

Mandatory HMO Licence Conditions

These conditions impose restrictions and obligations on the Licence Holder and further person(s) (e.g. property manager or managing agent) who has consented to the imposition of the restrictions or obligations at the point of the issue of the licence by the London Borough of Croydon [“the Council”]. This includes any additional conditions listed on the last page of this document.

Permitted Occupation Condition:

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 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

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.

Note 1: Maximum permitted persons stated is regardless of age unless specified

Note 2: For any room listed with "0 person" for permitted numbers of occupants, please refer to the additional conditions listed on the final page of this document

Occupancy and Maximum Permitted Persons per Letting

Letting	Location	Area (sqm)	Max permitted per room

Total maximum permitted number of persons for the house:

General

The licence is valid for a period of 5 years from the date on the licence. Relevant time periods for compliance with conditions (if any) are indicated adjacent to that condition.

A1. A written statement of the terms of occupation must be provided to all occupiers of the house.

Section 1

1.1 Gas safety

There must be a valid gas safety certificate (if applicable) at all times during the period of this licence. A copy of the annual test certificates must be sent to the Council within 14 days of issue or within 14 days on request.

1.2 Electrical safety and furniture safety

1.2.1 Electrical installation. The electrical installation supplied by or on behalf of the Licence Holder in the premises must be in proper working order and safe for continued use.

1.2.1(i) A declaration as to the safety of such installations must be provided to the Council within 14 days on request. Where a written request is made by the Council for a copy of the current electrical installation report/certificate, it shall be provided to the Council within 7 days of receiving that request.

1.2.1(ii) Ensure every electrical installation in the residential premises is inspected and tested at regular intervals by a qualified person; where regular intervals is at intervals of no more than 5 years or where the most recent report requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.

1.2.1(iii) The Licence Holder must retain a copy of that report until the next inspection and test is due and supply a copy to the qualified person carrying out the next inspection and test.

For the purposes of paragraph 1.2.1 “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.

1.2.2 Electrical appliances.

1.2.2. (i) All electrical appliances supplied by or on behalf of the Licence Holder must be kept in a safe condition and meet the requirements of the relevant British Standard. As and when required, the Licence Holder must make a declaration as to the safety of the appliances to the Council within 14 days on request.

1.2.3 Furniture safety

1.2.3. (i) electrical appliances and furniture supplied by or on behalf of the Licence Holder must be kept in a safe condition and meet the requirements of the relevant British Standard. As and when required, the Licence Holder must make a declaration as to the safety of the furniture to the Council within 14 days on request.

1.3 Smoke alarms and carbon monoxide alarms

1.3.1 A smoke alarm must be installed on each storey of the house on which there is a room used wholly or partly as living accommodation.

1.3.1. (i) All smoke alarms or fire detection systems within the house must be maintained in good working order at all times during the period of this licence.

1.3.1. (ii) Copies of the annual test certificates must be sent to the Council within 14 days of issue.

1.3.1. (iii) As and when required, the Licence Holder must make a declaration as to the positioning and operation of the smoke alarms or provide copies of the annual test certificates for smoke alarms and fire detection systems to the Council within 14 days on request.

1.3.2. A carbon monoxide alarm must be installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker.

1.3.2.(i) Any such alarm must be kept in proper working order; and the Licence Holder must supply the Council, on demand, with a declaration made by them as to the condition and positioning of any such alarm within 14 days on request.

1.4 Personal washing facilities

1.4.1 All baths, showers and wash basins must be provided with an adequate supply of cold water and constant hot water.

1.5 Anti-social behaviour (“ASB”)

1.5.1 General requirements. The Licence holder shall take such reasonable and practicable steps as are necessary to prevent or reduce anti-social behaviour by persons occupying or visiting the house. This must include working with the Metropolitan Police and the London Borough of Croydon to resolve such problems, and a clause in the tenancy or occupancy agreement to make it clear to tenants that they must not behave in a way that causes nuisance or distress to any other person in the HMO or locality of the HMO.

1.5.2 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 (“ASB”) by persons occupying or visiting the property. The following arrangements shall be implemented to fulfil the requirements of this condition:

1.5.2(i) Provision of an emergency 24 hour contact number (including out of hours response arrangements).

1.5.2(ii) Copies of the tenancy management arrangements are to be supplied to the Council within 14 days on request.

1.5.3 The Licence Holder shall effectively address problems of anti-social behaviour (“ASB”) resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs 1.5.3(i) to 1.5.3(viii) below:

1.5.3(i) The Licence Holder must not ignore or fail to take action, if they have received complaints of ASB that concern the visitors to or occupiers of the premises.

1.5.3(ii) The Licence Holder shall from the date of receipt of the complaint of ASB, monitor and investigate any allegations of ASB.

1.5.3(iii) If a complaint is received, or ASB is discovered, the Licence Holder must contact the tenant within 7 days. The tenant must, in writing, be warned of the allegations of the ASB and of the consequences of its continuation.

1.5.3(iv) Where the ASB is continuing after 14 days from warning letter 1 (condition 1.5.3(iii)), the Licence Holder, or their agent must, within 14 days, visit the premises and provide the tenant with a further warning letter 2 advising them of the possibility of eviction if their behaviour continues.

1.5.3(v) If after 14 days of giving warning letter 2 (as in condition 1.5.3(iv)), the tenant has taken no steps to address the ASB 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 eviction proceedings to address the ASB.

1.5.3(vi) Where the Licence Holder or his agent has reason to believe that the ASB involves criminal activity the Licence Holder shall ensure that the appropriate authorities are informed. The Licence Holder may inform the Police and the Council. If invited to a case conference or multi-agency meeting the Licence Holder must attend.

1.5.3(vii) Any correspondence, letters and records referred to in conditions 1.5.3 (i-vi) above must be provided to the Council within 14 days on request.

1.5.3(viii) Any letters, meeting notes, notes made following telephone conversations; relating to conditions 1.5.3 (i-vi) sent or received by the Licence Holder, or agent of the Licence Holder, must be kept for the duration of the licence.

For the purposes of paragraph 1.5 and sub-paragraphs, “anti-social behaviour” has the meaning given in section 57(5) of the Housing Act 2004.

1.6 Household waste management

1.6.1 General requirement. The Licence Holder must comply with any scheme which is provided by the Council [acting as the Local Housing Authority] which relates to the storage and disposal of household waste at the HMO pending collection.

1.6.2 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 house is not left outside the property or in its vicinity.

1.6.2(i) No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.

1.6.3 If the Licence Holder becomes aware that the occupiers of the house or their visitors are not using the waste disposal facilities provided and/or leaving waste outside the house or in its vicinity (for example old furniture, mattresses), they must ensure that a warning letter is sent to the occupiers within 14 days advising them to remove the items immediately.

1.6.3(i) Any correspondence, letters and records created in compliance with this condition must be retained for the duration of the licence and provided to the Council within 14 days on request.

1.7 Changes to type of tenure

The Licence holder shall inform the Council of any changes to type of tenure that the property is to be used for, as changes in tenure may require the licence to be varied.

Section 2

***Section 2 does not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which is a night shelter, or consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder. ***

This section applies in relation to an HMO in England in respect of the first licence granted on or after 1st October 2018 in relation to the HMO, regardless of whether a licence was in force in relation to the HMO immediately before that date.

Minimum room sizes

The table below shows the required minimum room size standards within the London Borough of Croydon.

	Bedsit room containing kitchen facilities only	Bedsit room containing ensuite facilities only	Bedsit room where shared kitchen and bathroom facilities are in a separate room	Shared house where kitchen and bathroom facilities are in a separate room and there is a communal living room
Single room	13.5m ²	12.5m ²	10m ²	6.5m ²
Double room	18.5m ²	17.5m ²	15m ²	10.2m ²

2.1 Further conditions in relation minimum room sizes and the requirement for the Licence Holder to inform the Council of breaches.

2.1.1 Rooms used as sleeping accommodation by one person over the age of 10 must be at least 6.51m².

2.1.2 Rooms used as sleeping accommodation by two people over the age of 10 must be at least 10.22m².

2.1.3 Rooms used as sleeping accommodation by one person under the age of 10 must be at least 4.64m².

2.1.4 Rooms less than 4.64m² cannot be used as sleeping accommodation.

2.1.5 The Licence Holder must notify the Council of any room in the HMO with a floor area of less than 4.64m² and where a room in the HMO has a floor area of less than 4.64m², in a situation where this room is being used for sleeping.

2.1.6 The maximum numbers of people permitted, as specified in the licence, must not be exceeded regardless of whether person(s) are over or under the age of 10.

2.2 Notes to accompany section 2.

- With regards to the permitted number of persons using a room in the HMO, this does not include a person doing so as a visitor(s) of an occupier.
- A room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.
- Any part of the floor area of a room where the height of the ceiling is less than 1.5 metres should not be taken into account when determining the floor area of that room.

2.3 Licence in force: time for compliance with conditions under section 2.1

If the Council consider that, at any time after issue of the licence; the Licence Holder:

- is not complying with one or more of the conditions of the licence imposed in section 2.1, and
- has not knowingly permitted the breach; and
- the Council has notified the Licence Holder of the breach;

the Council will grant the Licence Holder a period of not more than 18 months to comply with the condition(s).

2.4 Licence to be granted: time for compliance with conditions under section 2.1

If the Council consider that, at a time a first licence or further licence is to be granted, on or after the 1st October 2018 and whether a licence was in force before or not, the Licence Holder:

- is not complying with one or more of the conditions of the licence imposed in section 2.1; the Council must when granting the licence:
- give the Licence Holder a notification specifying the condition(s) breached; and the period in which the Licence Holder must comply with the condition(s) where the maximum time period in the notification is to be 18 months.

During the compliance time in the notification:

a) The Council may not revoke the licence for a breach (or repeated breaches) of any condition(s) of the licence specified in the notification.

b) The Licence Holder does not commit an offence under section 72(3) in respect of any failure to comply with such a condition(s), and

c) The Council may not impose a financial penalty under section 249A on the Licence Holder in respect of such a failure.

These exemptions, under section 2.4 do not apply if the Licence Holder was convicted of an offence, under section 72(2) or (3), in relation to the HMO before the licence was granted.

Offences

There are two offences that are important to be aware of in relation to HMO licensing that are part of the Housing Act 2004.

Under section 72(2) a person having control or managing the HMO commits an offence if he, in an HMO which is licensed under Part 2, knowingly permits another person to occupy the house, and the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence

A further offence occurs under section 72(3) where a person commits an offence if he is a Licence Holder or a person on whom restrictions or obligations under a licence are imposed, fails to comply with any condition of the licence.

The relevant conditions to be complied with are set out in this document under sections "Permitted Occupation Condition", General, Section 1 and Section 2 and any additional conditions applied below.

Penalty for non-compliance. If an offence is committed the council may consider taking action which could include the issuing of a Simple Caution, Financial Penalty to £30,000, or a prosecution in the Magistrates Court where an unlimited fine can be issued. Please note that any legal action taken against the Licence Holder or anyone associated with Licence Holder, or the management of the property (with or without responsibility for conditions), 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.

Note. The London Borough of Croydon ["the Council"] is acting in its capacity as a Local Housing Authority with the enforcement of the conditions. Reference to the Licence Holder in these conditions, includes where relevant, reference to a further person who has consented to the imposition of the restrictions or obligations at the point of the issue of the licence by the Council.

Please note any additional conditions overleaf.

Examples of additional conditions which may be applied:

General:

The dimensions of this room [enter description] are below the required [size] and therefore must not be occupied/ occupied by [number] people. As permitted under condition 2.3 / 2.4 the Council requires you as Licence Holder to ensure that within a period of [number] months to not let the room to more than the maximum number of people as listed above. This can be achieved by not re-letting as a bedroom / re-letting the bedroom to more than the number specified when the existing tenancy comes to an end. Refer to section 2 of these conditions for more information and conditions 2.3 and 2.4 'time for compliance'.

Additional facilities required:

Additional facilities required (the number and location(s) will be detailed as appropriate)

- Provide adequate means of space heating to the following units:[]
- Provide an additional toilet and wash basin in a separate room.
- Provide a wash hand basin, with splash back, to the following units:[]
- Provide adequate heating to the bathroom(s).
- Provide additional kitchen facilities in a room suitable for the purpose. Each set to comprise the following:
 - Sink with draining board and adequate supply of cold and constant hot water
 - Cooker with 4 burners, oven and grill
 - 4 electric sockets
 - Adequate worktop
 - Adequate storage cupboards for food and utensils
 - Refrigerator with an adequate freezer compartment (or separate freezer)
 - Adequate facilities for the disposal of refuse
 - Adequate extractor fan and a fire blanket adjacent to the cooker