

**Housing Act 2004
Part 2 – Licensing of Houses in Multiple Occupation (HMO)
(section 64 and schedule 4)**

HMO LICENCE CONDITIONS

**Schedule 1
Standard Licence Conditions**

Property Address

1. Permitted Occupation

A new resident must not be permitted to occupy the property or any part of the property if that occupation:

- Exceeds the maximum permitted number of persons for the property 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 property and/or the room at the date of the issue of the licence.

Letting	Location	Area (Sq m)	Max Permitted Number per Room

Total Maximum Permitted Number of Persons for the Property

Comments - Occupation is determined at the point of application by room sizes, facilities and amenities.

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 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**.
- 2.2 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 reference.
- 2.3 The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within **28 days on demand**.
- 2.4 The licence holder shall protect any deposit taken under an assured shorthold 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**.
- 2.5 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 antisocial behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within **28 days on demand**.

The following arrangements shall be implemented to fulfil the requirements of this condition:

- Provision of an emergency 24hr contact number (including out of hours response arrangements)
 - Formal arrangements for the disposal of rubbish and bulky waste
 - Maintenance of written records of property inspections for management and repair issues.
- 2.6 The licence holder shall ensure that at least three inspections per year 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 **28 days on demand**.
- 2.7 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the property by complying with the requirements of paragraphs **(a)** to **(g)** below:
- (a)** The licence holder must not ignore or fail to take action, if he has received complaints of antisocial behaviour (ASB) that concern the visitors to or occupiers of the property or result from their actions.
- (b)** If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the occupier within 14 days. The occupier must be informed

of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.

- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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) that must include promptly taking any legal proceedings to address the antisocial behaviour
- (g) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or police.

2.8 Any correspondence, letters and records referred to in condition 2.7 above must be provided to the Council within **28 days on demand**.

3. Property Management

- 3.1 The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the Council within **7 days on demand**.
- 3.2 The licence holder shall ensure that every electrical installation in the property is in proper working order and safe for continued use. The licence holder must supply the Council with a declaration confirming the safety of such electrical installations within **7 days on demand**.
- 3.3 The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the Council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the Council within **7 days on demand**.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment programme is carried out intended 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**.
- 3.5 The licence holder shall install at least one working smoke alarm on every storey of the property on which there is a room used wholly or partly as living accommodation,

and a carbon monoxide alarm in any room in the property which is used wholly or partly as living accommodation containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove etc.) and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions. Refer also to The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. **(N.B. Battery operated smoke alarms are not suitable for Houses in Multiple Occupation)**

- 3.6** The licence holder shall install other fire precautions as may be deemed appropriate and shall keep them maintained and in good working order and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions within **7 days on demand**.
- 3.7** The licence holder shall ensure that smoke alarms are maintained in good working order, and in particular at the start of each new tenancy. Where the following are provided, the licence holder must submit to the Council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic smoke alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the Council within **7 days on demand**.
- 3.8** The licence holder shall ensure that furniture and furnishings made available by him in the property is in a safe condition. All upholstered furniture, covers and fillings of cushions and pillows should comply with current fire safety legislation A declaration by the licence holder as to the safety of such furniture and furnishings, must be provided to the Council, within **7 days on demand**.
- 3.9** The licence holder shall provide each separate letting with sufficient external bins with lids for the storage of rubbish, recycling and food waste pending collection. Provision shall be made for the external storage of wheelie bins or larger bins as appropriate for the number of properties. Bins can either be ordered online or by calling Ealing Council Customer Services on 020 8825 6000.
- 3.10** In addition the licence holder shall provide suitably adequate sized bins with lids within each shared kitchen for the storage of rubbish pending collection. Appropriate and sufficient recycling containers must also be made available for the occupiers.

4. Security

- 4.1** The licence holder shall ensure the property is secure by complying with the requirements of paragraphs **(a)** to **(e)** below:
- (a)** The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times;
- (b)** Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant;
- (c)** Where a burglar alarm is fitted to the house, the licence holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged;
- (d)** Where previous occupiers have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupiers moving in;

- (e) Where alley gates are installed to the side and rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers' access.

5. Absence

- 5.1 The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

6. Heating and Insulation

- 6.1 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.
- 6.2 The licence holder must ensure the property has adequate thermal insulation to minimise heat loss through the building structure.
- 6.3 For accommodation where Energy Performance Certificates (EPC) are required by law, the licence holder shall ensure that the minimum statutory standard rating is achieved.

7. Common Areas

- 7.1 The licence holder shall comply with the requirements of paragraphs (a) to (d) below:
- (a) Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping or living purposes, either by occupiers or their guests;
 - (b) Corridors, stairways and lobbies are to be fitted where appropriate, with emergency lighting in accordance with current British Standards;
 - (c) A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;
 - (d) Smoking is not permitted in any common areas and 'no smoking' signs should be displayed in accordance with the Health Act 2006.

8. Documents to be displayed

- 8.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property.
- 8.2 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.
- 8.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property.

- 8.4** The licence holder shall display an Energy Performance Certificate (EPC) for all accommodation for which EPCs are applicable at the end of the existing tenancy at the time the licence was dated and issued. This must be provided to the Council within **28 days on demand.**
- 8.5** The licence holder shall display a notice for the occupiers of the property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. that rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before. Alternatively, a copy must be provided to the tenant at the start of the tenancy. For further information see www.ealing.gov.uk or telephone 0208 825 6000

9. Outbuildings

- 9.1** The licence holder shall ensure that all outbuildings, yards and gardens are maintained in repair, a clean condition and good order. All boundary walls and fences must be kept and maintained in good and safe repair.

10. Guidance on Ealing Space Standards

- 10.1** Subject to further assessment the following Ealing Space Standards will apply.

Standards for Room Sizes for Houses in Multiple Occupation

Standards for room sizes for houses in Multiple Occupation	
Rooms with separate cooking facilities	Minimum floor area square metres
One person aged under 10 years	4.64
One person aged over 10 years	6.51
Two persons	10.22
Rooms with cooking facilities in the room	Minimum floor area square metres
One person unit of accommodation	10.2
Two person units of accommodation	13.5

Comments:

Maximum of ONE person in a single habitable room
Maximum of TWO persons in a double habitable room

11. General

- 11.1** The licence holder must notify the Council's Property Regulation, Licensing Team of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions.
- 11.2** The licence holder must arrange for access to be granted at any reasonable time and must not obstruct Council officers from carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 11.3** The licence holder shall if required by written notice provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the house:
- The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
 - Number of individuals in each household.
- The particulars shall be provided to the Council within **7 days on demand**.
- 11.4** The licence holder shall inform the Council of any change in ownership or management of the house.
- 11.5** 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 property.
- 11.6** 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.

Comments:

For planning and building regulation queries please refer to the planning pages on the Council's website, telephone or contact:

Planning services:

Office hours: Mon-Fri, 9am-5pm
Perceval House 4SW,
14-16 Uxbridge Road, Ealing, W5 2HL
Tel: 020 8825 6600
Email: planning@ealing.gov.uk

Building control:

Perceval House 4SW, 14-16 Uxbridge
Road Ealing W5 2HL
Tel: 020 8825 8230
Email: bcontrol@ealing.gov.uk

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

Failure to comply with any licence condition is a criminal offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.

Schedule 2

Property Specific Licence Conditions

Schedule of Works / Requirements

Property Address

NB: Listed below are unique licence conditions specific to property, dependent on the information supplied at the time of application.

- 1.
- 2.
- 3.

DRAFT

Schedule 3

The Main Terms of the Licence, General Requirements and Duration

1. This licence relates to..... A licence may not relate to more than one HMO.
2. A licence may be granted before the time it is required, but if so, the licence will not come into force until that time.
3. The licence comes into force on the date specified on the licence and will continue in force for up to 5 years unless;
 - a) The licence holder dies when the licence is in force; the licence ceases to be in force on the death of the licence holder.
 - b) The licence is revoked under section 70 of the Housing Act 2004.
4. The licence period continues for a period of up to 5 years even if the premises are no longer an HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
5. This licence may not be transferred to another person.
6. If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises is to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 62 and 68 of the Housing Act 2004 will apply.
7. If at any time during the period stated (the initial period), the personal representatives of the deceased licence holder request the council to grant a further exemption from the date the initial period ends. The premises are to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 62 and 68 of the Housing Act 2004 will apply.
8. A person having control or managing a house in multiple occupation who allows the house to be occupied by more persons or households than is permitted by the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
9. A licence holder or person who has restrictions or obligations placed on him by the licence and who fails to comply with any condition of the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
10. A serious breach of a condition of the licence or repeated breaches of such a condition may also result in the licence being revoked.