

Additional HMO Licensing 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.

NOTES

1. Definitions

In these licence conditions:

- A. “House” refers to the building or such part of it as is licensed under Part 2 of the Housing Act 2004.
 - B. “Authority” refers to the local authority, namely the London Borough of Croydon.
 - C. “Licence Holder” refers to: (a) the person to whom the Authority has granted this licence; and (b) from the date of his or her consent, any other person who agrees to comply with the licence restrictions and obligations that follow.
2. The following are standard conditions that will be attached to each licence. In some circumstances, where the Council believes there are specific issues not covered in the standard conditions for a particular property, additional or more specific conditions will be added.

The person to whom this licence is granted is responsible for ensuring compliance with its conditions at all times and remains so whether or not another person has also agreed to be bound by them.

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.

A2. Copy of the licence must be displayed, at all times, in a conspicuous place in the front communal area of the HMO.

Section 1

1.1 Gas safety installation and appliances. The Licence Holder must ensure that all gas installations and appliances are in a safe condition at all times.

1.1(i) If gas is supplied to the house, to produce to the council annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.

1.1(ii) There must be a valid gas safety certificate (if applicable) at all times during the period of this licence. This must be produced by a Gas Safe registered Engineer.

1.1(iii) A copy of the annual gas safety test certificate must be sent to the Council within 14 days of issue or within 14 days on request.

1. 1(iv) A copy of the annual gas safety test certificate must be provided to all occupiers at the start of their tenancy.

1.2 Electrical safety and furniture safety

1.2.1 Electrical installation.

1.2.1(i) The Licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use;

1.2.1(ii) To supply the council, on demand, with a declaration by the Licence Holder as to the safety of such installations.

1.2.1(iii) 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(iv) 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. The written Electrical Installation Condition Report (EICR) should find the installation to be at least satisfactory.

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

1.2.1(vi) A copy of the EICR report must be provided to all occupiers at the start of their tenancy, within 28 days of obtaining a new report or within 28 days of an occupier making a written request for a copy.

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

Note: The Electrical Installation Condition Report (EICR) must be produced by a competent person who is appropriately qualified to prepare this report. If the person issuing the EICR is not properly registered with the Electrical Contractors Association (ECA), National Inspection Council for Electrical Installation Contracting (NICEIC), ELECSA, NAPIT or Registered Competent Person Scheme (www.electricalcompetentperson.co.uk), the Licence Holder must also provide written evidence that the electrician has the necessary qualification/s, skills and experience to issue the condition report within 21 days of request. (The Council will not contact the electrician on your behalf).

1.2.2 Electrical appliances.

1.2.2(i) To keep electrical appliances made available by the Licence Holder in the house in a safe condition.

1.2.2(ii) To supply the authority, on demand, with a declaration by the Licence Holder as to the safety of such appliances.

1.2.2(iii) All electrical appliances must be tested regularly and copies of electrical appliance test certificate(s) retained for the duration of the licence and provide copies to the council within 14 days on request.

1.2.3 Furniture safety

1.2.3(i) All furniture supplied by or on behalf of the Licence Holder must be kept in a safe condition.

1.2.3(ii) To supply the council, on demand, with a declaration by the Licence Holder as to the safety of such furniture.

3.2.2 A declaration identifying the furniture provided and as to the safety of such furniture must be provided to the council within 14 days on request.

1.3. Fire detection, risk assessments, fire safety information and carbon monoxide safety.

1.3.1 Smoke alarms.

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

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

1.3.1(iv) 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 Carbon Monoxide alarms

1.3.2(i). 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(ii) All carbon monoxide alarm(s) installed within the house must be maintained in good working order at all times during the period of this licence.

1.3.2(iii) As and when required, the Licence Holder must supply a declaration made by them as to the condition and positioning of any such alarm, to the Council within 14 days on request.

Note: For the purposes of condition 1.3, a “room” includes halls and landings and a bathroom or lavatory is to be treated as a room used as living accommodation).

1.3.3 Fire Safety instructions

1.3.3(i) The Licence Holder must produce suitable written (comprehensible) fire safety instructions in a form that the residents can be reasonably expected to understand. The instructions must include instructions relating to the building evacuation strategy, how to report a fire to the fire and rescue authority and any other instruction that tells residents what they must do when a fire has occurred.

1.3.3(ii) The fire safety instructions must be displayed in a conspicuous part of the premises.

1.3.3(iii) The Licence Holder must provide a copy of the fire safety instructions (a) to a new resident of the building, as soon as reasonably practicable after that resident moves into the premises; and
(b) to all residents, annually in January of each year.

1.3.3(iv) The Licence Holder must provide a copy of the written fire safety instructions to the Council within 14 days on request.

1.3.4 Fire door safety instructions

1.3.4(i) The Licence Holder must produce suitable written (comprehensible) fire door safety information in a form that the residents can be reasonably expected to understand. The fire door safety information must include instructions that fire doors should be kept shut when not in use; residents or their guests should not tamper with the self-closing devices; and residents should report any faults or damages with doors immediately to the responsible person;

1.3.4(ii) The Licence Holder must provide a copy of the fire door safety information (a) to a new resident of the building, as soon as reasonably practicable after that resident moves into the premises; and
(b) to all residents, annually in January of each year.

1.3.3(iii) The Licence Holder must provide a copy of the written fire door safety information to the Council within 14 days on request.

1.3.5 Fire door safety checks (for an HMO which is above 11 metres in height).

1.3.5(i) The Licence Holder must undertake checks of fire doors at the entrances of individual dwellings in the building at least every 12 months.

1.3.5(ii) The Licence Holder must undertake checks of any fire doors in communal areas of the building at least every 3 months.

1.3.5(iii) The Licence Holder must keep a written record of the checks and steps taken to comply with the obligation in condition 1.3.4(i) and 1.3.4(ii) including door failings and where access to the dwelling was not granted.

1.3.5(iv) As and when required, the Licence Holder must provide a copy of the written record of the fire door safety checks to the Council within 14 days on request. The Licence Holder must retain the written copies of all fire door safety checks for the duration of the licence.

1.3.5(v) The checks required by conditions 1.3.4(i) and 1.3.4(ii), and recorded in writing, must include whether the door is operating correctly, ensuring that the selfclosing devices for the doors are working, that the gaps between the door and frame / stop is not excessive and that the door closes quietly and securely against the frame / stops.

Note: 1.3.5: Licensing conditions 1.3.4(i) to (v) apply only to HMOs with a height of at least 11m. The height measurement of a building is to be calculated to the height to the top storey in accordance with regulation 3(2)(a) of The Fire Safety (England) Regulations 2022.

1.3.6 Fire Risk Assessment and certification

1.3.6(i) The Licence Holder must ensure that a fire risk assessment is undertaken in accordance with The Regulatory Reform (Fire Safety) Order 2005 and that action to minimise the risk of fire at the HMO is taken in accordance with the assessment.

1.3.6(ii) The Licence Holder must ensure that any fire-fighting equipment and fire alarms at the HMO are maintained in good working order.

1.3.6(iii) The Licence Holder must ensure that the Council is provided, within 14 days on request, with a copy of the fire risk assessment, all periodical inspection reports and test certificates for any automatic fire alarm system, emergency lighting, smoke ventilation systems and fire-fighting equipment provided in the HMO.

Note: The fire risk assessment must be carried out by a competent person. [Health and Safety Executive] A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist you properly. The level of competence required will depend on the complexity of the situation and the particular help you need.

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.

1.6.2(ii) The Licence Holder must ensure that the correct number and type of receptacle(s) or caddies are available for use by the occupiers. Where a waste receptacle is not in good order it should be repaired or replaced. Where a waste receptacle is missing it should be replaced.

1.6.2.(iii) As and when required, the Licence Holder must complete a household waste audit and provide a copy of the written audit to the Council within 14 days on request. The Council may supply a template for completion as part of this condition.

1.6.3 The Licence Holder must ensure that new occupiers of the HMO are, within 21 days of the start of their occupation, given in writing the following information on waste and recycling:

- a. The collection days for the refuse and recycling bins for the house (<https://www.croydon.gov.uk/rubbish-and-recycling/bins/check-your-bin-collectiondays>)
- b. Details on what they can and can't recycle (<https://www.croydon.gov.uk/rubbishand-recycling/bins/recycling-bins>)
- c. How they can dispose of bulky waste (<https://www.croydon.gov.uk/rubbish-andrecycling/bulky-waste-collection>)
- d. General waste guidance from the Authority's website: (<https://www.croydon.gov.uk/rubbish-and-recycling>)

A copy of the information provided to the occupiers must be kept for the duration of the licence and provided to the Council within 14 days on request.

1.6.4 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. The information in 1.6.3 should be resent to all occupiers to remind them of their responsibilities and how they can achieve them.

1.6.5 Any correspondence, letters and records created to achieve 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

1.7.1 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.

1.8 Appointment of a manager.

1.8.1(i) If the Licence Holder appoints a person, or new person, to manage the HMO during the period of the licence, they must:

- a) Before or upon the manager's appointment, obtain from the manager a written declaration of management identifying the licence conditions, above and below, if any, by which he or she agrees to be bound;
- b) Ensure that the declaration includes:
 - i. A recital that the manager has read and understood the licence conditions;
 - ii. A notice informing the manager that a failure to comply with the conditions may result in criminal and/or civil liability, including an unlimited fine or a financial penalty of up to £30,000 for each breach;
 - iii. A notice that, if the manager requires advice about the conditions or any failure to comply with them, he or she should consult a Citizens Advice Bureau or a housing solicitor, before signing the declaration;
 - iv. A recital that the manager understands the consequences of failing to comply with the licence conditions;
 - v. A recital that either (a) the manager agrees to be bound by all of the licence conditions, (b) the manager agrees to be bound by such of the conditions as the declaration specifies or (c) a recital that the manager does not agree to be bound by any of the licence conditions, above or below; and
 - vi. In the case of (b) or (c) above, a statement that the person to whom the licence was granted alone is bound by the licence conditions;

c) Ensure that the aforementioned declaration is signed and dated by the appointed manager and by the licence holder.

1.8.2 Within 14 days of the manager's appointment, or on request from the Council, ensure that the Council is provided with a copy of the written declaration.

1.9 Arrangements for payment of Council Tax.

1.9.1 The Licence Holder must make arrangements for the payment of Council tax in line with the bill instructions. A written summary of the payment arrangements must be provided to the Council within 14 days on request.

1.9.2 The License Holder must have an agreed payment arrangement in place with the Council Tax department on any accounts which have arrears. This includes debts from a period that the licence holder should always have been liable instead of the occupiers. A written summary of the payment arrangements must be provided to the Council within 14 days on request.

1.9.3 Where the council tax account is in the names of the occupiers of the HMO, the Licence Holder must contact the council tax department to change the account into the Licence Holder's name within 21 days of demand.

1.9.4 The Licence Holder must inform the occupiers of the HMO of any change in liability of council tax within 21 days from the date of change.

Note: This condition 1.9.3 shall not apply to any letting in the HMO where the Valuation Office Agency has determined that the letting should be separately banded for Council Tax purposes. Condition 1.9 ensures compliance with The Council Tax (Chargeable Dwellings and Liability for Owners) (Amendment) (England) Regulations 2023

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 where shared kitchen and bathroom facilities only	Bedsit room containing where shared kitchen and bathroom facilities only	Bedsit room containing where shared kitchen and bathroom facilities are in a separate room	Shared house where kitchen ensuite kitchen and 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 condition 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. Wider management and maintenance responsibilities for HMO owners, managers and licence holders are contained within the Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

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.

Additional Condition.

*-The dimensions of this room [description as above] 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 (delete as necessary)

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

Note: A room suitable for the purpose will be of adequate size and design/layout to ensure it is safe for use by the proposed number of occupants/users and does not give rise to any hazards. A shared kitchen is to be of minimum size 6 m²