

## **SCHEDULE 1**

### **London Borough of Hammersmith and Fulham**

#### **Licence Terms and Conditions for Houses in Multiple Occupation**

##### General

1. The licence relates to the property described in the licence approval
2. The licence is valid from the date of its issue until the date of its expiry or revocation, or 3 months after the death of the Licence Holder
3. The licence continues even if the premise is no longer a licensable property, unless a valid application is made for the licence to be revoked
4. The licence must not be transferred to another person
5. The Licence Holder must:
  - a. Display a copy of the licence in a prominent and accessible position within the licensed property at all times or
  - b. Provide each of the occupiers with a copy of the licence at the start of their tenancy
6. At the start of each tenancy the Licence Holder must supply each new occupier with:
  - a. A written statement of the terms on which they occupy it and
  - b. An inventory issued by the Licence Holder, or someone acting on their behalf, covering all parts of the house occupied exclusively by them
7. The Licence Holder must ensure a receipt is given for all cash payments for deposit or rent
8. If the Licence Holder demands a deposit they must provide the occupier with a statement of the terms of the designated tenancy deposit scheme which has been used

## Material changes to the licensed property or Licence Holder

10. The Licence Holder must inform the Council, if, at any time during the licence period:
  - a. There is a material change of circumstances to the premises such as changes to the construction, layout or material amenity provision in the house
  - b. There is any change in ownership or management of the house
  - c. There is a change to the mode of occupation of the property, for example, from a shared household property to a bedsit type property, as some types of HMO require higher fire safety standards
11. An application to vary the licence must be made in writing to the Council by email to [phs@lbhf.gov.uk](mailto:phs@lbhf.gov.uk) or use of an online form or by post

## **Management of the property**

### Standard of Accommodation

12. The property must be reasonably suitable for occupation  
The Licence Holder must:
  - a. Have regard to Standards and Guidance for Houses in Multiple Occupation published by the Council
  - b. Keep in repair and proper working order:
    - the structure and exterior (including drains, gutters and external pipes)
    - the installations for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and toilets)
    - the installations for space heating and heating water
  - c. Ensure that there are no deficiencies at the start of a tenancy which would make the premises not reasonably suitable for occupation in that condition, and if any deficiencies arise during the period of a tenancy remedial action must be taken by the landlord as soon as is practicable
  - d. Take reasonable steps to prevent smoking in the common parts of the property

## Occupation

13. The Licence Holder must provide to the Council within 14 days of a written request to do so the names and numbers of occupiers and households, specifying the rooms they occupy within the property
14. The Licence Holder is required to ensure that the floor area of any room used as sleeping accommodation is:
  - a. Not less than 6.51 square metres if occupied by one person aged over 10 years (where there is a separate living room in the HMO)
  - b. Not less than 10.22 square metres if occupied by two persons aged over 10 years (where there is a separate living room in the HMO)
  - c. Not less than 4.64 square metres if occupied by a person aged under 10 years. The Licence Holder must notify the Council of any room in the HMO with a floor area of less than 4.64 square metres and ensure that any such room is not used as sleeping accommodation.
  - d. Where there is no separate living room, the HMO must be reasonably suitable for occupation by the maximum number of persons stated in the licence and rooms used for sleeping should be not less than 10.22 square metres if occupied by one person aged over 10 years and not less than 15 square metres if occupied by two persons aged over 10 years, unless previously agreed in writing with the Council

The Licence Holder is required to ensure that:

- e. Any room in the HMO is used as sleeping accommodation is not used as such by more than the maximum number of persons specified in the licence and paragraph 15 below
- f. Where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only (or by persons aged over 10 years and persons aged under 10 years), it is not used as such by more than the maximum number of persons specified in the licence

If any of the conditions imposed in paragraphs 14 or 15 have been breached and the Licence Holder has not knowingly permitted the breach, and the Council has notified the Licence Holder of the breach, the Licence Holder must rectify the breach within a specified period of not more than 18 months beginning with the date of the notification

15. The number of occupiers permitted is in relation to the numbers of amenities provided and/or size of rooms available. The number of persons residing in the premises shall not exceed

- a. The maximum number of occupiers
- b. The maximum number of households, as stated in the table below

Occupiers	
Households	

A new resident must not be permitted to occupy the house or any part of it if the maximum number of persons or households above is exceeded

16. If floor plans were not provided before the licence was issued, the Licence Holder must submit accurate plans of the building within 1 month from the date the licence is granted

#### Management Arrangements

17. a. Any person proposed to be involved in the management of the house must:
- i Have a sufficient level of competence to be so involved and
  - ii Be a fit and proper person to be so involved as per Section 66 Housing Act 2004
  - iii Be either the person having control of the house, or a person who is an agent or employee of the person having control of the house
  - iv Where the Licence Holder is usually resident outside the UK, the Licence Holder must appoint an HMO manager who is usually resident in the UK and can carry out the day to day tasks of managing the HMO and ensuring the conditions in this licence are complied with.
- b. Any proposed management structures and funding arrangements must be suitable where the following is the minimum requirement:
- i The licence holder has control of the property with the owner's consent
  - ii The licence holder has the monetary funds available for repairs and emergency works at the property
  - iii The licence holder has consent from the owner to use these funds in an emergency without contacting the owner for permission

- iv All responsibility for the management, letting and repair of the property is with the licence holder
- v Where a management agreement is in place, the agreement must be dated, signed by both parties and give the timescale of the agreement and the Licence Holder must supply a copy of the agreement to the Council within 3 months of the date the licence is issued

### Supplies

18. The Licence Holder shall ensure that the supply of water, gas or electricity to any residential premises is not unreasonably interrupted. For this purpose, the Licence Holder shall ensure:
- a. That the apparatus for the supply and use of these services is maintained in good condition and
  - b. Where the landlord pays for supplies, these supplies are not disconnected, or threatened with disconnection through non-payment of monies owed to the relevant supplier
  - c. Where space heating and hot water are provided centrally and controlled by the landlord, these services should be made available to an extent, which meets the reasonable needs of tenants in the premises.

### Gas Safety and Supply

19. If Gas is supplied to the house the Licence Holder must:
- a. Ensure that all gas installations comply with the Gas Safety (Installation and Use) Regulations 1998
  - b. Make arrangements for gas installations, appliances, and flues to be inspected once in every 12 months by a Gas Safe Registered engineer/installer and that any remedial works are carried out in a reasonable time frame
  - c. Supply a copy of a Gas Safe certificate (dated within the last 12 months) to the Council annually, within 14 days of a written request to do so

### Carbon monoxide

20. The Licence Holder must:
- a. 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

fixed combustion appliance other than a gas cooker (“room” includes a hall or landing and a bathroom or lavatory is to be treated as a room)

- b. Keep any such alarm in proper working order and
- c. Supply the Council, with a declaration as to the condition and positioning of any such alarm within 14 days of a written request to do so

### Electrical Safety and Supply

21. The Licence Holder must:

- a. Ensure that every electrical installation in the house is in proper working order and safe for continued use
- b. Obtain an Electrical Installation Condition Report (EICR) at intervals not exceeding five years, undertaken by a qualified and competent electrician who is registered with a trade body accredited by the United Kingdom Accreditation Service (UKAS) such as NAPIT or ECA. The EICR must be obtained within 3 months from the date the licence is granted if not already in place and supplied to the Council within 14 days of a written request to do so. In order to produce the EICR, 100% of the fixed wiring circuits must be tested; 100% of the accessible sockets must be visually inspected, and at least 20% of the electrical accessories (outlets, switches etc.) must be tested by the competent electrician who prepares the EICR.

### Condition of Furniture and Electrical Appliances

22. The Licence Holder must:

- a. Ensure that all electrical appliances and furniture, made available by the Licence Holder, are kept in a safe condition and regularly inspected
- b. Ensure any covers and fillings of cushions and pillows or upholstered furniture supplied by the Licence Holder, whether new, replacement or second hand comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)

23. The Licence Holder must make a declaration as to the safety of electrical appliances and furniture made available by him, within 14 days of receipt of a written request to do so

## Fire Safety

24. The Licence Holder must:
- a. Ensure that a smoke alarm (mains wired or lithium battery with a minimum life of 10 years) is installed on each storey of the house on which there is a room used wholly or partly as living accommodation (“room” includes a hall or landing and a bathroom or lavatory is to be treated as a room), and keep each such alarm in proper working order
  - b. Supply the Council, with a declaration by him as to the condition and positioning of such alarms within 14 days of receipt of a written request to do so

NOTE: The provision of smoke alarms is a minimum requirement and additional fire detection and prevention measures may be required under Part 1 Housing Act 2004 to meet the recommendations in the LACORS guidance, “Housing Fire Safety: Guidance on fire safety provisions for certain types of existing housing”.

25. If a grade A, B or C Automatic Fire Detection system is in place, the Licence Holder must obtain an annual test certificate based on the model inspection and servicing certificate, showing that the system has been suitably tested in accordance with the British Standard in effect at the time. This must be obtained within 3 months from the date the licence is granted if not already in place and supplied to the Council within 14 days of receiving a request in writing to do so
26. If Emergency Lighting is in place, the Licence Holder must obtain a valid annual test certificate, showing that the system has been suitably tested in accordance with the British Standard in effect at the time. This must be obtained within 3 months from the date the licence is granted if not already in place and supplied to the Council within 14 days of receiving a request in writing to do so

## Managing Anti-Social Behaviour

27. The Licence Holder must ensure that reasonable and practicable steps are taken to prevent or reduce anti-social behaviour by persons occupying or visiting the house.

## Waste Management Arrangements

28. The Licence Holder must comply with any scheme which is provided by the local housing authority to the Licence Holder and which relates to the storage and disposal of household waste at the HMO pending collection

29. The Licence Holder must ensure that:
- a. Suitable arrangements are put in place for storage and disposal of refuse produced by the occupiers of the property including sufficient and suitable bins
  - b. Occupiers are made aware of the refuse collection arrangements for the property including the refuse collection days and times
  - c. Occupiers are aware that the outside of the property (within its boundary) must be kept clear of litter and refuse
  - d. An inspection is carried out at intervals of not less than 6 months with a view to address with the occupiers any problems found with waste management

#### Pest Control

30. If the Licence Holder becomes aware of a pest infestation emanating from the property he must take steps to eradicate it by implementing a treatment programme. Records must be kept of any treatment and records submitted to the Council within 14 days of receiving a request in writing to do so

#### Compliance with covenants and legislation

31. Where the Licence Holder is not the freeholder of the Property the Licence Holder shall, in the event of becoming aware of any change of freeholder during the licence period, notify the new freeholder that the property is used as an HMO. The Licence Holder shall ensure that permission is obtained from the freeholder before making any alterations to the Property for the purposes of compliance with this Licence. The Licence Holder shall ensure that all works of alteration comply with building regulations or other regulations applicable at the time
32. Where the Licence Holder become aware that any mortgage has been taken out on the property during the licence period, the Licence Holder shall notify the mortgagee that the property is being used as an HMO

**END OF CONDITIONS**