

Standard Conditions for the Mandatory Licensing Scheme in London Borough of Tower Hamlets



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1. Tenancy Management

Table of Occupation

| Room | Location | Area | Maximum Number permitted for sleeping |
|-------------------|----------|------|---------------------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| Maximum Occupiers | | | |
| Notes: | | | |

Rooms that cannot be used for sleeping and living purposes

| Room | Location | 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 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.

1.2 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 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 on request**.
- 1.5 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 on request**.

More information can be found at: <https://www.gov.uk/check-tenant-right-to-rent-documents/how-to-check>

- 1.6 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 on request**.
- 1.7 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 on request**.

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

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 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 on request**.
- 5.2 The licence holder shall ensure that the property is in compliance with the London Borough of Tower Hamlets Minimum HMO Standards. More information can be found at: www.towerhamslets.gov.uk/propertylicensing.
- 5.3 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. www.legislation.gov.uk/ukxi/2006/372/contentsmade.
- 5.4 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.
- 5.5 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 on request**.
- 5.6 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 on request**.
- 5.7 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 on request**.

- 5.8 The licence holder must ensure that each of the rooms being used as a bedroom have a minimum of 3 wall mounted double electrical sockets.
- 5.9 The licence holder must ensure that each bathroom and kitchen in the property have adequate mechanical extract ventilation.
- 5.10 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 on request**.
- 5.11 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 on request**.
- 5.12 The licence-holder must ensure appropriate fire precautions are provided to safeguard tenants, having regard to the design and construction of the property and the number of occupiers. Where the existing fire detection system is not adequate then licence holder must install appropriate fire precaution equipment that meets the requirements of the latest edition of the LACORs Fire Safety Guidance BS 5839 part 6 2013. More information can found at www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf
- 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. This can be achieved by finding the case study in Part D of the LACORS guide that closest matches the property and adopting those standards.
- 5.14 The licence holder must install a carbon monoxide alarm in any room containing a solid burning appliance (e.g. coal fire, wood burning stove etc.) or a boiler and shall provide a declaration as to the condition and position of such alarms to the Authority within **21 days on 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 must ensure the property has adequate thermal insulation to minimise heat loss through the building structure.
- 5.17 The licence holder shall ensure that there are suitable containers provided externally 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/ign/environment_and_waste/recycling_and_waste/recycling_and_waste_at_home/waste_collections.aspx

- 5.18 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.
- 5.19 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.
- 5.20 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 on request**.

6. General

- 6.1. The licence holder shall arrange for Council Officers to be granted access to the property at any reasonable time on request. The licence holder must not obstruct any Council Officer(s) carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 6.2. The licence holder shall, if required, by written notice within **21 days** provide the Council with following particulars as may be specified in the notice with respect to the occupancy of the house:
- 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) The licence holder shall inform the Council of any change in ownership or management of the house and
 - d) Change in Manager, address and contact telephone number
 - e) Change of address of Licence Holder or Landlord and contact telephone number;
 - f) An appointment of a manager, their address and contact number
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.
- 6.6. Outbuildings must not be used as residential accommodation and will not form part of the licence for the main dwelling.

- 6.7. The licence is not transferable and may NOT be transferred to another person, organisation or property.
- 6.8. 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.
- 6.9. 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.
- 6.10. 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

TOWER HAMLETS