

Selective Licensing Licence Conditions

The following standard licence conditions will be applied to all licences that are issued.

NOTES

1. Definitions

In these licence conditions:

- A. "House" refers to the building or such part of it as is licensed under Part 3 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.

1. TENANCY MANAGEMENT

- 1.0 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property including:
 - 1.0.1 Details of the arrangements in place to deal with repair issues including contact details.
 - 1.0.2 Details of the arrangements in place to deal with emergency issues including contact details.
 - 1.0.3 Details of the arrangements in place to deal with pest control/proofing issues including contact details.
 - 1.0.4 Details including the name, address and emergency contact number of the Licence Holder or managing agent responsible for the common parts of the property.
 - 1.0.5 Copies of the written statement of terms and details (1.01 – 1.04) must be provided to the council for inspection within 14 days upon request.
- 1.1 The Licence Holder must supply a current copy of the Energy Performance Certificate (EPC) to all tenants/occupiers at the start of their tenancy.
- 1.2 The Licence Holder must supply a copy of the current Selective Licence to all tenants/occupiers at the start of their tenancy.

- 1.3 The Licence Holder shall supply a copy of the current gas safety certificate or installation certificate (new boilers) to all tenants/occupiers at the start of their tenancy.
- 1.4 The Licence Holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation.
 - 1.4.1 No new person who wishes to occupy shall be allowed to occupy the accommodation if they are unable to provide a reference.
 - 1.4.2 The Licence Holder must retain all references obtained from occupiers for the duration of this licence and provide copies to the council within 14 days on request.
- 1.5 The Licence Holder shall protect any deposit taken under an assured short-hold tenancy by placing it in a statutory tenancy deposit scheme within 30 days of receipt.
 - 1.5.1 A tenant must be given the prescribed information about the deposit protection scheme within 30 days of receipt of the deposit.
 - 1.5.2 This protection receipt and prescribed information given to the tenant must be retained for the duration of the licence and provided to the council within 14 days on request.
- 1.6 The Licence Holder shall ensure that inspections of the property and outside space are carried out at least every six (6) months to identify any problems relating to the condition, occupancy and management of the property.
 - 1.6.1 The records of such inspections shall be written and kept for the duration of this licence.
 - 1.6.2 The record must contain a log of who carried out the inspection, date and time of inspection including any issues and follow up action(s) taken.
 - 1.6.3 The licence holder or property manager should act, within a reasonable period, to rectify problems identified relating to the condition, occupancy and management of the property identified at the inspections.
 - 1.6.4 The record(s) must be provided to the council within 14 days on request.
- 1.7 The Licence Holder must make sure the property is not overcrowded.
 - 1.7.1 No tenancy shall be taken up where it is deemed to place the property into a condition of overcrowding.
 - 1.7.2 No new resident must be permitted to occupy the house or any part of the house if that occupation results in overcrowding.
 - 1.7.3 The Licence Holder will ensure by 6 monthly inspections that the property is assessed for overcrowding and take appropriate action to reduce such an occurrence.

- 1.8 The Licence Holder must obtain a copy of the report from the person conducting the electrical safety inspection which gives the results of the inspection and test and the date of the next inspection and test.

1.8.1 The Licence Holder must supply a copy of the most recent report to any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; OR as appropriate,

1.8.2 The licence holder must supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test.

2. ANTI-SOCIAL BEHAVIOUR

- 2.0 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:

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

2.0.2 Written records from 6 monthly property inspections (including actions) for condition, occupancy and management of the property.

2.0.3 Copies of the tenancy management arrangements are to be supplied to the council within 14 days on request.

- 2.1 The Licence Holder shall effectively address problems of ASB resulting from the conduct on the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs 2.1.1 to 2.1.9 below:

2.1.1 The Licence Holder must not ignore or fail to take action, if he/ she has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the premises.

2.1.2 The Licence Holder shall from the date of receipt of the complaint of ASB, monitor and investigate any allegations of ASB.

2.1.3 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.

2.1.4 Where the ASB is continuing after 14 days from warning letter 1 (condition 2.1.3), the Licence Holder, or his agent must, within 14 days, visit the premises and provide the tenant with a further warning letter advising them of the possibility of eviction if their behaviour continues.

2.1.5 If after 14 days of giving warning letter 2 (as in condition 2.1.4), 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.

- 2.1.6 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 shall attend.
- 2.1.7 Any correspondence, letters and records referred to in conditions 2.1 (2.1.1 – 2.1.6) above must be provided to the council within 14 days on request.
- 2.1.8 Any letters, meeting notes, notes made following telephone conversations; relating to conditions 2.1 (2.1.1 – 2.1.6), sent or received by the Licence Holder, or agent of the Licence Holder, must be kept for the duration of the licence.

3. PROPERTY MANAGEMENT

- 3.0 The Licence Holder shall ensure that all gas installations and appliances are in a safe condition at all times.
 - 3.0.1 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.
 - 3.0.2 A copy of the current gas safe certificate must be provided to all tenants/ occupiers at the start of their tenancy.
 - 3.0.3 There must be a valid gas safety certificate or installation certificate (new boilers) at all times during the period of this licence (no break in coverage).
 - 3.0.4 Copies of the annual test certificates must be sent to the council within 14 days of issue or within 14 days on request.
- 3.1 All electrical appliances supplied by or on behalf of the Licence Holder must be kept in a safe condition and meet the requirements of the relevant British Standard.
 - 3.1.1 To keep electrical appliances made available by the Licence Holder in the house in a safe condition.
 - 3.1.2 To supply the authority, on demand, with a declaration by the Licence Holder as to the safety of such appliances
 - 3.1.3 A copy of the current electrical appliance(s) test certificate / declaration must be provided to all tenants/ occupiers at the start of their tenancy.
 - 3.1.4 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.
- 3.1A The electrical installation supplied by or on behalf of the Licence Holder in the premises must be in proper working order and safe for continued use.
 - 3.1A.1 The Licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use;

- 3.1A.2 To supply the council, on demand, with a declaration by the Licence Holder as to the safety of such installations.
- 3.1A.3 A declaration as to the safety of such installations must be provided to the council within 14 days on request.
- 3.1A.4 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.
- 3.1A.5 The Licence Holder must retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test.
- Note For the purposes of this condition 3.1A “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.
- 3.2 All furniture supplied by or on behalf of the Licence Holder must be kept in a safe condition.
 - 3.2.1 To supply the council, on demand, with a declaration by the Licence Holder him 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.
- 3.3 The Licence Holder must ensure that the occupiers of the house are given suitable information in writing about waste and recycling storage and collection at the start of their occupation. A document or email that offers the information in 3.3.1 to 3.3.4 (all with links to the Croydon council website) is deemed acceptable for this condition.
 - 3.3.1 The collection days for the refuse and recycling bins for the house.
 - 3.3.2 Details on what they can and can't recycle.
 - 3.3.3 How they can organise collection of or dispose of bulky waste
 - 3.3.4 General waste guidance from the Authority's website.
 - 3.3.5 A copy of the information provided to the occupiers must be retained for the period of the licence and provided to the Authority within 14 days on request.
- 3.4 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.
 - 3.4.1 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose.
- 3.5 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.

- 3.5.1 Any correspondence, letters and records created in compliance with this condition must be retained for the duration of the licence and provided to the council within 14 days on request.
- 3.6 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair, waste or pest infestation at the property.
 - 3.6.1 The Licence Holder must ensure, in particular that a written response is made to any such complaint within 14 days of notification, stating what action has been or will be taken giving time periods.
 - 3.6.2 Copies of any such written complaint (including by email) and the response referred to in conditions 3.6.1 must be retained throughout the term of the tenancy and be provided to the council within 14 days on request.
 - 3.6.3 The tenant must be informed of any actions that he / she needs to take with regards their responsibilities for dealing with pest infestations in line with tenancy agreements.
- 3.7 Where the Licence Holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment programme is carried out to eradicate the pest infestation.
- 3.8 The Licence Holder shall ensure that any repairs, improvement works or pest treatments at the house are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be retained for the period of the licence and provided to the Authority within 14 days on request.
- 3.9 The Licence Holder must inform the council within 14 days of any material changes in their own circumstances and, within 14 days of becoming aware of them, of any known and material change in the circumstances of the person managing or and person involved in the management of the house, such as:
 - 3.9.1 Details of any unspent convictions not previously disclosed to the Authority that may be relevant to the Licence Holder or the property manager or the status of either of them as a 'fit and proper person', including in particular a conviction in respect of any offence involving fraud or dishonesty, violence, drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
 - 3.9.2 Details of any finding by a court or tribunal against the Licence Holder and/or the property manager that he or she has practised unlawful discrimination.
 - 3.9.3 Details of any contravention on the part of the Licence Holder or property manager relating to housing, fire safety, planning, public health, environmental health, or landlord and tenant law, which has led to civil or

criminal proceedings and a judgment or finding being made against him or her.

3.9.4 Information about any property the Licence Holder or property manager owns or manages, or has owned or managed:

3.9.4.1 which has been made subject to a control order under section 379 of the Housing Act 1985, in the five years preceding the date of the application; or

3.9.4.2 which has been the subject of any enforcement action described under Part 1 sections 5(2) or 7(2) of the Housing Act 2004, concerning Category 1 and Category 2 housing condition hazards;

or

3.9.4.3 in relation to which a local housing authority has either refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence.

3.9.4.4 which has been the subject of an interim or final management order under the Housing Act 2004.

3.9.5 For the Licence Holder to provide information to the council any material changes in their own circumstances and of any known and material change in the circumstances of any person managing or involved in the management of the house. This must be provided to the council within 14 days on request.

3.9.6 The material change can relate to any action that has occurred in relation to any activity within England and is not limited to the Borough of Croydon.

4. FIRE SAFETY

4.0 The Licence Holder must make sure 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. All smoke alarms or fire detection systems within the house must be maintained in good working order at all times during the period of this licence.

For the purpose of Condition 4, “room” includes halls and landings; and bathrooms and lavatories are treated as rooms used as living accommodation.

4.1.1 Within 14 days of demand, the Licence Holder must make a declaration as to the positioning and operation of the smoke alarms.

4.1.2 The Licence Holder must regularly check the working order of the smoke alarm or fire detection system.

4.1.3 Certain fire detection systems have inspection frequencies dictated by recommendations in British Standards. A copy of the current test certificate(s) (including periodical inspection report / annual check) must be provided to the council within 14 days on request.

- 4.1.4 The Licence Holder must test any smoke alarm within the property on uptake of a new tenancy. If the smoke alarm is not working then a new smoke alarm must be installed.
 - 4.1.5 For Multi-Let Property licences. 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 property (containing dwellings) is taken in accordance with the assessment. The licence holder must ensure that any fire detection equipment, fire alarms and emergency lighting at the property are maintained in good working order by competent persons. The licence holder must ensure that the council is provided with, if requested, a copy of the Fire Risk Assessment, all periodical inspection reports and test certificates for any automatic fire alarm system, emergency lighting and fire-fighting equipment provided in the property.
 - 4.2 A carbon monoxide alarm is 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.
 - 4.2.1 Keep any such alarm in proper working order
 - 4.2.2 Supply the council within 14 days on request with a declaration by the Licence Holder as to the condition and positioning of any such alarm.
5. GENERAL
- 5.0 The Licence Holder must arrange for access not giving less than 24 hours' notice to be granted at any reasonable time and must not obstruct council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
 - 5.1 The Licence Holder shall if required provide the council with the following particulars with respect to the occupancy of the house:
 - 5.1.1 The names, sex, age and numbers of individuals/households accommodated, specifying the rooms they occupy within the property.
 - 5.1.2 The function of the room and size of the room.
 - 5.1.3 The information shall be provided to the council within 14 days on request.
 - 5.2 The Licence Holder shall inform the council of any change in ownership, Licence Holder, property manager or interested party of the house.

- 5.3 The Licence Holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the premises.

5.3.1 Before significant works start a minimum of 14 days' notice shall be given to the tenant (except emergency or by agreement).

- 5.4 The Licence Holder shall ensure that on completion of any works, the property shall be left in a clean, tidy condition and free from builders' debris.

6. MANAGERS RESPONSIBILITY FOR COMPLIANCE WITH LICENCE CONDITIONS

- 6.0 A Licence Holder can impose restrictions or obligations on another person to ensure that the licencing conditions are satisfied. A Licence Holder can only impose restrictions or obligations where that person has consented to the imposition of the restrictions or obligations. If the Licence Holder appoints a person to manage the house (where this involves the consent to the imposition of the restriction or obligations) during the period of the licence, he or she must meet conditions 6.1 to 6.4 inclusive. This condition is to ensure there is clarity over who has responsibility to meet the conditions.

- 6.1 Before or upon the person's appointment, obtain from the person a written declaration ("Declaration of Management") identifying the licence conditions, if any, by which he or she agrees to be bound. The declaration can state compliance with;

- 6.1.1 All of the conditions.
- 6.1.2 Some of the licence conditions
- 6.1.3 None of the licence conditions.

- 6.2 Ensure that the "Declaration of Management" includes:

- 6.2.1 A recital that the person has read and understood the requirements of the licence conditions;
- 6.2.2 A notice informing the person 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;
- 6.2.3 A notice that, if the person 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;
- 6.2.4 A recital that the person understands the consequences of failing to comply with the licence conditions;
- 6.2.5 A recital that either (6.1.1) the person agrees to be bound by all of the licence conditions, (6.1.2) the person agrees to be bound by such of the conditions as the declaration specifies or (6.1.3) a recital that the person does not agree to be bound by any of the licence conditions, and
- 6.2.6 In the case of (6.2) or (6.3) below, a statement that the Licence Holder alone is bound by the licence conditions;

- 6.3 Ensure that the aforementioned “Declaration of Management” is signed and dated by the appointed manager; and
- 6.4 Either on request from the council or within 14 days of the manager’s appointment, ensure that the council is provided with a copy of the “Declaration of Management”.

Note 1. Section 90 of the Housing Act 2004 enables the council to impose conditions on the licence holder and other appointed persons. Some of these conditions are mandatory conditions as required by section 90(4) and listed in Schedule 4. Croydon Council Selective Licensing Scheme is a Part 3 scheme. Conditions 1.0, 1.1, 1.4, 3.0, 3.1, 3.1A, 3.2 and 4.0 are the mandatory conditions.

Failure to comply with any licence condition may result in court proceedings including fines up to £30,000 and loss of the licence.

Note 2. The Licence Holder shall ensure that the property (including new works) meets relevant planning and building regulation requirements and that the status of the property is in line with the required legislation. Note the new Article 4 direction for small HMOs.

Website: For planning and building regulation queries please refer to the planning pages on the council's website.

Address: Place Division, Planning & Sustainable Regeneration Department,
Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA.

Telephone: 020 8726 6100.

Note 3: Letting and property management agents who are proposing to be licence holders or property managers will be asked to prove compliance with various legislation relating letting, including; tenants fees, client money protection scheme membership and government approved redress scheme membership. This will be first checked as part of the application process.

Note 4: Landlords, licence holders, letting and property management agents, property managers (with or without duties to comply with conditions), tenant and other parties should contact the council to seek clarification about any condition. In complying with the conditions difficult situations can be encountered. The council will not look to penalise parties who are proactively trying to resolve a problem situation.

GLOSSARY:

ANTI SOCIAL BEHAVIOUR – A widely used definition of anti-social behaviour is the definition contained in the Crime and Disorder Act (1998): ‘Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household.’

ARTICLE 4 - Croydon Council has introduced a Borough-wide Article 4 Direction to protect family homes (houses and flats) by requiring planning permission to convert

these properties into small houses of multiple occupation (HMOs). The Article 4 Direction was confirmed to commence on the 28th January 2020. The direction under Article 4 was made on the 18th January 2019. For further information please contact the Spatial Planning team by emailing ldf@croydon.gov.uk or calling the team on 020 8407 1385.

BUILDING CONTROL- This licence does NOT grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise. This licence does not offer any protection or excuse against enforcement action taken by the Building Control (Development Control) Department.

CONSUMER RIGHTS & UNFAIR PRACTICES - The Licence Holder's attention is drawn to Office of Fair Trading's (OFT) guidance on unfair contracts in relation to their tenancies or licences. The Licence Holder must negotiate its agreements in good faith and must not carry out misleading or aggressive commercial practices. Full information should be supplied to any prospective occupier including details of this licence.

It is not the responsibility of the Authority's Property Licensing Team to ensure the Licence Holder has complied with the above statutory requirements. If you are unclear on any of the matters outlined above, you should seek professional advice.

ELECTRICAL SAFETY - The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 were made by Parliament on the 18 March 2020. The regulations propose times for compliance in all new specified tenancies from 1st July 2020; and to all existing specified tenancies from 1st April 2021. Part 6 relates to Licences under Parts 2 and 3 of the Housing Act 2004 and introduces the licensing condition(s) 1.8, 1.81, 1.82, 3.1A, 3.1A.1, 3.1A.2 and 3.1A.3.

ENERGY PERFORMANCE CERTIFICATE (EPC) – a certificate (and associated report) that sets out the energy efficiency rating of a property and contains recommendations for ways in which the energy efficiency of the property could be improved. Most domestic (and non-domestic) buildings sold, rented out or constructed since 2008 must have an EPC. An EPC may also be required when a property is altered in particular ways.

HOUSES IN MULTIPLE OCCUPATION – A definition of a house in multiple occupation (HMO) is found in Part 7 of the 2004 Act. To be defined as an HMO, a building, or part thereof, must fall within one of the following categories:

- a building or flat in which more than one household shares a basic amenity, such as bathroom, toilet or cooking facilities: this is known as the 'standard test' or the 'self-contained flat test'
- a building that has been converted and does not entirely comprise of self-contained flats: this is known as the 'converted building test'
- a building that is declared an HMO by the local authority
- a converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied: this is known as a section 257 HMO.

Standard test

A building is an HMO under the standard test if:

- the occupants share one or more of the basic amenities (defined as a toilet, personal washing facilities and cooking facilities) or the accommodation lacks one or more of these amenities
- the building does not entirely consist of self-contained flats (it may, however, comprise some self-contained units)
- the building is occupied by at least three people who constitute more than one household
- the building is the occupants' main residence (or should be treated as such)
- this occupation constitutes the only use of the accommodation, and
- rents are payable, or some other form of consideration, for at least one person's occupation

A HMO with five or more people in two or more households requires a Mandatory HMO licence. Contact telephone: 020 8726 6000 ext. 61450 or Email: hmo@croydon.gov.uk

Self-contained flat test

The criteria to meet the self-contained flat test are the same as the standard test, except that they apply to an individual flat that is in multiple occupation. A unit of accommodation is self-contained if:

- it is a separate set of premises, and
- all three basic amenities are available for the exclusive use of its occupants.

If a building comprises both self-contained and non-self-contained accommodation and there is some sharing of facilities, then the standard test applies.

Converted building test

The converted building test is met where:

- a building or part of a building consists of living accommodation and has been converted, ie one or more of the units of accommodation have been created since the building was originally constructed
- it contains at least one unit of accommodation that is not a self-contained flat (there may be some self-contained flats)
- the accommodation is occupied by three or more persons who do not form a single household
- the accommodation is the occupants' main or only residence (or should be treated as such)
- occupation as living accommodation constitutes the only use of that accommodation
- rents are payable.

This test would apply, for example, in the case of a house converted to bedsits, where bathrooms and/or toilets are shared.

Where the standard test or the converted building test apply a mandatory HMO licence will take precedence over the need to apply for a Part 3 licence for the flat(s).

HOUSES IN MULTIPLE OCCUPATION MANAGEMENT REGULATIONS - The Management of Houses in Multiple Occupation (England) Regulations 2006 came out in 2006 to place additional conditions on the landlords or managers of HMOs. They were introduced under section 234 of the 2004 Act for the purpose of ensuring

that, in HMOs there are in place satisfactory management arrangements and that satisfactory standards of management are observed. The Management Regulations impose duties on the person managing a house in respect of the repair, maintenance, cleanliness and good order of the house and facilities and equipment in it. Additionally, they also impose duties on persons occupying a house for the purpose of ensuring that the person managing the house can effectively carry out any duty imposed on him by the regulations. Failure to comply with management regulations in respect of HMOs (section 234 of the Housing Act 2004) is an offence that can result in the issuing of a financial penalty or the person prosecuted in a Magistrates Court where the fine is unlimited.

HMO MANAGEMENT IN S257 HMOS - The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 came into force on 1 October 2007. The regulations place duties on a person managing a section 257 HMO and under regulation 11, the occupiers of an HMO to ensure the manager can effectively carry out his duties.

LICENCE HOLDER – A licence holder has full responsibility for ensuring that the licence conditions are met. The council will determine that the licence holder is the most appropriate person to hold the licence. For the purposes of the conditions this person can also include a person who has, for the term of the licence, consented to the Licence Holder imposing restrictions or obligations on them to ensure that the licencing conditions are satisfied. This consent must be agreed formally and be sent in at the point of the licence application.

OVERCROWDING – An overcrowded house is measured using a statutory standard contained within the Housing Act 1985. The standard includes any habitable room (bedroom, living room, dining room, study etc) but does not include non-habitable rooms such as the bathroom or a non-dining kitchen or hallway. The areas with ceilings less than five foot (1.524m) are not included in the measurements. The standard considers:

1. Room standard – the number of people permitted is linked with room numbers. E.g: If there are two bedrooms a maximum of three people can occupy.
2. Space standard – numbers of people permitted to sleep in rooms of specified sizes. E.G. One person (over 10 years old) can sleep in a room 6.5m² to 8.36m² (70 to 90ft²)
3. Gender overcrowding - no two persons, over 10 years old, of opposite sex should have to sleep in the same room (unless living as a couple).

The government has proposed the introduction of a bedroom standard to replace the current statutory standard set out above. A standard number requirement of bedrooms is calculated for each household in accordance with its age/sex/marital status composition.

The provisions of the HHSRS build on the bedroom standard. Hazard 11 is titled 'crowding and space' and covers hazards associated with lack of space within the dwelling for living, sleeping and normal family/household life. The bedroom standard looks for adequate living space for the household with a bedroom (ratio of maximum

1 bedroom: 2 people) (using space standard size or HMO standard) allocated to each:

- married or cohabiting couple;
- adult aged 21 years or more;
- pair of adolescents aged 10-20 years of the same sex;
- pair of children aged under 10 years regardless of sex.

For HMOs the council has produced specific HMO standards that provides room sizes for rooms within a property, including a self-contained flat. A single bedroom must be a minimum of 7m² and a double room 11m². Living rooms are to be 11m² or 14m², a kitchen 5.5m² and combined bedroom / living rooms / kitchens 14m².

Under the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, the new minimum bedroom sizes are:
4.64m² for a child under 10 years old
6.51m² for one person over 10 years old
10.22m² for two people over 10 years old

Note: these minimum bedroom sizes do not apply to licences granted before 1st October 2018, to HMOs licensed under a Part 3 selective licensing scheme or to HMOs that do not require licensing. Properties that fall into these categories are subject to a different assessment methodology that can lead to the service of an HMO overcrowding notice (section 139 of the 2004 Act) or action under the HHSRS. The new regulations set absolute minimum sizes which are not ideal room sizes and meeting these requirements is no guarantee the room size will be adequate. Croydon has HMO standards that it uses under the Mandatory HMO licensing scheme.

PLANNING PERMISSION - This licence does NOT grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. If the property is being used as a House in Multiple Occupation (HMO) this may constitute a breach of planning control and you should check the Authority's website to ensure the correct planning permissions are in place. This licence does not offer any protection against enforcement action taken by the Planning Department. If you are unclear on the matters outlined above you should seek professional planning advice.

PROPERTY CONDITION - This licence is NOT evidence that the property is safe or free from hazards and defects. The licence does not offer any protection against criminal or civil legal action being taken against the Licence Holder, or anyone else with an interest in the property, in respect of any hazards, nuisances or any other problems discovered in relation to the condition of the property.

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

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with Category 1 and Category 2 hazards as may be identified under Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

PROSECUTION/ CONTRAVENTIONS CONSEQUENCES – If an offence is committed the council may look to take action which can include the issuing of a Simple Caution, Financial Penalty, or a prosecution in the Magistrates Court. 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 Authority can revoke or vary the licence at any time, giving proper statutory notice.

REFERENCE – There is a condition relating to the provision of a reference, in that the licence holder is to demand references from persons who wish to occupy the house. The council does not want the conditions to allow, directly or indirectly, the discrimination against any tenants. Referencing is a mandatory condition. It is also an important part of pre-tenancy checks to allow the landlord some peace of mind about the new tenant they are entering into an agreement with. Tenants will need to be aware that accepting a reference on termination of a tenancy is the norm just as much as providing a reference for a new tenancy. Options do exist, as not all references need to have come from a landlord from a past tenancy, some tenants will be letting for the first time so no past landlord will exist. All people will need to find homes to live in.

The part played by referencing needs to be strengthened and the council will consider how this is best achieved in the new scheme so that referencing continues to remain a useful tool and that landlords do not unintentionally breach this (or any) of the licencing conditions. Officers will look to provide support, guidance and template references to assist landlords and tenants with this stage of a tenancy.

SUPERIOR LANDLORD – the person or company for the time being who owns the interest in the property which gives him the right to possession of the premises at the end of the landlord's lease of the property.
