c) Address and contact telephone number and/or email for the licence holder/Landlord/Freeholder/Leaseholder

- d) Address and contact telephone number and/or email for the manager/agent
- 6.2 The licence holder shall ensure that whilst any alteration or construction works are in progress all reasonable steps are taken to safeguard occupiers and visitors and to minimise disruption to occupiers and neighbours.
 - 6.3 The licence holder must advise the Council's Health and Housing Team in writing of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions.
 - 6.4 The licence holder shall ensure that all outbuildings, yards and gardens are maintained in good repair, a clean condition and good order. All boundary walls and fences must be kept and maintained in good and safe repair.
 - 6.5 Outbuildings must not be used as residential accommodation and will not form part of the licence for the main dwelling.
 - 6.6 The licence is not transferable and may NOT be transferred to another person, organisation or property.
 - 6.7 If the licence holder is a registered company and is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.
 - 6.8 The 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.
 - 6.9 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).

FAILURE TO COMPLY WITH ANY LICENCE CONDITION IS A CRIMINAL OFFENCE AND MAY LEAD TO ENFORCEMENT ACTION BEING INSTIGATED. UPON CONVICTION THIS MAY RESULT IN AN UNLIMITED FINE OR PENALTY CHARGE NOTICES FOR EACH OFFENCE AND REVOCATION OF THE LICENCE

Other Statutory and Legal Requirements

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:

https://www.towerhamlets.gov.uk/lgn/planning_and_building_control/planning_and_building_control.aspx

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 (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.

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. For further advice, please visit:

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

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

It is not the responsibility of the Council's Health and Housing Team 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.

Contraventions & Prosecutions

Please note that any prosecutions, 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.