

MAYOR AND CABINET		
Report Title	Private Sector Housing Enforcement	
Key decision	Yes	Item No. 7
Ward	All	
Contributors	Executive Director for Customer Services, Head of Law	
Class	Part 1	Date: 8 November 2006

1. Summary

The Housing Act 2004 sets out new roles and responsibilities in respect of the enforcement of housing law in the private sector. This report and accompanying Policy set out in detail how we will meet the enforcement requirements of the Act in an equitable and proportionate way balancing the rights of home owners together with the need to provide residents with homes which are safe, healthy and which provide accommodation which meets standards appropriate to the 21st Century.

2. Purpose of the Report

2.1 The purpose of this report is

- To present the policy document Appendix A "Private Sector Housing Enforcement- Policy for the Regulation of Housing Standards and for the Licensing of Houses in Multiple Occupation"
- To seek agreement for adoption of the report and its appendices

3. Policy Context

3.1 The Housing Act 2004 came into force in April 2006. Part one and two of the Act introduced the concept of the Housing Health and Safety Rating System "HHSRS" which replaces the "Fitness Standard" and also introduced a mandatory system of licensing for certain Houses in Multiple Occupation (HMOs). From the 6th of July 2006 all prescribed HMOs are required to be licensed.

3.2 The Council has already agreed a fee structure for HMO licensing but due to the need to undertake consultation on the standards and licence conditions for HMO licensing it was necessary to delay the adoption of this part of the legislation.

3.3 The Act is now fully in force and officers are actively sending out and receiving completed applications for HMO licensing under Part 2 of the Act. To date some 50 applications have been received and these are being processed.

3.4 Adoption of Standards under Section 65 of the Housing Act 2004 is essential so that applicants can be assured that minimum common standards are being

applied across all of Lewisham's licensed HMOs. These standards cover the provision of amenities such as baths, wash hand basins and kitchen facilities, but also set out minimum space standards for occupiers. The full details are set out in Appendix 2 of the attached report.

4. Recommendation

The Mayor and Cabinet are recommended

- 4.1 To approve the policy document entitled "Private Sector Housing Enforcement-Policy for the Regulation of Housing Standards and for the Licensing of Houses in Multiple Occupation" including the appendices relating to licensing policy conditions and housing standards.

5. Background

- 5.1 The role of Private Sector Housing enforcement is evolving from the traditional one of assessing houses to see whether they are "fit for human habitation" to an assessment of whether they pose a hazard to the occupants of the property. This has major implications for the Private Sector Renewal Service as it means that the traditional role of improving property through the service of enforcement notices to remedy disrepair and unfitness is no longer relevant and has been replaced with the Housing Health and Safety Rating System which considers the harm caused by hazards in the property and relates these to the health and safety of occupiers living there.
- 5.2 The HHSRS is more complex than the fitness standard. It involves an assessment of 29 potential hazards and each recognised hazard has to be assessed to determine the severity of the hazard. Hazards are categorised as being in Bands A – J the top three bands being known as Category One hazards and the rest Category Two hazards. Whilst the Council has a duty to act on a Category One hazard it does not have to act on a Category Two. Cabinet members are advised that the staffing resources are consistent with the former but insufficient to deal with the latter. Consequently the Enforcement Policy has been written to limit the Council's responsibilities to Category One hazards and Category two hazards where these meet defined criteria.
- 5.3 Consultation has taken place with local landlords and with the National Landlords Association. Over 130 local landlords were written to as part of our consultation. Fewer than 10 responses were received and these mainly related to nationally set standards. The National Landlords Association sent a detailed response which was responded to directly. The following email was received from them*thanks for the detailed response to our comments on the draft conditions and standards. We won't press most the issues any further in that while we may disagree it is clear that you have considered all of the elements of the conditions and standards carefully...*

6. Financial implications

6.1 There are no additional financial implications arising from this report. Action under the Housing Act will be undertaken using existing resources. The implications of HMO licensing have been considered previously.

7. Legal Implications

7.1 The Housing Act 2004 places a legal duty on Local housing Authorities to enforce part one (Housing Conditions) and part two (Mandatory licensing of Houses in multiple Occupation) within their area. This report sets out how we will enforce those duties taking account of the statutory legislation and government guidance.

8. Crime and Disorder Act Implications

There are no known crime and disorder implications arising out of this report.

9. Equalities Implications

The private rented sector is disproportionately occupied by low income and BME households. Therefore action to improve health outcomes through housing intervention will have a positive benefit in addressing social inequalities.

10. Environmental Implications

The environmental implications are generally positive. By improving the heating and thermal insulation of private sector housing, action under the HHSRS will achieve reductions in domestic carbon dioxide emissions which should help to tackle the problem of climate change.

11. HR Implications/TUPE

There are no human resources/TUPE implications arising from this report.

12. Appendices

Appendix A "Private Sector Housing Enforcement - Policy for the Regulation of Housing Standards and for the Licensing of Houses in Multiple Occupation"

Policy submission

Private Sector Housing Enforcement

Policy for the Regulation of Housing Standards and for the Licensing of Houses in Multiple

Occupation

Contents

1	Introduction	
1.1	Background to the Act	4
1.2	The Wider Picture	4
2	HMO Licensing	
2.1	Houses in Multiple Occupation (HMOs)	6
2.2	Licensing Principles	6
2.3	Licensing Conditions	8
2.4	Licensing Standards	8
2.5	Temporary Exemption Notices (TEN)	9
2.6	Legal Matters	
2.7	Standards in HMOs not subject to mandatory licensing	
3	Housing Health and Safety Rating System	
3.1	HHSRS and the enforcement regime	11
3.2	Health and Safety Rating Policies	12
3.3	Charges for notices	13
3.4	Prosecutions and works in default	13
3.5	Action against owner occupiers	13
3.6	Public Housing	14

Appendices

- I Standards for Licensable Houses in Multiple Occupation
- II Schedule of Conditions for Houses in Multiple Occupation

Document Control

Version	Updated By	Date
Draft v0.01	Mark Pledger	05/09/2006
Draft v0.02	Mark Pledger	14/09/2006
Draft v0.03	Mark Pledger	03/10/2006

1 Introduction

1.1 Background to the Act

The Housing Act 2004 radically overhauls the way the Council regulates standards in private housing. It introduces compulsory licensing of certain houses in multiple occupation (HMO - See 2.1 below for definition) and enables Local Authorities to introduce further Selective Licensing to cover other types of privately rented housing.

The Act also changes the way housing fitness is assessed with the introduction of the Housing Health & Safety Rating System (HHSRS.) There are also new powers for Councils to take over the management of long-term vacant property or badly managed HMO's. These changes came into force in April 2006.

1.2 The Wider Picture

This policy is written in the context of Lewisham's Private Sector Housing Strategy (PSHS). You can view this at :-

<http://www.lewisham.gov.uk/Housing/HousingImprovementAndRepairs/HousingGrants/PrivateSectorStrategy20042006.htm>

Lewisham's PSHS links to the Council's Corporate vision to make Lewisham the best place in London to live, work and learn.

The Borough has some very good but also some poor private rented housing. 15.7% of these are unfit for habitation (the previous standard) and housing conditions generally are poorer in the private rented sector than in any type of tenure in the borough. Dwellings in poor condition can affect the health and safety of occupants, the quality of the 'street' environment and the sustainability of local communities.

The Government has set a target for 70 percent of private sector homes, occupied by vulnerable people, to meet the Decent Homes Standard by 2010.

Improving the condition of the borough's private sector housing stock is an important priority for the London Borough of Lewisham (otherwise known as "the Council") and this policy is key in addressing the following objectives of the Council's Private Sector Housing Strategy (PSHS) 2004-2006:

- To improve the quality of private sector homes and reduce the number of non-decent homes occupied by vulnerable people.
- To ensure tenants can obtain safe, good quality and affordable accommodation in the private rented sector.

The Council is keen to promote a thriving private rented sector as it has a key role to play in providing affordable accommodation. This policy is intended to ensure that:

- As a regulator the Council meets its obligations to enforce housing standards;
- Resources are used in the most effective way possible to ensure the health and safety of residents;
- Officers make decisions based on a professional approach to problem solving;
- That there is a consistent and transparent approach to decision making;
- We inform the public of the principles by which enforcement action is arrived at and undertaken.

2 HMO Licensing

2.1 Houses in Multiple Occupation (HMOs)

The aim of HMO licensing is to ensure the poorest properties in the private rental market meet the legal standards and are properly managed. In particular:

- To ensure that those properties potentially posing the highest risk to occupants are identified and dealt with.
- That in particular the issues of safety and management are recognised.
- That the deployment of appropriate resources can be identified.

To achieve this aim the Council will:

- Use all available data to identify relevant properties;
- Assess whether a licensable HMO is being managed well;
- Visit those properties that we believe are not being run so well or that we have not visited before;
- Work with landlords and tenants to achieve better standards.

In summary a HMO is a building occupied by more than one household where there is a degree of sharing of facilities. The definition includes houses containing bedsits, hostels, shared houses and some flats. The Housing Act 2004 defines a household as a family, including single persons and cohabiting couples (whether or not of opposite sex). This has clarified past confusion and means that shared houses, such as the type traditionally occupied by students, will always be HMOs. The definition excludes most self-contained flats.

Mandatory licensing applies to HMOs of three or more stories, which contain five or more residents. Premises subject to mandatory licensing are those that we would consider to be the highest risk premises, in that they are large premises occupied by un-related individuals who may share some common amenities. Statistics demonstrate that the risk of fire, injury and ill health is higher in these types of premises.

The Council wants to focus its resources on taking action in premises, which are poorly run, and in an unsafe condition. By focusing resources on the worst HMOs we will be contributing towards the governments target of reducing the number of vulnerable people living in non-decent homes. This is a key target under PSA 7 and Lewisham's Private Sector Housing Strategy.

2.2 Licensing Principles

Applications for licences will only be considered to be complete where:

- It is made on the current application form issued by the council.
- All necessary information has been provided.
- Any inspections or further enquiries deemed necessary by the council have

been undertaken.

- All required supporting documentation required by the council has been received.
- The forms are signed by the person(s) making the application.
- The requisite fee has been paid.

Licences will be granted where:

- The house is reasonably suitable for occupation as a HMO.
- The management arrangements are satisfactory AND
- The licensee and manager are fit and proper persons.

The applicant must be the most appropriate person to hold the licence. A member of the Council's Private Sector Renewal Unit may visit before licensing a HMO to assess compliance with the licensing requirements and the number of people the HMO should be licensed for.

The council is required to assess whether the applicant, any manager and any person associated with them or formerly associated with them are fit and proper people to own or manage an HMO.

A person will be considered fit and proper if the council is satisfied that:

- They have no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- They have no unspent convictions relating to unlawful discrimination on grounds of sex, race, or disability
- They have no unspent convictions relating to housing or landlord and tenant law
- They have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the Act within the last five years
- They have not been in control of a property subject to an HMO Control Order an Interim Management Order (IMO) or Final Management Order (FMO) or work in default carried out by a local authority
- They have not been subject to legal proceedings by a local authority for breaches of planning, compulsory purchase, environmental protection legislation or other relevant legislation.

In general, it will be sufficient for an applicant to sign the declaration on the licence application form to indicate that they meets the criteria set out above. However, where there is any reasonable ground for concern, the Council may carry out further

checks with other authorities, agencies, and the Criminal Records Bureau, or require the applicant to provide additional evidence.

Licences will be valid for five years and will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities.

2.3 Licensing Conditions

Licences will be valid for five years and will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities.

The following mandatory conditions must be applied to all licences:-

- Requiring gas safety certificates to be provided annually;
- For keeping electrical appliances and furniture in safe condition;
- Requiring evidence that any fire warning system is properly maintained;
- That licence holders supply evidence of tenancy agreements;

A licence may also include such conditions as the local housing authority consider appropriate for regulating the management, use or occupation of the house concerned. This may include restricting the use of parts of the house and conditions relating to anti social disorder. A licence may also include conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards and conditions requiring such facilities and equipment to be kept in repair and proper working order.

Lewisham has deemed it to be desirable and necessary to include discretionary conditions in the interest of maintaining management standards.

A full list of mandatory and discretionary conditions is attached as **appendix 1** together with the pro forma Licence.

2.4 Licensing Standards

The Government has produced national standards for the provision of amenities (WC's, washing facilities, facilities for storage, preparation and cooking of food, refuse disposal arrangements) in licensable HMO's. Councils have the power to specify local standards that must not be lower than the national standards. The standards have been adopted following extensive consultation with landlords and agents and are not dissimilar to standards adopted by other Councils up and down the country. A copy of the Councils standards can be found at **Appendix 2**.

Where a licensable HMO does not comply with the appropriate amenity or space standard at the time of application for a licence, the council may reject the application.

Alternatively the council may at its absolute discretion issue a licence subject to a condition that the property will comply with the appropriate standards within an agreed period of the grant of the licence.

Following licensing, HMOs will be prioritised for inspection and assessment under the Housing Health and Safety Rating System (HHSRS – see below) in accordance with established risk assessment methodology. The owner must deal with all identified hazards in accordance with the principles laid out in this policy (see section 3.2) . If they do not, then the council is expected to use their enforcement powers to improve the property to render them suitable for occupation.

2.5 Temporary Exemption Notices (TEN)

Where notice is given in writing of an intention of a person to take steps to secure that the property is no longer required to be licensed, then the following factors will be taken into account in deciding whether a Temporary Exemption Notice (TEN) will be given:

- That the property will be used as a single family house;
- That the property will be converted into self-contained flats.

A TEN will only be granted where the applicant is in a position to ensure that the property to which the application refers, will no longer be licensable.

In certain circumstances we can intervene to take over the management of a HMO:

- Where we believe that the premises is being inadequately managed or the manager or landlord is not a fit and proper person;
- Where an owner or landlord fails to apply for a licence.

2.6 Legal Matters

After the 6th July 2006 it becomes a summary offence to operate an HMO of a type included in the mandatory or any other extended scheme, without having a licence. Additionally, an offence is committed by a licence holder if they knowingly permit the HMO to be occupied by a number of occupants exceeding that specified on the licence. The maximum fine for these offences is £20,000.

The Council will continue to actively promote HMO Licensing and encourage applications in all cases where they believe that a licence is required. An extensive campaign to raise awareness of HMO licensing amongst residential landlords and agents took place leading up to the introduction of the scheme. The council consider

it unlikely that persons involved with letting residential accommodation remain oblivious of the new requirements.

Lewisham will actively pursue all such landlords and prosecute where there are no reasonable grounds for excuse or mitigation. Each case will be judged fairly and in line with the Council's adopted Enforcement Concordat and policies.

Where a landlord is convicted for failure to license a HMO, the Council can apply to the Residential Property Tribunal* (RPT). The RPT additionally has the power to request that up to 12 months rent is repaid to the council where a tenant is on housing benefits. Tenants can also apply to the RPT for repayment of any rents they have paid.

If we believe that a property is not being managed properly or where it cannot be managed properly we will consider issuing an Interim Management Order (IMO).

An IMO lasts for up to one year and allows the Council to manage or appoint its own manager to carry out all the functions usually carried out by an owner or landlord, i.e. collect rents and carry out repairs to reduce hazards etc.

At the end of the IMO, if it is considered that the manager or owner or landlord is still unable or unsuitable to properly manage the property, the Council can make a Final Management Order (FMO), which can last for up to five years and allows for new tenancies to be created.

A licence may be revoked at any time if the council consider that the licence holder is no longer a fit and proper person, or where it considers that the HMO would not have been licensable in its current condition.

Many HMOs in Lewisham will not be licensable. These include houses containing self-contained flats and smaller HMOs. Many of these still pose some degree of risk to occupying tenants or have a history of being badly managed.

Regulation of such HMOs will be achieved under the newly introduced HMO Management Regulations and by the application of the HHSRS which applies to all dwellings irrespective of whether they are an HMO.

2.7 Standards in HMOs not subject to mandatory licensing

Many HMOs in Lewisham will not be licensable. These include houses containing self-contained flats and smaller HMOs. Many of these still pose some degree of risk to occupying tenants or have a history of being badly managed.

In determining the suitability of such accommodation for multiple occupation, reference will be made to the relevant standards for licensable HMOs, together with the current operating guidance for the HHSRS. Where the HMO is found not to be suitable for the number of occupants then the appropriate control measures will be used. These control measures could include the service of an overcrowding notice under Part 4 or the service of a notice under Part 1. Regulation of the management of such HMOs will be achieved under the newly introduced HMO Management Regulations.

3.1 HHSRS and the Enforcement Regime

The previous 'Fitness Standard' which has been the measure of a dwellings suitability for occupation for many years has been replaced by the Housing Health and Safety Rating System (HHSRS). This assesses the risk to the health & safety of occupiers posed by certain specified housing related hazards. The HHSRS is more complex than the fitness standard. It involves the assessment of 29 potential hazards and scoring of their severity to decide whether improvements are needed. Assessed hazards are banded Category 1 or Category 2 depending on the seriousness of the risk. Where Category 1 hazards are found the council has a duty to require the owner to remedy the defect. If less serious Category 2 hazards are found, the council has discretionary power to require action.

The process of can be summarised as:

Stage 1 - Determine hazards present.

Stage 2 - Assess hazard score.

Stage 3 - Power or duty to take action?

Stage 4 - Determine what is the most appropriate way of dealing with the hazard(s)

When considering our enforcement options we will take into account the following with regard to the current occupation:

- The risk posed to the current occupants and any regular visitors of the dwelling. If occupants are vulnerable then we would be more likely to take enforcement action.
- Whether certain vulnerable groups, such as drug and alcohol dependant people in a hostel, occupy the premises.
- The nature and severity of the problem
- Views of Occupiers
- Tenure
- Availability of other forms of Housing Assistance

The Government have issued detailed guidance both on the operation of the new HHSRS and on the use of the new enforcement framework. This replaces all previous advice. Lewisham will at all times have regard to available government guidance before taking enforcement decisions.

The enforcement regime involves a new set of powers and corresponding notices to deal with identified HHSRS hazards. These can require the improvement or prohibition of the use of the dwelling or its parts. Powers to require demolition also remain.

The formal notices available are similar to those previously used under the Housing Act 1985 except that a Prohibition Notice can now be served to prohibit the use of part of a dwelling or use by a description of persons. This could be used for example to protect those of a certain age or vulnerability. This was not possible under the previous 'Closing Order' procedure.

The full range of legal powers available to Local Authorities for alleviating unacceptable HHSRS Hazards are:

- Improvement Notice (s.11 + s.12)*
- Prohibition Order (s.20 + s.21)*
- Emergency Remedial Action Notice (s.40 + s.41)
- Emergence Prohibition Order (s.43)
- Demolition Order (Housing Act 1985)
- Clearance Areas (Housing Act 1985)
- Management Orders / Interim Management Orders.
- Hazard Awareness Notice (s.28 + s.29)

*Improvement Notices and Prohibition Notices can be 'Suspended' in appropriate circumstances.

3.2 Health and Safety Rating Policies

For **Category 1** hazards the Council will carry out its statutory duty to resolve all such hazards identified and will **always** take appropriate enforcement action where properties are tenanted. Where properties are owner occupied the local authority will take enforcement action but the nature of the enforcement action may vary on a case by case basis.

For **Category 2** hazards the Council will not generally take action except under the following circumstances

- Where **Category 2** hazards in bands D to F are found alongside **Category 1** hazards then action will be taken to address all hazards
- Where certain vulnerable groups such as drug and alcohol dependant people, occupy the premises and there is a **Category 2** hazard in the scoring band D to F. We would consider taking action because of the greater risk of certain hazards such as fire occurring.
- Where a **Category 2 hazard** or hazards are found in a property subject to ongoing neglect. e.g. in cases where it is likely that further structural deterioration will occur over the next two years then preventative action may be taken so as to prevent the occurrence of a **Category 1 hazard**.
- Maintaining equitable minimum standards in Lewisham's HMO accommodation. (Fire Safety and amenity)

All notices and orders will have a statement of reason attached to them. The statement will state why one type of enforcement taken was taken instead of another. Considerations will be given to the views of owners, landlords and tenants before formal action is taken except in very urgent cases. Where the proposed notice is to include a schedule of works, then this will be sent to all interested parties asking for their views, prior to the notices being formally served.

Section 10 of the Housing Act 2004 requires consultation with the local fire and rescue authority in respect of fire hazards in HMOs or common parts of buildings containing flats.

The 'London Fire Safety Guidance for Houses in Multiple Occupation' will form the basis for these consultations in Lewisham.

All notices will clearly state what is required to be done to remedy the hazard, and when it has to be done by.

3.3 Charges for notices

We are entitled to charge a reasonable amount for our expenses in connection with inspection of the premises, subsequent consideration of action and service of notice. No cap is set. We will charge for any costs involved in gaining access to the property including obtaining a warrant and costs associated with forced entry and making the premises secure after. We will charge when we serve Improvement or Prohibition Notices or Emergency Prohibition Orders or when taking Emergency Remedial Action. However we will suspend this charge if works are completed within the time limits set by the notice. This policy will act as an added incentive for landlords to comply with notices within the time limits and will ensure that we recover costs from those landlords who take up more of our officer time by failing to comply.

We will always inform recipients of notices and orders on how to appeal to the Residential Property Tribunal (RPT) if they believe we have served a legal document in error or if the recipient believes our proposed course of action is unjustified.

3.4 Prosecutions and Works in Default

Where property owners knowingly fail to comply with the requirements of a statutory notice, the Council will always consider further legal action to secure compliance. In considering what course of action is most appropriate we will have regard to the seriousness of the offence and any immediate risk to posed to occupiers.

Work in Default may be carried out where Improvement Notices alone have failed to alleviate serious hazards that continue to place occupiers or other persons at risk.

Prosecution of the person responsible for non-compliance will be pursued where this believed to be in the public's interest. Account will be taken of the seriousness of the offence, any mitigating circumstances and past history. Certain offences, such as the intentional breach of a Prohibition Notice or persistent negligence in management will always be prosecuted.

3.5 Action against owner occupiers

Other than in exceptional cases, the council expects owner-occupiers, including long leaseholders, to invoke the terms of their lease to remedy problems of disrepair or nuisance themselves.

Owner-occupiers and other occupiers with repairing obligations are in a strong position to invoke the terms of their lease, whereas short-term tenants of private landlords have no direct control and can risk eviction as a result of complaining about disrepair and related housing matters. Grants are available to some owner-occupiers and long leaseholders for repairs, heating improvements and insulation works. These are already targeted to address the Decent Homes Standard and this will mean that Category 1 hazards are addressed as by definition a decent home is one without a Category 1 Hazard. Grants are means tested to ensure that such assistance goes to those least able to afford necessary repairs and improvements. The

Councils Private Sector Housing Assistance Policy will be reviewed to further in the light of experience of HHSRS enforcement.

It is envisaged that the majority of enforcement work will be carried out in dwellings owned by private landlords or housing associations. This will be as a result of complaints received from tenants or from the identification of hazards during proactive inspection of rented accommodation. However there will be exceptional circumstances where enforcement is necessary within other tenures.

Where it is considered appropriate to carry out housing enforcement measures on Owner Occupiers or long lease holders then this action must first be endorsed by the Residential Services Manager or a Senior Residential Services Officer in their absence.

Examples of when this might be appropriate are:

- The degree of risk is so significant that the Council is bound to ensure the hazard is addressed.
- The person having control of the property is considered to be particularly vulnerable.
- The hazard places third parties at risk.
- The hazard is of a type being targeted by the Council as part of a wider initiative.

This list is not exhaustive and each case will be considered on its merits.

3.6 Public Housing

The Councils aim is for Housing Standards enforcement across the Borough to be tenure neutral. However as the Council itself enforces the relevant statutes, the Residential Services Team has no formal powers to deal with Council owned dwellings. Complaints regarding the Councils own stock are redirected to the appropriate Housing management team.

The Housing Department have been made available of the new HHSRS assessment framework and this is being used as part of their routine stock appraisal process.

Housing Act 2004 Part 2

House in Multiple Occupation (HMO) Licence

The London Borough of Lewisham (“the Council”) hereby grant to:

(Name) of
(Address)
Licence No #####

a Licence under section 64 of the Housing Act 2004, subject to the conditions set out in the schedules attached, in respect of the house in multiple occupation situated at:

1 Any Street, Any Town, Anywhere

The Council has decided that the house is reasonably suitable for occupation by not more than ## households consisting of no more than ## persons.

This licence will come into force on ## day of ## 20##, and shall remain in effect for a period of five years from that date, but may be revoked or varied by the Council during that time.

Name of Manager: ##

Address: ##

Telephone: ##

Signed:

Designation: Private Sector Renewal Manager/Head of Housing Needs Group [delete as appropriate]

Dated:

A copy of this licence (excluding conditions) must be displayed in a prominent position within the property at all times.

SEE ATTACHED SCHEDULE OF CONDITIONS

Please Note

- The licence holder or any other relevant person may appeal against the decision of the Council to refuse or approve an application for an HMO Licence, or may appeal against any licence condition(s) that is/are imposed.
- The licence holder or any other relevant person may appeal against the decision of the Council to vary or revoke a licence or to refuse to vary or revoke a licence.
- All appeals should be made to the Residential Property Tribunal (RPT) within 28 days of the Council's decision. A longer time period may be allowed at the discretion of the RPT, if they believe there is good reason for the delay.
- Further information regarding the right of appeal can be found in Schedule 5 to the Housing Act 2004.
- The Residential Property Tribunal can be contacted at: 10 Alfred Place, London WC1E 7LR, Tel 0207 446 7700.
- Failing to comply with any licence condition is an offence which upon summary conviction could result in a fine not exceeding level 5 on the standard scale (currently £5,000).
- Anyone who has control of the property and who allows the property to be occupied by more than the maximum number of persons or households specified in the licence, commits an offence which upon summary conviction could result in a fine not exceeding £20,000.
- Failure to comply with the licence conditions or the maximum occupancy limit may also result in the licence being revoked by the Council.
- The Council is required to maintain a public register of all HMO licences granted under Part 2 of the Housing Act 2004. The register will include a summary of licence conditions. The register is available for inspection at the office below by members of the public during normal office hours. Anyone wishing to view the register is encouraged to phone and make an appointment.
- Any correspondence in respect of this licence should be addressed to:

Environmental Health Residential Team
London Borough of Lewisham
1st Floor, Capital House
47 Rushey Green
London SE6 4AS
Tel: 020 8314 6420
Fax: 020 8314 3038
Email: ehres@lewisham.gov.uk

SCHEDULE OF CONDITIONS

THE LICENCE HOLDER MUST COMPLY WITH THE FOLLOWING CONDITIONS THROUGHOUT THE DURATION OF THE LICENCE

1. Council Standards for Licensable Houses in Multiple Occupation

1.1 The following works must be completed within ## months/years of the licence being granted, in accordance with the Council's adopted Standards for Licensable Houses in Multiple Occupation:

a) ##

b) ##

c) ##

1.2 The maximum occupancy limit per room shall be as follows [example shown]:

Ground Floor

Front Bedroom (room #): One household comprising 2 people

Rear Bedroom (room #) One household comprising 1 person

First Floor

.....

For the purposes of this licence, any occupier is regarded as one person, regardless of age.

2. General Property Maintenance

- 2.1 The property together with any associated external space and outbuildings must be regularly inspected and any necessary works must be carried out within a reasonable timescale, having due regard to the severity of each defect.
- 2.2 The property must be maintained in accordance with the Council's Standards for Licensable Houses in Multiple Occupation and any other standards or Approved Codes of Practice which the Council or Central Government may from time to time require.

3. Gas Safety

- 3.1 If gas is supplied to the property, a CORGI gas safety certificate must be submitted to the Council annually on the anniversary of the granting of this licence. The gas safety certificate must relate to the whole gas installation and include all gas appliances. It must demonstrate that all appliances have been serviced and safety checked within the previous twelve months. Any defects noted on the certificate must be promptly rectified.

4. Electrical Safety

- 4.1 All portable electrical appliances provided by the landlord must be maintained in a safe condition and proper working order. Portable Appliance Testing (PAT) must be carried out every twelve months with records kept for at least five years. Any necessary maintenance or repair work must be undertaken by a competent electrical engineer. Copies of all maintenance records and PAT testing must be provided to the Council on request.
- 4.2 The electrical installation must be maintained in a safe condition and proper working order. A full electrical safety inspection must be carried out at least every five years and an NICEIC or other equivalent electrical safety certificate obtained. Any necessary maintenance or repair works must be undertaken by a competent electrical engineer in accordance with Part P of the Building Regulations. Copies of the electrical certificate must be provided to the Council on request.
- 4.3 **Optional – delete if not applicable** [If no NICEIC or other equivalent electrical certificate was submitted as part of the licence application process, a full electrical inspection must be carried out, all necessary remedial works completed and the electrical certificate must be submitted to the Council within three months of this licence being granted.]

5. Furniture

- 5.1 All furniture and furnishings provided in the house must be kept in a safe condition and must comply with the current furniture and furnishings fire safety regulations. A declaration of furniture safety must be provided to the Council on request.

6. Fire Precautions

- 6.1 All means of escape in case of fire and other fire precautions (including fire extinguishers) must be maintained in good condition and proper working order at all times, in accordance with the Council's Standards for Licensable Houses in Multiple Occupation. Any servicing or maintenance work must be carried out by a suitably qualified person.
- 6.2 A log book must be kept with full details of all faults, repairs, servicing, tests and alterations to both the fire alarm and emergency lighting systems, including details of who carried out the work. The log book must be made available for inspection by the Council, on request.
- 6.3 The latest fire alarm and emergency lighting test certificates must be submitted to the Council annually on the anniversary of the granting of this licence. The certificates must be completed by a suitably competent person and must demonstrate that the complete installation has been fully checked and serviced within the previous twelve months. Any defects noted on the certificate must be promptly rectified.
- 6.4 At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear, plus how to use the fire alarm system, fire extinguishers and fire blankets.
- 6.5 **Optional– delete if not applicable** [If no fire alarm and/or emergency lighting test certificate was submitted to the Council as part of the licence application process, the complete installation must be fully checked and serviced by a suitably competent person and test certificates must be submitted to the Council within three months of this licence being granted.]

7. Emergency Contact

- 7.1 Provide and securely fix a notice in a prominent position within the property, containing the name, address and contact telephone number of the person responsible for managing the property. The notice must include an emergency contact number which is available for use outside normal office hours. The notice must be in clear legible lettering, regularly checked and maintained in good condition.

8. Tenancy Matters

- 8.1 A written statement of the terms and conditions of occupation must be provided to all tenants at the start of their tenancy.
- 8.2 A full inventory must be carried out at the start of each tenancy. The inventory must include all areas exclusively occupied by the tenant and the tenant must be provided with a signed copy.
- 8.3 Tenants must be issued with a proper receipt for all deposit or rental payments made in cash.
- 8.4 On request, tenants must be told who is responsible for holding their deposit. If part of the deposit is to be withheld at the end of the tenancy, the tenant must be given a full written breakdown of defects and associated costs to explain why the deposit has been withheld.

9. Anti Social Behaviour

- 9.1 In relation to any new tenancy that is formed after this licence has been issued, the written statement of terms and conditions must include:-
 - the following definition of the term anti social behaviour: *“anti social behaviour occurs where people act so unreasonably as to seriously damage the quality of life of their neighbours or the community as a whole”*;
 - that occupiers are responsible for anti social behaviour caused by themselves, members of their family and/or visitors, both within the property or within the surrounding area;
 - that the behaviour must not interfere with the peace, comfort or convenience of other people, including any activity which amounts to discrimination or harassment on the grounds of race, sex, sexual orientation, disability, religious belief or age;
 - that examples of harassment include: the threat or use of violence, racist or homophobic language, damage to other peoples' homes and/or possessions, making unwelcome telephone calls, making unsolicited

sexual advances, or putting rubbish or other substances near peoples' homes;

- that examples of anti social behaviour include: allowing noise, however it is caused, to be audible to others, so that in the opinion of the local authority it causes annoyance. This includes noise from a television, radio, music equipment and/or musical instruments, shouting, door slamming, letting off fireworks, offensive drunkenness and lighting bonfires; and
- that occupiers must not use their home for any immoral or illegal purpose, or commit in the locality of the property any unlawful activity such as the selling of any illegal or controlled drug or substance.

9.2 If the licence holder already has other terms within their standard tenancy agreement which they believe adequately address the issue of anti social behaviour, a copy of the agreement should be forwarded to the Council for consideration and possible approval. The Council retains complete discretion to approve or refuse alternative wording, as it considers appropriate.

9.3 On request, the licence holder must demonstrate to the satisfaction of the Council that they have properly managed the property and have taken all reasonable steps when dealing with complaints of anti social behaviour and/or harassment made against the occupants. Examples of action which may be taken by the licence holder include: issuing warnings, both verbal and written, or the taking of action to end the tenancy for breach of conditions, should sufficient evidence be available to do so.

10. Occupancy Arrangements

10.1 The full name of each tenant, their room number, tenancy start date and copy of tenancy agreement must be provided to the Council within 14 days of receiving a written request.

11. Fit and Proper Person

11.1 If the licence holder becomes aware that they or any other person involved in the management of the property have received a conviction or caution in respect of any offence as detailed in the HMO Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention.

12. Contact Details

12.1 If the licence holder becomes aware that there have been changes in the name, address, phone number or email address of the owner(s), licence holder, property manager, mortgage lender or anyone else with associated with

operating the property, they must notify the Council in writing within 14 days of the information coming to their attention.

13. Changes in the use and layout of the Property

- 13.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent. A fee may be charged for varying the licence, in accordance with the Council's approved schedule of charges, a copy of which is available on request.

Standards for Licensable Houses in Multiple Occupation

This document sets out the minimum standards required in licensed Houses in Multiple Occupation (HMOs) within the London Borough of Lewisham. The Council will refer to these standards when deciding the maximum number of households or persons that can occupy a property.

Kitchens

Location, layout and condition	General	<p>Unless kitchens contain a suitable dining area, they must be positioned within 2 floors of any bedroom or unit of accommodation and must be directly accessible from the communal areas. The kitchen size and layout must enable the occupants to safely use the kitchen and to store, prepare and cook food in a safe and hygienic way.</p> <p>All floor surfaces must be reasonably smooth and impervious and capable of being readily cleansed. All corners and wall/floor junctions must be properly sealed.</p> <p>All wall surfaces must be smooth and capable of being readily cleansed. Where possible, a two course tiled splashback shall be provided behind the sink, worktop and cooker. A proprietary mastic sealant shall be used to seal all joints between the sink or worktop and the adjacent walls.</p> <p>All kitchen areas must be provided with adequate lighting, particularly over the cooking and food preparation areas.</p> <p>All kitchen areas must be properly ventilated to the external air (with particular regard to the cooking area), either by an operable window or suitable mechanical ventilation system.</p> <p>All facilities and equipment must be fit for the purpose.</p> <p>In relation to hostels and staff accommodation where all main meals are provided, a reduced kitchen standard may be applied. Please contact the Environmental Health Residential Team to discuss.</p>
Sinks	Shared use	A sink and drainer of adequate size and set on a stable base must be provided for every

Standards for Licensable Houses in Multiple Occupation		
		five occupants (or part thereof) that share the kitchen. The surface of the sink and drainer must be smooth, impervious and capable of being readily cleansed. Each sink must be provided with an adequate supply of cold and constant hot water and must be properly connected to the mains drainage system.
	Exclusive use	A sink and drainer of adequate size and set on a stable base, the surface of the sink and drainer being smooth, impervious and capable of being readily cleansed. The sink must be provided with an adequate supply of cold and constant hot water and must be properly connected to the mains drainage system.
Cookers	Shared use	A gas or electric full sized cooker with four burners\hobs, an oven and a grill for every five occupants (or part thereof) within the property.
	Exclusive use	A gas or electric cooker with at least two burners\hobs, an oven and a grill.
Electrical sockets	Shared use	Two double electrical sockets are required, plus one additional socket for each major appliance (e.g. cooker, refrigerator, freezer, washing machine), for every five occupants (or part thereof) within the property. The two double electrical sockets must be positioned within the food preparation area, at worktop level and in a safe position.
	Exclusive use	Two double electrical sockets are required, plus one additional socket for each major appliance (e.g. cooker, refrigerator, freezer, washing machine). The two double electrical sockets must be positioned within the food preparation area, at worktop level and in a safe position.
Worktop	Shared use	A securely fixed worktop of smooth impervious material, minimum size 2000mm X 600mm deep (excluding any area covered by a major appliance) for every five occupants (or part thereof) within the property.
	Exclusive use	A securely fixed worktop of smooth impervious material, minimum size 1000mm X 600mm deep (excluding any area covered by a major appliance).

Standards for Licensable Houses in Multiple Occupation		
Storage	Shared use	<p>A dry goods storage cupboard of minimum capacity 0.15m³ (500 x 600 x 500mm) per occupant, finished internally and externally with smooth impervious surfaces. The space in any cupboard below a sink will not be considered acceptable for this purpose.</p> <p>In relation to shared kitchens, the dry goods storage cupboard can either be positioned within the shared kitchen or a separate cupboard can be placed within each unit of accommodation.</p>
	Exclusive use	A dry goods storage cupboard of minimum capacity 0.15m ³ (500 x 600 x 500mm), finished internally and externally with smooth impervious surfaces. The space in any cupboard below a sink will not be considered acceptable for this purpose.
Refrigerators	Shared use	A refrigerator with a freezer compartment (or where there is no freezer compartment, provide a separate freezer), for every five occupants (or part thereof) within the property.
	Exclusive use	A refrigerator with a freezer compartment (or where there is no freezer compartment, provide a separate freezer).
Refuse	General	Suitable and sufficient provision for refuse disposal, both within the unit of accommodation and outside.
Bathroom and toilet facilities		
Location, layout and condition	General	All facilities should be located in enclosed rooms of an adequate size and layout within 2 floors of any bedroom or unit of accommodation and directly accessible from the communal

Standards for Licensable Houses in Multiple Occupation		
		<p>areas unless provided as en-suite facilities for the exclusive use of that occupant. Facilities should be inside the main building.</p> <p>All bathroom and toilet facilities must be sited in a hygienically designed and constructed room which is provided with appropriate wall and floor surface finishes.</p> <p>All bathrooms and toilets must be suitably heated, lighted and ventilated.</p> <p>All baths, showers and wash hand basins must be fitted with taps and supplied with a cold and constant supply of hot water and properly connected to the mains drainage system.</p> <p>All wash hand basins and baths must be provided with a two course tiled splashback and shower cubicles fully tiled or be complete self standing cubicles.</p> <p>All baths, toilets and wash hand basins must be fit for the purpose.</p>
Baths or showers and toilets	Shared use	<p>Where there are four or fewer occupants sharing bathroom and toilet facilities, there must be at least one fixed bath or shower, and a toilet (which may be situated in the bathroom).</p> <p>Where there are five or more occupants sharing bathroom and toilet facilities, there must be at least one fixed bath or shower for every five occupants (or part thereof) and at least one toilet separate to the bathroom for every five occupants (or part thereof).</p> <p>A wash hand basin shall be provided in each bathroom or compartment containing a toilet.</p>
	Exclusive use	A fixed bath or shower and toilet with wash hand basin shall be provided either within the unit of accommodation or within reasonable proximity of the living accommodation.
Wash hand	Shared use	In properties with five or more occupants, there must be a separate wash hand basin within

Standards for Licensable Houses in Multiple Occupation		
basins		each unit of accommodation unless the unit of accommodation already has a sink for the exclusive use of the occupants.
	Exclusive use	There must be a separate wash hand basin within each unit of accommodation unless the unit of accommodation already has a sink for the exclusive use of the occupants.
Heating		
Fixed heating	General	<p>All units of accommodation must be equipped with adequate means of space heating which is capable of maintaining a temperature of 21°C when the outside temperature is -1°C. Electrical heating appliances must have a dedicated electrical socket.</p> <p>The heating must be available at all times and must be under the control of the occupant. The method of heating must be safe and should be efficient and affordable.</p> <p>Where heating is provided by a gas or electric central heating system, the fuel supply must be via a quarterly credit meter and not a key or card meter (except where a system is exclusive to a unit of accommodation).</p>
Fire Precautions		
Fire detection	General	An automatic fire detection and alarm system shall be provided to ensure early warning in the event of a fire. The actual works required in any particular case will depend on the size and layout of the property and will be specified by the Council following consultation with the Fire Authority. In all cases, kitchens will require an appropriate heat detector. The electricity supply to the automatic fire detection and alarm system shall be from a landlord's supply.
Emergency lighting	General	An emergency lighting system shall be provided with luminaries provided in such numbers and locations so as to adequately illuminate the staircase enclosure in the event of failure of the main lighting. The electricity supply to the emergency lighting system shall be from a landlords supply. The installation must comply with BS5266: Part 1: 1999.

Standards for Licensable Houses in Multiple Occupation		
Fire blankets	General	All kitchens and kitchen areas shall be provided with a properly mounted fire blanket.
Fire extinguishers	General	<p>A 9 litre water type extinguisher shall be provided on each floor level within the staircase enclosure. A separate 2kg carbon dioxide fire extinguisher shall be provided in all shared kitchens.</p> <p>All fire extinguishers must be properly fixed to the wall in a suitable location and easily accessible to the occupants at all times.</p>
Fire doors	General	<p>All rooms containing kitchens or kitchen areas must be provided with a 30 minute fire door.</p> <p>Fire doors to risk rooms/areas (e.g. living rooms, bedrooms, and cupboards within the protected escape route) will also be required. The Council will provide full details of all additional requirements after inspecting the property and consulting with the Fire Authority.</p>
Room Sizes		
Room Sizes	General	All units of accommodation shall be large enough to provide sufficient space for living, sleeping, food storage and preparation (except where a separate shared kitchen is provided).
	General	The room sizes specified below are the minimum sizes that will be accepted within licensed HMOs. In calculating the floor area, the Council will discount space occupied by corridors, bath/shower rooms, toilet compartments, chimney breasts and those areas with sloping ceilings where the floor to ceiling height is less than 1.5m (5ft).
Shared-type houses or flats	Single bedrooms	Each single bedroom shall be minimum 6.5m ² (assuming there are separate kitchen and bathroom facilities and that there is a separate shared living room).
	Double bedrooms	Each double bedroom shall be minimum 10m ² (assuming there are separate kitchen and bathroom facilities and that there is a separate shared living room).

Standards for Licensable Houses in Multiple Occupation		
Bedsit-type accommodation	Single bedrooms	Each single-person bedsit which contains exclusive kitchen facilities shall be minimum 13m ² . The bedsit can be reduced to minimum 10m ² if there is a separate shared kitchen.
	Double bedrooms	Each double-person bedsit which contains exclusive kitchen facilities shall be minimum 18.5m ² . The bedsit can be reduced to minimum 15m ² if there is a separate shared kitchen.
Shared kitchens	Up to five people	Kitchens shared by up to five people must be at least 6.5m ² .
	Up to ten people	Kitchens shared by up to ten people must be at least 11m ² .
	Over ten people	Kitchens shared by more than ten people will only be permitted in exceptional circumstances. For further advice, please contact the Environmental Health Residential Team on Tel 020 8314 6420.
Access		
All facilities described in this standard must be available to the occupants at all times.		
Application of Standards		
<p>When a licensing application is received, the Council will check whether the property complies with these standards. If the property does not fully comply, any necessary remedial works will become a licence condition. When setting licence conditions, the Council will set a reasonable timescale for the work to be completed.</p> <p>Even if a property complies with these standards, the Council may still require other works to be carried out. Within five years of the licence being granted, a Council Officer will carry out a full inspection of the property. The Officer will decide whether any further work is required to bring the property up to a reasonable standard under the housing health and safety rating system. The Officer will also check that the property is being properly managed and maintained.</p>		
Definitions		
Shared use	Where one or more basic amenities (e.g. bathroom, toilet or kitchen facilities) are shared by two or more	

Standards for Licensable Houses in Multiple Occupation	
	households.
Shared type house or flat	Traditionally occupied by a defined social group, namely student lets
Exclusive use	Where one or more basic amenities are provided for the sole use of a single household.
Occupant(s)	Everyone living in the property regardless of age.
Single household	Person(s) of the same family group. If a group of people share a property, each person is defined as a single household unless they are all members of the same family.
Family	Includes husband, wife, partner, child, step-child, step-parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, cousin, foster child.
Unit of accommodation	Part of the HMO occupied by a single household. This includes bedrooms in shared houses or flats, bed-sitting rooms or self-contained flats.
Further Information	
Should you require any further information, please contact:	
Environmental Health Residential Team London Borough of Lewisham 1 st Floor, Capital House 47 Rushey Green London SE6 4AS Tel: 0208 314 6420 E- Mail: ehres@lewisham.gov.uk	