

Appendix 3

Proposed Licence Terms and Conditions

Licence Terms

- A licence relates to the property described in the licence approval.
- A licence may be granted before the time it is required, but the licence will not come into force until that time.
- A licence lasts for a period of 5 years (or 1 year) from the date the licence was granted unless the following apply:
 - The licence will cease if the Licence Holder dies whilst the licence is in force.
 - The licence is revoked under section 70 of the Housing Act 2004.
- A licence continues for a period of 5 years (or 1 year) even if the premises are no longer a HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
- This licence may not be transferred to another person.
- 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 licensed. Procedural issues and appeals as specified in section 62 (6) to (8) of the Housing Act 2004 will apply.
- If on the expiry of the initial period stated above, representatives of the deceased Licence Holder apply for a further exemption from the date the initial period ends, 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 licensed. Procedural issues and appeals as specified in section 62 (6) to (8) of the Housing Act 2004 will apply.

Licence Conditions

Note that all references to 'the Council' in these conditions are to be read as meaning the London Borough of Barnet.

Standard of Accommodation

The Licence Holder shall ensure that the property complies with the London Borough of Barnet's minimum HMO Standards to ensure that it is reasonably suitable for occupation.

These standards relate to the number of persons and households specified in the application and cover the following matters:

- Washing facilities
- W.C. facilities

- Kitchen facilities
- Heating
- Fire precautionary facilities
- Security

These standards can be downloaded from: -

<https://www.barnet.gov.uk/citizen-home/search.html?keywords=hmo+standards>

Alternatively a paper copy can be obtained by calling or writing to:-

Maryna Rasloutseva
Barnet House
1255 High Road
London
N20 0EJ
Telephone: 020 8359 7454
Email: hmos@barnet.gov.uk

Levels of Occupancy

The maximum number of persons and households is set with reference to the number of kitchen, bathroom/toilet and bedroom facilities provided, in addition to the size of the rooms. The relevant space and amenity standards are contained in the Council's adopted Standards for Houses in Multiple Occupation.

The Licence Holder/manager is prohibited from allowing a new resident to occupy the house and/or parts of the house if: -

- that occupation exceeds the maximum number of permitted persons in the house or
- that occupation exceeds the maximum number of permitted persons for any unit of accommodation

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

Numbers of persons permitted to occupy

If additional facilities are provided it may be possible to raise the occupancy levels. You must consult with the Council in writing before commissioning the work to ensure that the proposals will meet the relevant standards.

The use and occupancy levels of each room shall not be changed without the approval of the Council. Any change may be subject to a variation fee.

Occupancy particulars

The Licence Holder shall if required by written notice provide the Council with the following particulars with respect to the occupancy of the house:

- The names and telephone numbers of individuals and households living in the house and the parts of the property they occupy
- The dates when each individual and household moved into the property
- The details should be provided within such reasonable time as may be specified by the Council

Display of Information in the property

The Licence Holder shall ensure that the name, address and contact telephone number (including an emergency contact number) of the manager is displayed and remains displayed, in a prominent position, within the common parts of the property within **one month** of the licence being granted. These details must be kept up-to-date.

The Licence Holder shall ensure that a copy of the current licence and the licence conditions are displayed and remain displayed, in a prominent position within the common parts of the property within **one month** of the licence being granted.

Gas Safety

Where gas is supplied to the house, the Licence Holder shall be responsible for ensuring that all gas installations comply with the Gas Safety (Installation and Use) Regulations 1998 and ensure that arrangements are made for gas installations and appliances to be inspected annually by a competent Gas Safe registered engineer.

Any necessary remedial works identified by the engineer shall be undertaken by a Gas Safe Registered engineer within a time period specified by the Council.

The Licence Holder must submit a copy of the gas safety report with respect to the property annually within **one month** of the annual inspection.

Condition of Furniture and Electrical Appliances

All soft furnishings supplied by the Licence Holder to the tenants must comply with the Furniture and Furnishings (Fire) Regulations 1988 (as amended). All furniture supplied by the Licence Holder should be maintained in a safe condition. There should be a regular visual inspection of all such furniture to determine the condition of those items.

All electrical appliances where present and supplied by the Licence Holder, should be kept in a safe condition and regularly inspected, as part of a maintenance programme. This will require inspection and/or testing (PAT) in accord with the following schedule: -

Refrigerators/washing machines/electric fires	4 Years
Portable equipment	2 Years

Inspections of electrical appliances shall be carried out by a suitably qualified person. The Council shall be informed of any remedial works required and any such works shall be carried out within a time period as agreed with the Council.

A declaration as to the safety of electrical appliances and furniture supplied by the Licence Holder shall be supplied to the Council upon written request and copies made available to occupants of the house.

Smoke Alarms and Fire Precaution Equipment

The Licence Holder shall ensure that smoke alarms are installed in accordance with BS5839-6:2013 and having regard to the guidance given in the LACORS 'Guidance on fire safety provisions for certain types of existing housing' and keep them in proper working order.

Smoke Alarms and Fire Precaution Equipment, should be regularly inspected and tested, as part of a maintenance programme to accord with the LACORS guide mentioned above.

On request, the Licence Holder shall provide a declaration to the Council as to the safety and positioning of such alarms and in this connection, shall provide the Council with a commissioning or inspection and servicing report, provided by a competent electrician or fire alarm engineer. Further certificates are to be provided if alterations or additions are made to the system or to demonstrate that the system has been inspected and tested by a competent person.

Fixed electrical installations

The Licence Holder shall if requested provide the Council with a current test certificate for the fixed electrical installation. Any report should be less than five years old at the date of submission.

Fire precautionary facilities

The Licence Holder shall ensure that the appropriate fire precautions and equipment are provided to reduce the spread of flame and smoke and the risk of death/injury to the tenants in the event of fire. Fire precautionary facilities must in all other respects comply with the Council's Adopted Standards for Houses in Multiple Occupation.

Heating

The Licence Holder shall ensure that all units of living accommodation including sleeping and bath/shower rooms are equipped with an adequate means of fixed space heating (meaning a fixed gas or electrical appliance, or an adequate system of central heating) operable at all times and available at all times, taking into account affordability, the presence of thermal insulation, the location of the appliance, ease of use and performance. Heating appliances in bath/shower rooms must be suitable for use in such locations and be suitably sited within the room. Heating installations must in all other respects, comply with the Council's Adopted Standards for Houses in Multiple Occupation.

Energy efficiency

The Licence Holder shall ensure that any roof voids are insulated with 270mm deep mineral wool (or equivalent) insulation between the joists taking care to maintain roof ventilation and to avoid the potential overheating of proximate electrical cables. Otherwise the installation is to be in accordance with the manufacturer's/suppliers' instructions.

Security

The Licence Holder shall ensure that all common external, bedsit and flat entrance doors as well as any windows are secure and fitted with suitable locks. Doors and escape windows should be fitted with locks that can be operated without the use of a key. The security of the property must in all other respects comply with the Council's Adopted Standards for in Houses in Multiple Occupation.

Tenancy Agreement

A written tenancy agreement specifying the terms of occupation of any letting must be provided to all residents at the commencement of any rental period.

Where the rent is payable weekly, payments shall be recorded in a rent book, which will be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents.

Management practice

The Licence Holder shall, if requested in writing, provide the Council with evidence of the appropriate management practice and procedures. The details should be provided within such reasonable time as may be specified by the Council.

Training

The Licence Holder shall if requested in writing by the Council, attend such training courses in relation to management practice and procedures as may be required. One means of doing so would be to become accredited through the London Landlord Accreditation Scheme or a similar scheme accepted by the Local Authority. Documentary evidence of such training or accreditation will be required.

Managing Anti-Social Behaviour.

The Licence Holder is ultimately responsible for the day-to-day running of the property; to this effect the Licence Holder must ensure that any anti-social behaviour by residents or their visitors, to anyone else in the property, (or in its locality), is dealt with appropriately and effectively. In this regard, the landlord or their agents shall investigate complaints of noise and other possible sources of nuisance or anti-social behaviour, whether these complaints are made by the residents of the property or by residents of neighbouring properties. Where the landlord determines these complaints to be justified they shall take all reasonable steps to resolve the problem.

The Licence Holder shall, if requested in writing, provide the Council with evidence of appropriate management practice and procedures to address any anti-social behaviour that may arise. The details should be provided within such reasonable time as may be specified by the Council.

Material changes to the licensed property or Licence Holder

If there is a material change of circumstance affecting the Licence Holder or the operation of the property, the Licence Holder must inform the Council immediately. No alteration which may affect the licence contents or conditions attached to the licence may be made to the property without the prior written consent of the Council.

Notification of changes to licence details

If, at any time during the period of licence:

- An application to vary the licence has been received from the Licence Holder or relevant person by the Authority and variation to the licence has been agreed between the Authority and existing Licence Holder, or
- There has been a change of circumstances to the premises since the licence was granted, or
- The number of households or persons appropriate as the maximum number authorised to occupy the HMO has changed since the date the licence was granted, or
- Standards in relation to the occupation of the house by a particular number of households or persons have changed since the date the licence was granted,

an application must be made to the Council to change or vary the licence details for the premises.

Failure to comply with licence conditions

Failure to comply with any licence condition may result in proceedings including fines of up to £20,000 and loss of the licence.

General

The property licence and conditions do not imply or grant by inference or otherwise, any approval or permission for any other purpose including Building Control and Planning purposes under the relevant Acts, leasehold terms and conditions or the Regulatory Reform (Fire Safety) Order 2005. Conversely compliance with any of these requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including HMO licensing.

Other Obligations (which are not conditions)

As well as the conditions applying to this licence, there are other various relevant statutory obligations of which you should be aware. Although not an exhaustive list, these include the HMO Management Regulations, Part 1 of the Housing Act 2004 (the Housing Health and Safety Rating System) and the Fire Safety Order. These are described briefly below.

Management Regulations

Without prejudice to any the conditions contained within this licence, the manager is required to comply with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of an HMOs falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. Duties of a manager include:-

- that certain information is provided to occupiers and to be clearly displayed
- to take safety measures, including the maintenance of fire alarms and fire-fighting equipment
- to maintain water supply and drainage
- to supply and maintain gas and electricity
- to maintain common parts, fixtures and appliances (including windows)
- to maintain living accommodation
- and a duty to provide waste disposal facilities

A person commits an offence if he fails to comply with the Regulations and is liable on summary conviction to a fine not exceeding level 5 on the standard scale

Further information concerning these Regulations can be found at:

<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

<http://www.legislation.gov.uk/ukxi/2007/1903/contents/made>

The Housing Health and Safety Rating System (Housing Act 2004)

The Housing Health and Safety Rating System (HHSRS) introduced under Part 1 of the Housing Act 2004, applies to all residential premises. This is an assessment method for hazards that are most likely to be present in housing and include **fire, overcrowding, excess cold conditions, damp and mould, security and electrical safety** among others of which there are 29 in total and apply to all residential premises including houses in multiple occupation. Where there are hazards, the assessment could show the presence of serious (category 1) hazards and other less serious (category 2) hazards. The Council has a duty to take the appropriate action in relation to category 1 hazards where these are found.

The Council regardless of these licensing conditions must seek to identify, remove, or reduce category 1 or category 2 hazards in the property under Part 1 of the Housing Act 2004. Over the duration of a licence, the Licence Holder may be required to provide full access for further Housing Health and Safety Rating System (HHSRS) assessments to be carried out. Any defects found as a result of an inspection may require enforcement action to be taken.

Fire Safety Order

An owner, manager or operator of a business, will need to comply with fire safety law. The main law is the Regulatory Reform (Fire Safety) Order 2005 or "the Fire Safety Order" which applies across England and Wales and came into force on 1st October 2006.

The Order applies to virtually all buildings, places and structures other than individual private dwellings e.g. individual flats in a block or family homes, but does include the common parts of HMOs and the common parts of blocks of flats and maisonettes.

For further information, you can visit

<http://www.london-fire.gov.uk/RegulatoryReformOrder2005.asp>

General landlord and tenant matters

Tenants have certain legal rights in relation to their occupation of the premises. Landlords should have proper regard to these rights when exercising, for example, the following powers:

- Terminating Tenancy Agreements;
- Undertaking inspections of tenants rooms;
- Imposing rent increases; and
- Reimbursing tenants rent deposits.

If Landlords have any doubts regarding their legal obligations under Landlord and Tenant Law, they should seek their own legal advice.