

Proposed Additional HMO Licensing Consultation

Appendix 3

Proposed Additional HMO Licence Conditions

Draft
Proposed HMO Licensing Conditions 2023

Failure to comply with any licence condition may result in proceedings including unlimited fines 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 HMO for more than six people may also require planning permission. The Council's Planning department made an Article 4 Direction to remove the permitted development rights for smaller HMOs (3-6 occupants) for change of use from dwelling house (Use Class C3) to HMOs (Use Class C4). The Direction came into force on 30 November 2013, which means that planning permission will be required for this type of development in the following wards: Bounds Green, Bruce Grove, Harringay, Northumberland Park, Noel Park, St Ann's, Seven Sisters, Tottenham Green, Tottenham Hale, West Green, White Hart Lane, Woodside.

Please contact the planning team to clarify what planning permissions are already in place for the property and advice on the process. Please note that unlawful HMO's may be subject to planning enforcement action. The Council do have powers of enforcement against breaches of planning control and that, upon summary conviction, continued failure to meet the Council's enforcement requirements could result in an unlimited fine.

For planning and building regulation queries please refer to the planning and building control pages on the Council's website.

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.

The Council is obliged to impose conditions marked with a ★ under the Housing Act 2004. Conditions without this symbol are discretionary conditions proposed by LB Haringey for the purposes of this designation and are a requirement of this Additional HMO Licensing scheme.

Condition Item 1.	Permitted Occupation	Condition Type
1.1	<p>A new resident must not be permitted to occupy the house or any part of the house if that occupation:</p> <ul style="list-style-type: none"> • 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 <p>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</p> <p>Please note: Maximum permitted persons stated is regardless of age unless specified</p>	★
1.2	<p>The licence holder must ensure that –</p> <ul style="list-style-type: none"> • 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 m²; • 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 m²; • 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 m²; • any room in the HMO with a floor area of less than 4.64 m² is not used as sleeping accommodation. 	★
1.3	<p>The licence holder must ensure that –</p> <ul style="list-style-type: none"> • 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; where any room in the HMO is used as sleeping accommodation by persons 	

	<p>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;</p> <ul style="list-style-type: none"> 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. 	★
1.4	On being notified by the Council of any breach under 1.1 or 1.2 of which they are unaware, the licence holder must take steps to rectify that breach within 18 months of the notification.	★
1.5	The licence holder must notify the Council of any room with a floor area of less than 4.64 square metres.	★
	<p>Please note:</p> <p>The conditions in 1.1, 1.2, 1.3 and 1.4 are mandatory conditions introduced by The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, but they are not a national standard. Local authorities are still able to set their own minimum HMO room sizes. Haringey's space standards can be found in Section 5 of the Council's HMO standards, which can be found on the Council's website.</p>	
Condition 2.	Requirement for Works to be carried out.	Condition Type
2.1	The licence holder must carry out the works in the attached schedule within the specified time period(s).	★

Condition 3.	Tenancy Management	Condition Type
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3.1	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 issues and emergency issues. Copies of the written statement of terms must be provided to the Council for inspection within 7 days upon demand.	★
3.2	The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council within 28 days on demand.	
3.3	The licence holder must provide to the Council details in writing 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. Copies of these must be provided to the Council within 28 days on demand.	
3.4	<p>The following arrangements shall be implemented to fulfil the requirements of this condition:</p> <ul style="list-style-type: none"> • Provision of an emergency contact number (including out of hours response arrangements) • Formal arrangements for the disposal of rubbish and bulky waste • Update of written records of property inspections for management and repair issues at least once every 3 months. 	
3.5	<p>The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (a) to (i) below:</p> <p>(a) The licence holder must not ignore or fail to take action if he has received complaints of anti-social behaviour (ASB) concerning the visitors to or occupiers of the premises.</p> <p>(b) Any letters, relating to antisocial behaviour, sent, or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.</p> <p>(c) The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding antisocial behaviour for 3 years.</p>	

	<p>(d) If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.</p> <p>(e) The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour.</p> <p>(f) 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 premises concerned with a warning letter about the consequences should the anti-social behaviour continue.</p> <p>(g) 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.</p> <p>(h) If after 14 days of giving a warning letter the tenant 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 for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti- social behaviour.</p> <p>(i) Where the licence holder is specifically invited, they shall attend any case conferences or multiagency meetings arranged by the Council or Police. Any correspondence, letters and records referred to in condition 2.5 above must be provided to the Council within 28 days on demand.</p>	
Condition 4	Property Management	Condition Type
4.1	The licence holder shall ensure that inspections of the property are carried out at least every 6 months to identify any problems relating to the condition and management of the property. 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. The records of such inspections shall be kept for the duration of this licence. Copies of these must be provided to the Council within 28 days on demand.	
4.2	The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the HMO. The Licence Holder must ensure, in particular,	

	<p>that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.</p> <p>Copies of any such written complaint (including by email) and response referred to in condition 16 must be provided to the Authority within 21 days on demand.</p>	
5.4	Where the licence holder becomes aware of a pest problem or infestation at the property, he shall 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 these must be provided to the Council within 28 days on demand	
4.3	The Licence Holder shall ensure that any repairs, improvement works or treatments at the HMO 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 Authority within 21 days upon demand.	
4.5	The Licence Holder must ensure that all outhouses, garages, and sheds are kept secure, are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation.	
4.6	The Licence Holder must ensure that the exterior of the HMO is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly.	
4.4	<p>In addition to the above management items, the licence holder must ensure that the manager of the property, be that the licence holder or some other person, complies with the requirements of regulations 3 to 9 of The Management of Houses in Multiple Occupation (England) Regulations 2006: -</p> <p><i>Duty of manager to take safety measures.</i></p> <p>The manager must ensure that the property has a safe design and construction.</p> <p>The manager must ensure that any means of escape from fire are maintained and kept free from obstructions, that all fire precautions are maintained, and that any fire notices are clearly visible.</p> <p><i>Duty of manager to maintain water supply and drainage.</i></p> <p>The manager must maintain the water supply and drainage system to the property.</p> <p>The manager must ensure that there is no unreasonable interruption to the water supply or drainage.</p>	

	<p><i>Duty of manager to maintain common parts, fixtures, fittings, and appliances.</i></p> <p>The manager must ensure that all common parts, fixtures, fittings, and appliances are well-maintained.</p> <p>The manager must also ensure that outbuildings, yards, gardens, and boundary walls, fences and railings are well maintained and safe.</p> <p><i>Duty of manager to maintain living accommodation.</i></p> <p>The manager must ensure that units of accommodation and any furniture supplied are clean and in good repair at the commencement of a tenancy, and that any fixtures, fittings, or appliances within the letting are clean and in good working order.</p> <p>N.B. If you require full details of the Regulations, you can obtain a copy from Stationery Office Ltd or at: https://www.legislation.gov.uk/uksi/2006/372/contents/made.</p>	
Condition 5	Waste Management	Condition Type
5.1	No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.	
	<p>The Licence Holder must ensure that new occupiers of the HMO are, within 21 days of the start of their occupation, given the following information on waste and recycling, in writing:</p> <p>a.The collection days for the refuse and recycling bins for the house (https://walthamforest.gov.uk/content/bin-collection-days)</p> <p>b.Details on what they can and can't recycle. (https://walthamforest.gov.uk/content/bins-green-brown-black-what-goes-themgoes-them)</p>	

	<p>c.How they can dispose of bulky waste. (https://walthamforest.gov.uk/content/residents-large-item-collection)</p> <p>d.General waste guidance from the Authority's website: (https://walthamforest.gov.uk/service-categories/rubbish-and-recycling)</p> <p>A copy of the information provided to the occupiers must be kept for 5 years and provided to the Authority within 21 days on demand.</p>	
	<p>The Licence Holder must ensure that occupants 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 is not stored outside the HMO.</p>	
5.2	The Licence Holder must ensure that old furniture, bedding, rubbish or refuse from the HMO is not left on, or immediately outside, the HMO or private land.	
5.3	The Licence Holder must ensure that any type of waste which the Authority does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner.	
5.4	The Licence Holder must ensure that regular checks are carried out to 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 HMO is not left outside the HMO or in its vicinity.	
Condition 5	Health & Safety	Condition Type
5.1	The licence holder shall ensure that all electrical appliances provided by the landlord in the property are in a safe condition. The licence holder must submit to the council, for their inspection, an electrical installation report (EICR) within 28 days upon request. (Note: The licence holder must ensure the EICR is supplied by a competent person, who is appropriately qualified to issue this report).	★
5.2	The licence holder must take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity to include the carrying out of a fire risk	★

	assessment for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005.	
5.3	<p>The licence holder shall install and maintain in good working order appropriate smoke alarms in the property and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms, in accordance with the LACORS housing fire safety guidance. A copy of the LACORS housing fire safety guidance can be accessed online and downloaded free of charge at: http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf.</p> <p>(a) The licence holder shall ensure that a smoke alarm is installed on each storey of the house (which includes half-landings) on which there is a room used wholly or partly as living accommodation.(A bathroom or lavatory situated on the landing/half landing which form part of a living accommodation is to be protected with the appropriate alarm system; the alarm system is to be sited away from direct contact with steam that is likely to interfere with the operation of the alarm).</p> <p>(b) The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.</p> <p>(c) The licence holder shall submit to the Council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.</p> <p>(d) The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. ("room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation).</p> <p>(e) The licence holder shall ensure any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.</p> <p>(f) The licence holder must supply the authority, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.</p>	★
5.4	The licence holder shall ensure that any fire-fighting equipment and fire alarms are maintained in good working order. The licence holder must submit to the council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic fire alarm system, emergency lighting and fire fighting equipment provided in the property. These must be provided to the Council within 28 days on demand.	★

5.5	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.	★
Condition 6	Documents to be displayed	Condition Type
6.1	The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property.	
6.2	The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property.	
6.3	The licence holder shall display a copy of the current gas safety certificate in the common parts of the property.	
6.4	If there have been new tenancies issued after 1st October 2008 for the premises, the licence holder must obtain a valid Energy Performance Certificate (EPC) Copies must be/have been made available to all tenants/occupiers at the start of their tenancy and provided to the Council within 28 days on demand. Where individual rooms in a building are rented out and there are shared facilities (e.g., kitchen and/or bathroom), an EPC is not required.	
Condition 7	Financial Management	Condition Type
7.1	No person other than the licence holder or the agent named on the licence may collect and receive rental monies from the occupants of the property. The licence holder and/or agent may pass on the rental monies to any third parties as required.	
7.2	Where rents are collected or received from occupants, the licence holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured short hold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.	
Condition 8.	General Responsibilities	Condition Type

8.1	The licence holder must advise the Council's Property Licensing 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. For planning and building regulation queries please refer to the planning pages on the Council's website.	
8.2	The licence holder must arrange for access to be granted at any reasonable time and must not obstruct Council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.	
8.3	<p>The licence holder shall if required by written notice to provide the council with following particulars as may be specified in the notice with respect to the occupancy of the house:</p> <ul style="list-style-type: none"> • The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property. • The number of individuals in each household <p>The particulars shall be provided to the Council within 28 days on demand.</p>	
8.4	The licence holder shall inform the Council of any change in ownership or management of the house.	
8.5	The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.	
8.6	The licence holder shall ensure that on completion of any works, the property shall be left in a clean, tidy condition and free from builders' debris.	

