



**Conditions for Licenced Properties
(Selective Licensing and Additional HMO Licensing)**

Selective Licence Conditions

Standard terms for licences granted under Part 3 of the Housing Act 2004 (The Act).

Licence terms and limitations

- A licence relates only to the house described on the licence and Notice of Approval.
- A licence may be granted before the time it is required but the licence will not come into force until the date specified on the licence.
- The length of the licence is that stated on the licence document unless either of the following apply:
 - The licence will cease if the Licence Holder dies whilst the licence is in force.
 - The licence is revoked under section 93 or 93A of the Housing Act 2004.
- This licence continues for the period of the licence, even where the house is no longer a house under Part 3 of the Act, or becomes an HMO to which Part 2 applies, unless it is revoked under section 93 or 93A of the Housing Act 2004 or terminated upon the Licence Holder's death (see below).
- This licence may not be transferred to another person or organisation.
- If the Licence Holder is a company or partnership and it dissolves whilst the licence is in force, the licence ceases to be in force on the date of dissolution.
- If the Licence Holder dies while the licence is in force, the licence ceases to be in force on his death. However, 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 under section 86 of the Act, exempting the house from the requirement to be licensed. If on the expiry of the 3 months initial period, 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 house from the requirement to be licensed. Procedural rules and appeals as specified in section 86 (6) to (8) (with any necessary modifications) of the Act will apply.

In these licence conditions:

- *All references to 'the Council' in these conditions are to be read as meaning the London Borough of Barnet.*
- *"The Act"* means the Housing Act 2004.
- *"room"* includes a hall or landing.
- *"living accommodation"* includes a bathroom or lavatory.
- *"house"* refers to the building or such part of it as is licensed under Part 3 of the Housing Act 2004.

- “*Licence Holder*” is the person named on the licence as being the Licence Holder and to whom the licence has been granted by the Council.
- “*The Manager*” is the person named on the licence as being the Manager

Selective Licence Conditions

The following standard licence conditions will be applied to all licences that are issued. They comprise those set down in legislation (*mandatory conditions*) and also local conditions (*discretionary conditions*), which will be unique licence conditions applied to licences, dependent on the information supplied at the time of application and the property use.

1. Tenancy agreement

- 1.1 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.
- 1.2 A copy of the written tenancy agreement must be supplied to the Council by the Licence Holder within 14 days of a request in writing from them to do so.
- 1.3 Where the rent is payable weekly, payments shall be recorded in a rent book to be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents. Where rent is paid by standing order or direct debit and recorded on bank statements, this satisfies the requirement to provide a written receipt of each rental payment to the tenants.

2. References

- 2.1 The Licence Holder must obtain references from persons who wish to occupy the house and copies of these are to be retained for the duration of the licence.
- 2.2 A copy of these must be supplied to the Council by the Licence Holder within 14 days of a request in writing from them to do so.

3. Copies of the property licence

- 3.1 The Licence Holder shall ensure within one month of the licence having been granted, that a copy of the licence and licence conditions is given to the occupier(s). A copy must also be given to any new occupier(s) taking up residence of the property during the licence period.

4. Permitted persons for the house

- 4.1 The Licence Holder must not allow the property to be used or occupied otherwise than in accordance with this licence.
- 4.2 Only the Licence Holder or the Manager named on the licence or someone authorised by them may create a new tenancy to occupy the property.

- 4.3 Maximum numbers of persons permitted to occupy the licensed premises are given in the table below.

Total maximum permitted number of persons for the house	-
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5. Occupancy particulars

- 5.1 The Licence Holder shall if required by written notice, provide the Council in writing within 14 days and otherwise as may be required in these licence conditions, the following particulars in relation to the occupancy of the house:

- The names of persons living in the house
- The dates when those persons moved into the house

The Licence Holder as a data controller should issue the occupiers with notification of the Licence Holder's legal duties to comply with the law and the requirements to share data with the Council without the occupier's consent, either expressed through the tenancy agreement or where there is no such term in the existing agreement, in a statement to this effect in writing to the occupier.

6. Gas safety

- 6.1 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 (as amended) and ensure that arrangements are made for gas installations and appliances to be inspected annually by a competent Gas Safe registered engineer.
- 6.2 Any necessary remedial works identified shall be undertaken by a competent Gas Safe Registered engineer within such a time period as may be specified by the Council in writing.
- 6.3 The Licence Holder must submit a copy of the current gas safety certificate to the Council annually and otherwise as may be specified in the licence conditions. The certificate shall be no more than 12 months old at the date of submission.

7. Fixed Electrical installations

- 7.1 The Licence Holder must ensure that every electrical installation in the house is in proper working order and safe for continued use.
- 7.2 The Licence Holder shall if requested in writing, 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. The test certificate is to be provided within 14 days of a request from the Council to do so and otherwise as may be specified in these licence conditions.

8. Condition of Furniture and Electrical Appliances

8.1 All soft furnishings supplied by the Licence Holder to the tenants must comply with the Furniture and Furnishings (Fire) (Safety) 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 safe condition of those items.

8.2 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. In addition, a Portable Appliance Test (PAT) should be undertaken in accord with the following schedule: -

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

8.3 Inspections of electrical appliances shall be carried out by a suitably qualified and competent person. The Council shall be informed of any remedial works required and any such works shall be carried out within any such time period as may be specified by the Council in accordance with extent and urgency of the work

8.4 A declaration as to the safety of electrical appliances and furniture provided by the Licence Holder shall be supplied to the Council within 14 days of a written request from them to do so and otherwise as may be required in these licence conditions. Copies of the declaration are to be made available to occupants of the house.

9. **Smoke alarms**

9.1 The licence Holder shall: -

Ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and

keep each such alarms in proper working order; and

shall supply to the Council, a written declaration as to the position and condition of those smoke alarms within 14 days of a written request from them to do so and otherwise as may be specified in these licence conditions.

10. **Carbon Monoxide Alarms**

10.1 The Licence Holder: -

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; and

keep each such alarms in proper working order; and

shall supply to the Council, a written declaration as to the position and condition of the carbon monoxide alarms within 14 days of a written request from them to do so and otherwise as may be specified in these licence conditions.

11. Security

- 11.1 The Licence Holder must maintain in a good working order all external door and window locks and/or other measures or fittings provided to resist a forced entry to the property. Where intruder alarms are provided, this includes testing and replacing any batteries, servicing the installation etc. as necessary to ensure it is in a fully functioning condition. The Licence Holder must take steps to ensure that the occupiers are made aware of how to use such fittings, measures or equipment.

12. Energy efficiency

- 12.1 The Licence Holder shall supply to the occupiers, a valid energy performance certificate (EPC) for the property where one is required to comply with the Domestic Minimum Energy Efficiency Standard (MEES) Regulations current at the commencement of the licence. A copy of the EPC shall also be supplied to the Council within 14 days of a request by them in writing to do so or otherwise as may be specified in these licence conditions.

13. Management practice

- 13.1 The Licence Holder shall provide the tenants and the Council, within 14 days of a request from the Council to do so and otherwise as may be specified in the conditions to this licence, written confirmation of how they will undertake routine or reactive maintenance, pest control and any repair or maintenance programme.
- 13.2 The tenants are to be advised in writing at the start of their tenancy of the arrangements in place to deal with repair and emergency matters, including 24-hour response arrangements. This should include alternative arrangements for situations in which the Manager is unavailable.
- 13.3 The Licence Holder shall ensure that inspections of the property are carried out regularly, giving the appropriate notice to the tenant, and at least once every six 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, the date and time of inspection and any issues found, and action(s) taken to deal with those issues. The records of such inspections shall be kept for the duration of this licence and made available for inspection by a visiting Council Officer. A copy of such records shall also be provided to the Council within 14 days of a request in writing from them to do so.

- 13.4 The Licence Holder shall regularly and at least once every six months, inspect or take other measures to ensure that any yards and/or gardens to the house, are kept clean and tidy. Where this is not the case, the licence holder shall write to the tenant to remind them of their obligations and to take steps within 14 days to clean and tidy them.
- 13.5 All repairs, improvements or treatments to the house, installations, facilities and equipment are to be carried out by a competent person or persons.

14. Managing anti-social behaviour

- 14.1 The Licence Holder shall provide the tenants and the Council, within 14 days of a request from the Council to do so and otherwise as may be specified in the conditions to this licence, written confirmation of how they will manage complaints of anti-social behaviour and what action the tenants should take if notified by the Licence Holder that complaints of anti-social behaviour have been made relating to the property or the occupation of it.
- 14.2 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 line with the Council's guidance note. In this regard, the Licence Holder or their agent 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 premises. The landlord shall take all reasonable steps to resolve the problem. On request, the Licence Holder must demonstrate to the satisfaction of the Council, that they have taken all reasonable and practicable steps when dealing with complaints of anti-social behaviour made against the occupants or their visitors. Documentary evidence of this shall be provided within 14 days of a request in writing from the Council to do so.

15. Waste Disposal

- 15.1 The Licence Holder shall comply with London Borough of Barnet's Household Recycling and Waste Policies.
<https://admin.barnet.gov.uk/sites/default/files/2020-02/Household%20Recycling%20and%20Waste%20Policies.pdf>
Any queries should be made via the CSI mailbox: CSI@barnet.gov.uk
- 15.2 The Licence Holder must ensure that suitable and sufficient recycling and waste containers are available for tenants' use, ensuring that tenants are made aware of the arrangements for the correct presentation and collection of recycling and waste.
- 15.3 The Licence Holder must provide written information to all tenants at the start of the tenancy, advising them of their responsibilities for the proper storage and disposal of household recycling and waste. Any guidance on recycling or waste disposal provided by the Council in written form or online, shall be provided to, or brought to the attention of the tenants by the Licence Holder.

15.4 Information provided by the Licence Holder must be provided in a clear and easy to understand format which tenants can refer to throughout the period of their tenancy and should include the following: -

- How household recycling and residual waste should be separated, stored and placed out for collection in the correct containers.
- How to dispose of bulky household waste.
- If applicable, the licence holder must inform tenants of the arrangements for accessing communal recycling and waste containers that are placed in secure areas and ensure that tenants are able to access these.

15.5 The Licence Holder must carry out regular checks and at least once every six months throughout the duration of the licence, to ensure that all tenants are complying with their responsibilities with regards to the storage and recycling of waste (including bulky waste) within the property and any exterior areas within the curtilage of the house and its placement for collection in accordance with the policies set out by the Council. Checks should be recorded, and records should be made available to the Council within 14 days of a written request from them to do so.

15.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste or mattresses are disposed of in a safe and lawful manner.

16. Training

16.1 The Licence Holder shall if requested in writing by the Council, attend a training course(s) in relation to management practice and procedures. One means of doing so would be to become accredited through the London Landlord Accreditation Scheme (LLAS) or similar scheme accepted by the Council. Training is to be completed within 3 months of such a request or such other period as may be specified in conditions to this licence. Documentary evidence of the training or accreditation will be required and is to be produced within 14 days of a request in writing from the Council to do so. For more information on the London Landlord Accreditation Scheme, please visit <https://www.londonlandlords.org.uk/>

17. Material changes to the licensed property or Licence Holder

17.1 If there is a material change of circumstances affecting the Licence Holder, the management or the operation of the property, the Licence Holder must inform the Council immediately. This includes anything that would affect the “fit and proper” status of the Licence Holder, Manager or others involved with management of the house. The Licence Holder must inform the Council of any proposals to change the Manager named on the licence as the proposed new Manager will be subject to the fit and proper person test and an application to vary the licence must be made. The Licence Holder shall also inform the Council of any changes to the business address of any of the parties named on the licence during the licence period.

- 17.2 No alteration to or occupation of the property which may affect the contents or conditions of the licence may be made without the prior written consent of the Council.

Notes relating to selective licence conditions

Paragraphs 17 to 29 are not licence conditions but provide supporting information to Licence Holders

18. Variations to the licence

- 18.1 If at any time during the period of licence, there has been a change of circumstances to the premises from the time the licence was granted, the Council may vary the licence on its own initiative or on an application made by the Licence Holder or a relevant person.

19. Failure to comply with licence conditions

- 19.1 Failure to comply with any licence condition may result in proceedings with a fine for a summary conviction. As an alternative, a financial penalty may be imposed by the Council of up to £30,000. Failure to comply with licence conditions or other relevant offences or wrongdoings may affect the Licence Holder's "fit and proper" status. The licence may also be revoked by the Council.

20. Grant of a licence

- 20.1 The property licence and conditions do not imply or grant by inference or otherwise, any approval or permission for any other purpose including Building Regulation and Planning purposes under the relevant Acts, or other statutory provisions or to leasehold terms and conditions. Conversely compliance with any of these requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

21. Other Obligations

- 21.1 As well as the conditions applying to this licence, there are various other relevant statutory obligations of which you should be aware. These include but are not limited to the following statutory provisions.

22. Planning permission

- 22.1 This licence does not grant any planning approval, consent or permission under the Town and Country Planning Act 1990 or any other planning legislation. You should contact the Council's planning service if you are

intending to carry out any alterations or additions to the property or intend to change the use of the property in such a way that may require planning consent or have already done so.

- 22.2 For further information on planning matters please contact the Planning Department on 020 8359 3000 or email planning.enquiry@barnet.gov.uk

23. Building control

- 23.1 This licence does not grant any Building Regulation approvals, consent or permissions retrospectively or otherwise. All extensions or alterations to the property or the installations therein, including the provision of new sanitary ware and other facilities, shall comply with the latest Building Regulations where these apply.
- 23.2 For more information on the requirements under the Building Regulations, please contact Building Control on 0208 359 4500.

24. Fitness for human habitation

- 24.1 Under the Homes (Fitness for Human Habitation) Act 2018, landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of and throughout the tenancy.
- 24.2 The Council expects all licensed property to be fit for human habitation – the definition of fitness is contained in the Landlord and Tenant Act 1985.

A property may be unfit if:

- the building has been neglected and is in a bad condition
- the building is unstable
- there is a serious problem with damp
- it has an unsafe layout
- there is not enough natural light
- there is not enough ventilation
- there is a problem with the supply of hot and cold water
- there are problems with the drainage or the lavatories
- it is difficult to prepare and cook food or wash up
- there is a category 1 or 2 hazard under the housing health and safety rating System (HHSRS)

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

- 25.1 This licence is not evidence that the property is free from hazards and defects. The Housing Health and Safety Rating System (HHSRS) introduced under Part 1 of the Housing Act 2004, applies to all residential premises including Houses in Multiple Occupation. 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. The assessment could show the presence of serious (category 1) hazards and/or 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.

- 25.2 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 HHSRS inspections and assessments to be carried out. Any defects found at inspection may require enforcement action to be taken.

26. Part X of the Housing Act 1985

- 26.1 This part of the Act sets out rules to prevent overcrowding in residential premises and has regard to both habitable room sizes and the number of rooms. This part of the Act can be found at the following website:
<https://www.legislation.gov.uk/ukpga/1985/68/part/X>

27. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

- 27.1 These Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords have to provide a copy of the electrical safety report to their tenants and to the Council if requested and carry out any remedial works identified in the report.

For further information please visit

<https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector>

28. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- 28.1 Private sector landlords are required to have at least one smoke alarm installed on every storey of their property and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove, etc.). After that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

For further information, you can visit

<https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords/the-smoke-and-carbon-monoxide-alarm-england-regulations-2015-qa-booklet-for-the-private-rented-sector-landlords-and-tenants>

29. Fire Safety Order

- 29.1 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".
- 29.2 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>

30. Domestic Minimum Energy Efficiency Standard (MEES) Regulations

- 30.1 The Domestic Minimum Energy Efficiency Standard (MEES) Regulations set a minimum energy efficiency level for domestic private rented properties. The Regulations apply to all domestic private rented properties that are:
- let on specific types of tenancy agreement
 - legally required to have an Energy Performance Certificate (EPC)

For further information, you can visit

Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK (www.gov.uk)

31. General landlord and tenant matters

- 31.1 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.
 - Reimbursing tenants rent deposits.
- 31.2 If Landlords have any doubts regarding their legal obligations under Landlord and Tenant Law, they should seek their own legal advice.

HMO Licence Conditions (mandatory and additional licences)

Licence terms and limitations

- A licence relates to the property described on the licence and Notice of Approval.
- A licence may be granted before the time it is required but the licence will not come into force until the date specified on the licence.
- A length of the licence is that stated on the licence document 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 or 70A of the Housing Act 2004.
- This licence continues for the period of the licence, even where the premises are no longer an HMO, unless it is revoked under section 70 or 70A of the Housing Act 2004 or terminated upon the Licence Holder's death (see below).
- This licence may not be transferred to another person.
- If the Licence Holder is a company or partnership and it dissolves whilst the licence is in force, the licence ceases to be in force on the date of dissolution.
- If the Licence Holder dies while the licence is in force, the licence ceases to be in force on his death. However, 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.
- If on the expiry of the 3 months initial period, 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 rules and appeals as specified in section 62 (6) to (8) of the Housing Act 2004 will apply.

Standard terms for licences granted under Part 2 Housing Act 2004 (The Act).

- All references to ‘the Council’ in these conditions are to be read as meaning the London Borough of Barnet.
- “The Act” means the Housing Act 2004.
- “room” includes a hall or landing.
- “living accommodation” includes a bathroom or lavatory.
- “HMO” means a building or a part of a building as prescribed in section 254 of the Housing Act 2004 and includes flats in multiple occupation.
- “Licence Holder” is the person named on the licence as being the Licence Holder and to whom the licence has been granted by the Council.
- “The Manager” is the person named on the licence as being the Manager

HMO licence conditions (mandatory and additional licences)

The following standard licence conditions will be applied to licences issued. They comprise those set down in legislation (*mandatory conditions*) and also local conditions (*discretionary conditions*) which will be unique conditions applied to licences, dependent on the information supplied at the time of application and the property use.

1. Standard of Accommodation

- 1.1 The Licence Holder shall ensure that the house is reasonably suitable for occupation by not more than the maximum number of households or persons mentioned in Table 1 in paragraph 17.3 below, having regard to the London Borough of Barnet’s Standards for Houses in Multiple Occupation

The standards concern the following matters:

- Space standards
 - Washing facilities
 - W.C. facilities
 - Kitchen facilities
 - Heating
 - Fire precautionary facilities
 - Security
- 1.2 Where at the commencement of this licence, the property is not reasonably suitable for occupation by not more than the maximum number of households or persons set out in Table 1, works and/or other measures to make it so suitable will be set out in conditions to this licence.

The standards can be downloaded from: -
<https://www.barnet.gov.uk/sites/default/files/assets/citizenportal/documents/EnvironmentalHealth/PrivateHousing/HMOStandards2016.pdf>

Alternatively, a paper copy can be obtained by calling 0208 359 5355, by email: HMOs@barnet.gov.uk or in writing to the HMO Licensing Team, Development and Regulatory Services, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

2. Display of Information in the property

- 2.1 The Licence Holder shall ensure within one month of the licence having been granted, that a copy of the licence and the licence conditions are displayed in a prominent position within the common parts of the house. The Licence Holder shall ensure that these remain displayed throughout the licence period. Alternatively, a copy of the licence and licence conditions shall be given to each of the occupiers.

3. Gas Safety

- 3.1 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 (as amended) and ensure that arrangements are made for gas installations and appliances to be inspected annually by a competent Gas Safe registered engineer.
- 3.2 Any necessary remedial works identified shall be undertaken by a competent Gas Safe Registered engineer within such a time period as may be specified by the Council in writing.
- 3.3 The Licence Holder must submit a copy of the current gas safety certificate to the Council annually and otherwise as may be specified in the licence conditions. The certificate shall be no more than 12 months old at the date of submission.

4. Condition of Furniture and Electrical Appliances

- 4.1 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 safe condition of those items.
- 4.2 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. In addition, a Portable Appliance Test (PAT) should be undertaken in accord with the following schedule: -

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

- 4.3 Inspections of electrical appliances shall be carried out by a suitably qualified and competent person. The Council shall be informed of any remedial works required and any such works shall be carried out within any such time period as may be specified by the Council in accordance with extent and urgency of the work.
- 4.4 A declaration as to the safety of electrical appliances and furniture provided by the Licence Holder shall be supplied to the Council within 14 days of a written request from them to do so and otherwise as may be required in these

licence conditions. Copies of the declaration are to be made available to occupants of the house.

5. Smoke/Fire Alarms

- 5.1 The Licence Holder shall ensure that a fire alarm system is installed in accordance with BS5839-6:2019 and having regard to the guidance given in the LACORS 'Guidance on fire safety provisions for certain types of existing housing' ('the LACORS guide'). Where required, any necessary works in this respect are specified in a condition or conditions to this licence. The LACORS guide can be found at: <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf>
- 5.2 The fire alarm system shall be maintained in proper working order. Smoke and heat alarms and fire precaution equipment should be regularly inspected and tested as part of a maintenance programme to accord with the LACORS guide.
- 5.3 Upon request in writing, the Licence Holder shall provide to the Council within 14 days and otherwise as may be required in this licence, a declaration 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. Alarm modification certificates are to be provided where alterations or additions are made to the system or to demonstrate that the system has been inspected and tested by a competent person.

6. Fire precautionary facilities

- 6.1 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, all having regard to the Council's Adopted Standards for Houses in Multiple Occupation, the LACORS 'Guidance on fire safety provisions for certain types of existing housing' and otherwise as may be required in this licence. Any necessary works in this respect are specified in a condition or conditions to this licence.
- 6.2 Fire precautionary facilities shall be maintained in proper working order

7. Fixed Electrical Installations

- 7.1 The Licence Holder must ensure that every electrical installation in the house is in proper working order and safe for continued use.
- 7.2 The Licence Holder shall if requested in writing, 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. The test certificate is to be provided within 14 days of a request from the Council to do so and otherwise as may be specified in these licence conditions.

8 Carbon Monoxide Alarms

8.1 The Licence Holder: -

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; and

keep each such alarms in proper working order; and

shall supply to the Council, a written declaration as to the position and condition of the smoke alarms within 14 days of a written request to do so and otherwise as may be specified in these licence conditions.

9. Heating

9.1 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) which is economic to run and take into account affordability, the presence of thermal insulation, the location of the appliance, ease of use and performance. In a sleeping/and or living room, the heating system/appliance should be capable of achieving a room temperature of 18°C when the outside temperature is -1°C. The heating must be operable and available at all times. Heating appliances in bath/shower rooms must be suitable for use in such locations and be suitably and safely sited within the room or compartment within a room. Heating installations must in all other respects, comply with the Council's Adopted Standards for Houses in Multiple Occupation.

10. Energy efficiency

10.1 The Licence Holder must ensure the whole property has adequate thermal insulation to minimise heat loss through the building structure. To achieve this, the property shall have a minimum EPC (Energy Performance Certificate) rating of E. The Licence Holder shall carry out works to achieve this rating and must submit a copy of the EPC to the Council within 6 months of the licence being granted. A guide to energy performance certificates for the marketing, sale and let of dwellings can be found at the following website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671018/A_guide_to_energy_performance_certificates_for_the_marketing_sale_and_let_of_dwellings.pdf

11. Security

11.1 The Licence Holder shall ensure that all external, bedsit and flat entrance doors as well as any accessible windows are secure, resistant to forced entry and fitted with suitable locks. Bedroom and final exit doors from the building should be fitted with locks that can be operated without the use of a key to

comply with BS 8621:2017 (*Lock assemblies operated by key from the outside of the door and by handle or thumb turn from the inside of the door*).

[In relation to 'shared accommodation', the requirement to provide locks need not apply to bedroom doors although where they are provided, they should comply with BS 8621:2017.]

[In the case of windows in any instance, this condition only applies where such apertures are located on the ground floor of the property unless they are otherwise accessible from an external staircase or structure such as an accessible flat roof, balcony or other fixed apparatus such as drainage pipes that can be easily climbed]

- 11.2 Windows which are escape windows to comply with fire requirements are to be openable from inside without use of removable key.

12. Tenancy Agreement

- 12.1 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.
- 12.2 Where the rent is payable weekly, payments shall be recorded in a rent book, to be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents. Where rent is paid by standing order or direct debit and recorded on bank statements, this satisfies the requirement to provide a written receipt of each rental payment to the tenants.

13. Management practice

- 13.1 The Licence Holder shall provide the tenants and the Council, within 14 days of a request from the Council to do so and otherwise as may be specified in the conditions to this licence, written confirmation of how they will undertake routine or reactive maintenance, pest control and any repair or maintenance programme.
- 13.2 The tenants are to be advised in writing at the start of their tenancy of the arrangements in place to deal with repair and emergency issues including a 24-hour response arrangement. This should include alternative arrangements for situations in which the manager is unavailable.
- 13.3 The Licence Holder shall ensure that inspections of the property are carried out regularly, giving the appropriate notice to the tenant, at least once every six 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, the date and time of inspection and any issues found, and action(s) taken to deal with those issues. The records of such inspections shall be kept for the duration of this licence and made available for inspection by a visiting Council Officer. A copy of such records shall also be provided to the Council within 14 days of a request in writing from them to do so.

- 13.4 All repairs, improvements or treatments to the house, installations, facilities and equipment are to be carried out by a competent person or persons

14. Managing Anti-Social Behaviour

- 14.1 The Licence Holder shall provide the tenants and the Council, within 14 days of a request from the Council to do so and otherwise as may be specified in the conditions to this licence, written confirmation of how they will manage complaints of anti-social behaviour and what action the tenants should take if notified by the Licence Holder that complaints of anti-social behaviour have been made relating to the property or the occupation of it.
- 14.2 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 line with the Council's guidance note. In this regard, the Licence Holder or their agent 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 premises. The landlord shall take all reasonable steps to resolve the problem. On request, the Licence Holder must demonstrate to the satisfaction of the Council, that they have taken all reasonable and practicable steps when dealing with complaints of anti-social behaviour made against the occupants or their visitors. Documentary evidence of this shall be provided within 14 days of a request in writing from the Council to do so.

15. Waste Disposal

- 15.1 The Licence Holder shall comply with London Borough of Barnet's Household Recycling and Waste Policies.
<https://admin.barnet.gov.uk/sites/default/files/2020-02/Household%20Recycling%20and%20Waste%20Policies.pdf>
Any queries should be made via the CSI mailbox: CSI@barnet.gov.uk
- 15.2 The Licence Holder must ensure that suitable and sufficient recycling and waste containers are available for tenants' use, ensuring that tenants are made aware of the arrangements for the correct presentation and collection of recycling and waste.
- 15.3 The Licence Holder must provide written information to all tenants, at the start of the tenancy advising them of their responsibilities for the proper storage and disposal of household recycling and waste. Any guidance on recycling or waste disposal provided by the Council in written form or online, shall be provided to, or brought to the attention of the tenants by the Licence Holder.
- 15.4 Information provided by the Licence Holder must be provided in a clear and easy to understand format which tenants can refer to throughout the period of their tenancy and should include the following: -

- How household recycling and residual waste should be separated, stored and placed out for collection in the correct containers.
- How to dispose of bulky household waste.
- If applicable, the licence holder must inform tenants of the arrangements for accessing communal recycling and waste containers that are placed in secure areas and ensure that tenants are able to access these.

15.5 The Licence Holder must carry out regular checks and at least once every six months throughout the duration of the licence, to ensure that all tenants are complying with their responsibilities with regards to the storage and recycling of waste (including bulky waste) within the property and any exterior areas within the curtilage of the house and its placement for collection in accordance with the policies set out by the Council. Checks should be recorded, and records should be made available to the Council within 14 days of a written request from them to do so.

15.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste or mattresses are disposed of in a safe and lawful manner.

16. Training

16.1 The Licence Holder shall if requested in writing by the Council, attend a training course(s) in relation to management practice and procedures. One means of doing so would be to become accredited through the London Landlord Accreditation Scheme (LLAS) or similar scheme accepted by the Council. Training is to be completed within 3 months of such a request or such other period as may be specified in conditions to this licence. Documentary evidence of the training or accreditation will be required and is to be produced within 14 days of a request in writing from the Council to do so. For more information on the London Landlord Accreditation Scheme, please visit <https://www.londonlandlords.org.uk/>

17. Levels of Occupancy

17.1 The Licence Holder/Manager must not permit a new resident to occupy the house and/or parts of the house if: -

- that occupation exceeds the maximum number of permitted persons and households in the premises or
- that occupation exceeds the maximum number of people permitted for any room or unit of accommodation within the premises

The relevant space and amenity standards are contained in the Council's adopted Standards for Houses in Multiple Occupation. These can be found on our website at: -

<https://www.barnet.gov.uk/sites/default/files/assets/citizenportal/documents/EnvironmentalHealth/PrivateHousing/HMOStandards2016.pdf>

A 'new resident' is a person not in occupation at the date the licence was granted or varied.

17.2 Numbers of persons permitted to occupy the house

Taking into consideration the current mode of occupation as [bedsit] [shared] accommodation and any other relevant circumstances, occupation of this HMO is hereby restricted in accordance with Tables 1 & 2 below

17.3 Total number of persons and households permitted to occupy the house

The total number of persons (irrespective of age) and households permitted to occupy the house having regard to the Council's Standards for Houses in Multiple Occupation, the size of the rooms and the number and location kitchens/cooking facilities, bathroom/shower rooms and toilets as well as the nature of the occupation and any other relevant circumstances, is restricted to those given in Table 1 below.

Table 1 – Total Number of Persons and Households Permitted to Occupy the HMO

Total maximum permitted number of persons for the HMO	-
Total maximum permitted number of households	-

The number of persons and households in occupation of the HMO is not to exceed the numbers in Table 1 above.

Where at the time this licence is granted, the occupation exceeds the permitted number of persons and /or households, the permitted occupancy can be achieved when the relevant tenancy, tenancies or licence(s) to occupy come to a natural end or a period, of not more than 18 months beginning with the date of this licence, whichever occurs first. The HMO must not then be reoccupied in contravention of the licence.

If additional facilities are provided or other works executed, it may be possible to increase the number of persons or households permitted to occupy the house and /or rooms in the premises. In this respect, you must consult with the Council in writing before the commissioning of any work or the taking of any other steps, in order to ensure that the proposals will meet the relevant standards and comply with planning and building regulation requirements. A

variation of the licence will be required to accommodate any changes to licence conditions as a result. Failure to do so, may lead to a breach of licence conditions. The conditions in the original licence will continue to apply until the licence is formally varied. The Council have the power to refuse to vary a licence. The Licence Holder and relevant persons can appeal a decision to vary or to refuse to vary the licence

17.4 **Number of persons permitted to occupy sleeping rooms**

The Regulations below specify statutory minimum standards the Council must include in any HMO licence they issue. However, the Council has the discretion to adopt its own standards for licensed HMOs within its area. The Council has regard to these adopted standards to guide it when determining the number of persons permitted to occupy the sleeping rooms under the licence.

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 require that the Licence Holder shall ensure as a minimum: -

- (a) that 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 square metres.
- (b) that 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 square metres.
- (c) that 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 square metres.
- (d) that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation

and where: -

- any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not to be used as such by more than the maximum number of persons aged over 10 years so specified in Table 2 to this licence.
- any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not to be used as such by more than the maximum number of persons aged under 10 years so specified in Table 2 to this licence.
- 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 to be 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 in Table 2 to this licence.

Table 2 – Maximum Room Occupancy

Room (location and room number if applicable)	Maximum permitted number of persons per room	[Age band]
	-	[Age][Irrespective of age]
	-	

Where at the time this licence is granted, sleeping rooms are being occupied other than in accordance with Table 2, the Licence Holder is required to comply with the condition(s) within the period of not more than 18 months.

[The Council hereby notifies the Licence Holder that they consider that the X room(s) is/are occupied other than in accordance with this licence having regard to Table 2 and the Licence Holder is required to comply with this condition(s) within the period of not more than 18 months]

Within this period, except where before this licence was granted, the Licence Holder was convicted of an offence under section 72(2) or (3) of the Housing Act 2004 in relation to the HMO: -

- (a) the Council may not revoke the licence for a breach (or repeated breach) of any condition 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, and
- (c) the Council may not impose a financial penalty under section 249A on the Licence Holder in respect of such a failure.

Where: -

- (a) any of the rooms are occupied in breach of Table 2,
- (b) the Licence Holder has not knowingly permitted the breach, and
- (c) the Council has notified the Licence Holder of the breach,

the Licence Holder is required to rectify the breach within the period of not more than 18 months beginning with the date of the Council's notification.

The Licence Holder must notify the Council of any room in the HMO with a floor area of less than 4.64 square metres.

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 in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph. Otherwise, the floor area of the room shall be determined having reference to the guidance provided by the Council's Standards for Houses in Multiple Occupation.

Note concerning Tables 1 & 2

Table 2 sets out the permitted occupation of each of the sleeping rooms specified on the basis of the floor area of the room in question. Table 1 in addition to room sizes, considers the occupation of the house that can be supported by the amenity provision at the property (for example the sufficiency of bathroom, toilet and kitchen facilities) and any other relevant factor. The permitted occupation of the property as a whole in Table 1 may be lower than the summation of the permitted occupancies for each of the sleeping rooms shown in Table 2. In such cases the total occupancy must not exceed that specified in Table 1.

18. Occupancy particulars

- 18.1 The Licence Holder shall, if required by written notice, provide the Council in writing within 14 days and otherwise as may be required in these licence conditions, the following particulars in relation to the occupancy of the house:
- The names of persons and households living in the house, the relationship between the persons so occupying it, if any and the parts of the property they each occupy
 - The dates when each individual and household moved into the property

The Licence Holder as a data controller should issue the occupiers with notification of the Licence Holder's legal duties to comply with the law and the requirements to share data with the Council without the occupier's consent, either expressed through the tenancy agreement or where there is no such term in the existing agreement, in a statement to this effect in writing to the occupier.

19. Material changes to the licensed property or Licence Holder

- 19.1 If there is a material change of circumstances affecting the Licence Holder, the management or the operation of the property, the Licence Holder must inform the Council immediately. This includes anything that would affect the "fit and proper" status of the Licence Holder, Manager or others involved with management of the house. The Licence Holder must inform the Council of any proposals to change the Manager named on the licence as the proposed new Manager will be subject to the fit and proper person test and an application to vary the licence must be made. The Licence Holder shall also inform the Council of any changes to the business address of any of the parties named on the licence during the licence period.

- 19.2 No alteration to or occupation of the property which may affect the contents or conditions of the licence may be made without the prior written consent of the Council.

Notes relating to HMO licence conditions (mandatory and additional licences)

Paragraphs 20 to 33 are not licence conditions but provide supporting information to Licence Holders.

20. Variations to the licence

- 20.1 If at any time during the period of licence, there has been a change of circumstances to the premises from the time the licence was granted, the Council may vary the licence on its own initiative or on an application made by the Licence Holder or a relevant person.

21. Failure to comply with licence conditions

- 21.1 Failure to comply with any licence condition may result in proceedings with a fine for a summary conviction. As an alternative, a financial penalty may be imposed by the Council of up to £30,000. Failure to comply with licence conditions or other relevant offences or wrongdoings may affect the Licence Holder's "fit and proper" status. The licence may also be revoked by the Council.

22. Other legislative requirements

- 22.1 The property licence and conditions do not imply or grant by inference or otherwise, any approval or permission for any other purpose including Building Regulation and Planning purposes under the relevant Acts, or other statutory provisions or to leasehold terms and conditions. Conversely compliance with any of these requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

23. Other Obligations

- 23.1 As well as the conditions applying to this licence, there are other relevant statutory obligations of which you should be aware. These include but are not limited to the following statutory provisions:

24. Planning permission

- 24.1 This licence does not grant any planning approval, consent or permission under the Town and Country Planning Act 1990 or any other planning legislation. You may require planning consent for the use of the property as an HMO. You should contact the Council's planning service if you are intending to carry out any alterations or additions to the property or intend to change the use of the property in such a way that may require planning consent or have already done so without planning consent.

24.2 For further information on planning matters please contact the Planning Department on 020 8359 3000 or email planning.enquiry@barnet.gov.uk.

25. Building Control

25.1 This licence does not grant any Building Regulations approval, consent or permissions retrospectively or otherwise.

25.2 All extensions or alterations to the property or the installations therein, including the provision of new sanitary ware and other facilities, shall comply with the latest Building Regulations where these apply.

25.3 For more information on the requirements under the Building Regulations, please contact Building Control on 0208 359 4500.

26. Fitness for Human Habitation

26.1 Under the Homes (Fitness for Human Habitation) Act 2018, landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of the tenancy and throughout.

26.2 The Council expects all HMOs to be fit for human habitation – the definition of fitness is contained in the Landlord and Tenant Act 1985.

A property may be unfit if:

- the building has been neglected and is in a bad condition
- the building is unstable
- there is a serious problem with damp
- it has an unsafe layout
- there is not enough natural light
- there is not enough ventilation
- there is a problem with the supply of hot and cold water
- there are problems with the drainage or the lavatories
- it is difficult to prepare and cook food or wash up
- there is a category 1 or 2 hazard under the housing health and safety rating System (HHSRS)

27. HMO Management Regulations

27.1 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
- not to interrupt the supply of and to maintain gas and electricity
- to maintain common parts, fixtures and appliances (including windows)
- to maintain living accommodation
- to provide waste disposal facilities

27.2 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 or may be subject to a Financial Penalty of up to £30,000 for each regulation breached.

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>

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

28.1 The Housing Health and Safety Rating System (HHSRS) introduced under Part 1 of the Housing Act 2004, applies to all residential premises including HMOs. 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. 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.

28.2 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 HHSRS inspections and assessments to be carried out. Any defects found at inspection may require enforcement action to be taken.

29. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

29.1 These Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords have to provide a copy of the electrical safety report to their tenants and to the Council if requested and carry out any remedial works identified in the report.

For further information you can visit

<https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector>

30. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- 30.1 Private sector landlords are required to have at least one smoke alarm installed on every storey of their property and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove, etc). After that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

For further information, you can visit

<https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords/the-smoke-and-carbon-monoxide-alarm-england-regulations-2015-qa-booklet-for-the-private-rented-sector-landlords-and-tenants>

31. Fire Safety Order

- 31.1 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".
- 31.2 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>

32. Domestic Minimum Energy Efficiency Standard (MEES) Regulations

- 32.1 The Domestic Minimum Energy Efficiency Standard (MEES) Regulations set a minimum energy efficiency level for domestic private rented properties. The Regulations apply to all domestic private rented properties that are:

- let on specific types of tenancy agreement
- legally required to have an Energy Performance Certificate (EPC)

For further information, you can visit

Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK (www.gov.uk)

33. General landlord and tenant matters

33.1 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 tenant's rooms.
- Imposing rent increases.
- Reimbursing tenants rent deposits.

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