

Draft Consultation

# Additional Houses in Multiple Occupation (HMO) Licensing Scheme Proposal 2021



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA



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# Executive Summary

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The Royal Borough of Kensington and Chelsea has one of the largest privately rented housing sectors in the country, with 44% of its housing stock privately rented. Many privately rented properties are Houses in Multiple Occupation (HMOs), typically shared dwellings, or properties converted into flats. It is estimated that 8244 privately rented homes are occupied by more than one household, and these multi occupied homes can be found in all wards.

Our evidence shows that there is a significant number of privately rented properties that have serious hazards, are poorly managed, and are associated with anti-social behaviour.

We seek to ensure the highest health and safety standards in the private rented sector, working with landlords to drive up compliance and professionalism within the sector, whilst using the full range of our legal powers against those who choose not to respond to formal approaches.

Currently the council responds to concerns raised by tenants in relation to their housing conditions, and, under an existing Mandatory Licensing Scheme, can only license approximately 185 properties, despite there being 8244 other HMOs in the borough.

We therefore now seek to target poor performing landlords and HMOs through intelligence led interventions and enforcement. A key element of this approach will be to introduce a discretionary Additional HMO Licensing Scheme.

Additional licensing allows the council to designate that the whole borough or part of its area should be subject to additional licensing controls. It may also choose to license many different types of HMO including purpose-built flats and buildings which have been poorly converted in the past. Licensing enables the council to set a common policy across all HMOs so that all landlords work to the same standards, it provides more protection for tenants, and ensures poorer properties are improved over a five year time frame, improving the health and wellbeing of tenants, and creating more sustainable environments and communities.

Within this consultation we have set out our strategic key aim to improve the health and safety of tenants in the PRS. We have detailed an evidence base in support of an additional licensing scheme for Kensington and Chelsea. We have also provided information about the types of HMO we are seeking to license under our proposals. It is our intention to extend HMO licensing to all shared properties with three or more tenants, and other self-contained flat type HMOs which are currently excluded from mandatory licensing. We have provided detail on the licensing process, proposed conditions, and licensing fees. An online survey is available for feedback on key elements of our proposals. We are keen to listen to your views and welcome your feedback to improve the health and safety of tenants in the private rented sector (PRS).

# 1.0 Introduction

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This document provides information on the Royal Borough of Kensington and Chelsea's plans to designate and introduce a borough wide Discretionary Additional Houses in Multiple Occupation (HMO) Licensing scheme, under Part 2 of the Housing Act 2004. Additional licensing will give the council the ability to license a wider range of HMOs than it does currently.

As a council we are committed to putting local people at the heart of everything we do, and we are keen to listen to the views of local people and other stakeholders, before reaching any decision. Local authorities are also required by law to conduct a full consultation when considering the implementation of an additional licensing HMO scheme.

If you are a tenant, resident, landlord, letting agent or a business living or operating in the area you could be affected by the proposals outlined in the document. If you live or operate outside of the proposed licensing area, and might be indirectly affected by the proposal, we would also like to hear your views. We want to hear your views about our proposal to introduce further HMO licensing across the borough, our proposed licence conditions and licensing fees.

Our consultation is being carried out over a 12-week period between the 29th March to 20th June 2021.

## 1.1 HOW TO RESPOND

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We want to know what you think about our proposals by the 20th June 2021. To let us know your thoughts you can complete our online survey which you can view at <https://consult.rbkc.gov.uk/housing/hmo-licensing-scheme/>.

Hard copies of the survey can be made available, on request, from the Private Sector Housing Team email **EH - OSU@rbkc.gov.uk**, or by calling **0207 341 5714**, Monday to Friday, between 9 am and 5 pm.

## 2.0 STRATEGIC AIMS AND CONTEXT

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Housing is a major focus for the Council over the next three years. We know that a safe, secure, healthier, and affordable home is vital for giving people the best possible chance in life, helping to promote equal access to services, and opportunities for all.

The council's Housing Strategy<sup>1</sup> sets out our ambition to be an exemplary Housing authority. One of the key priorities for the council is to work to ensure all housing, including privately rented accommodation, meets the highest possible safety standards. The strategy sets out the council's key commitments :

- Work with Registered Providers and private landlords (especially HMO landlords) to improve safety standards, using the full range of our legal powers to force them to bring their properties up to a minimum standard where landlords do not respond to formal approaches.
- Implement our new approach to antisocial behaviour developed with residents, including a better use of enforcement tools and promoting good neighbours.
- Investigate complaints from private sector residents and target poor performing landlords and HMOs through intelligence led interventions and enforcement.
- Use smaller providers to improve the quality of temporary accommodation.
- Join London Councils' "Setting the Standard" initiative to ensure the quality of emergency TA.
- Support private renters through the Rogue Landlord and Agent Checker and Redress schemes.

### Within the council's Housing strategy action plan the council commits to ;

- Identify unlicensed HMOs likely to be unsafe, and to determine whether a discretionary licensing scheme, (in addition to the existing **mandatory licensing** scheme, refer to para 3.1), operated by the council, would improve the conditions of privately rented homes, in certain types of HMO, and drive up management standards.
- Improve standards in the private rented sector and target poor performing landlords and HMOs
- Carry out targeted interventions, and respond to and investigate service requests, within target times, related to health and safety hazards, including fire safety, cold homes and security.
- Develop an Empty Homes strategy, encouraging owners to bring properties back into use.
- Improve digital access
- Support private renters through the Rogue Landlord and Agent Checker and Redress schemes.
- Improve energy efficiency in private sector homes

Pressure on affordable housing and increasing rates of homelessness have driven up demand for shared HMOs, as some of the cheapest forms of private housing available, and there has been growth in this sector across London over the last decade. The council therefore aims to build upon, and further develop, its existing coordinated approach to provide safe, well managed and healthy homes for tenants living in the privately rented sector, and in particular, those living within HMOs, through a more robust regulatory framework.

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## Key aims of the proposed Additional HMO Licensing Scheme

We seek to deliver a scheme that has a ‘light touch’ supportive approach, as we look to promote licensed and accredited landlords, and the quality accommodation they offer, whilst prioritising enforcement against those landlords who flout the law. Other key aims

- Protection of the health, safety and welfare of tenants through improved property conditions and management
- Target resource towards multiply occupied properties with highest risk of serious conditions and poor management.
- Reduction in the number of service requests concerning poor accommodation in the private rented sector.

- Behaviour change and improved tenant/landlord engagement.
- Improve engagement with, and accountability of absent overseas landlords.
- Improve intelligence and data on multiply occupied properties, leading to better regulation of the sector, and detection of non-compliance.

This consultation is the practical application of the council’s strategic commitment, and the first step to considering proposals for an Additional HMO Licensing Scheme.

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1 <https://www.rbkc.gov.uk/sites/default/files/atoms/files/Housing%20Strategy%202019-2022.pdf> RBKC Housing Strategy 2019 – 22

# 3.0 THE LEGISLATIVE FRAMEWORK AND STATUTORY REQUIREMENTS

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## 3.1 MANDATORY LICENSING

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The Housing Act 2004 introduced mandatory licensing for certain privately rented houses in multiple occupation (HMOs). These can broadly be defined as properties occupied by five or more people from two or more households, and where those persons share facilities, such as kitchens/bathrooms/WCs. Initially properties of at least three storey height were included, but this definition was expanded in 2018 to include any property, irrespective of the storey height.

Mandatory licensing allows local authorities to regulate housing conditions, amenities provided, layout, and management standards. Landlords are obliged to license these types of property, and a failure to do so can lead to prosecution, or a civil penalty fine. Kensington and Chelsea currently licenses approximately 185 properties under this scheme.

## 3.2 DISCRETIONARY LICENSING

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The Housing Act 2004 enables local authorities to designate areas as subject to discretionary licensing, in other words, a local authority can decide to consult on, and implement a licensing scheme, in addition to any mandatory licensing that is in place. There are two types of discretionary licensing schemes: Additional licensing and Selective Licensing. If any such scheme is designated, all relevant properties must be licensed, and it is the landlord's responsibility to ensure they are compliant with the scheme.

### 3.2.1 SELECTIVE LICENSING

A selective licensing scheme for all privately rented properties, can be implemented in selected or 'designated' areas for a period of up to five years. A selective licensing designation can only be made if the designated area has a high proportion of property in the private rented sector and is experiencing one or more of the following criteria ; low housing demand, a significant and persistent problem caused by anti-social behaviour, high levels of crime, poor property conditions , high levels of migration and deprivation. Selective licensing regulates all private rented accommodation, using robust licence conditions. For the purpose of this consultation, selective licensing is not being considered.

### 3.2.2 ADDITIONAL LICENSING

The Housing Act 2004 allows local authorities to designate areas as being subject to an additional licensing scheme, in relation to some or all of the houses in multiple occupation (HMO) in that area, which are not already subject to mandatory HMO licensing. HMOs that can be considered include properties occupied by three or more people comprising two or more households who share facilities (kitchen, bathroom and/or toilet) and occupy the property as their only or main residence, even if they are all friends and occupy the property on a single tenancy, these are broadly known as section 254 properties.



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Additional licensing can also include properties converted into flats known as section 257 HMOs. These are buildings which have been converted into and consist entirely of self-contained flats where less than two thirds of the flats are owner-occupied, and the conversion into flats did not comply with the appropriate building regulations. The nature of these properties is that they may contain any number of different residents including leaseholders, freeholders and tenants. Ownership and control of such properties can be complex with right to manage companies, letting agents, managing agents and absentee owners all of whom may have some interest in how a property is run. The other significant feature of section 257 HMOs is that the fire precautions will by definition be lacking or not up to the standards of the average new building because all were converted prior to the 1991 building regulations (or subsequently but were never made compliant) which required structural fire safety precautions to a higher standard. Hence retrospective smoke detectors, fire alarms and emergency lighting may be required.

### 3.3 STEPS TOWARDS DESIGNATING AN ADDITIONAL HMO LICENSING SCHEME

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In deciding on any proposal to designate an Additional HMO Licensing Scheme, the council must consider a number of issues, in summary these are :

- Whether a significant proportion of HMOs (that will be subject to the proposed designation) in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.
- Whether there are any other courses of action available to them that might provide an effective method of dealing with the problem or problems in question.
- That the making of the designation will significantly assist them to deal with the problem or problems.
- Ensure that any additional licensing scheme forms part of the authority's housing strategy and seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties, and anti-social behaviour affecting private rented property.

Local authorities can designate an Additional HMO Licensing scheme in their area, provided there is a minimum 10-week consultation period. Consultation should be with those likely to be affected by any designation, and any representations made must be given due consideration. Once the designation is in force, there must be a period of three months before it can come into operation.

# 4.0 EVIDENCE TO SUPPORT AN ADDITIONAL HMO LICENSING SCHEME

In order to engage in a meaningful consultation, the council commissioned a review of its housing stock across the borough, and assessed housing stressors related to key tenures, particularly the private rented sector (PRS).

### The review focused on :

- Current levels of private rental sector (PRS) properties and tenure change over time.
- Information on the number of Houses in Multiple Occupation (HMOs) as a subset of the PRS.
- Levels of serious hazards that might amount to a Category 1 hazard (Housing Health and Safety Rating Scheme<sup>3</sup>), that is, a serious housing hazard impacting on health.

- Other housing related stressors, including antisocial behaviour (ASB), service demand, population and deprivation linked to the PRS.
- Assisting the council to make policy decisions, including the possible introduction of property licensing schemes under Part 2 and Part 3 of Housing Act 2004

This review has shown that the private rented sector continues to grow, with increasing use of multi-occupied properties, and that there are issues of poor management and associated anti-social behaviour within the PRS, and specifically section 254 and 257 HMOs.

The full review report can be made available, on request, from the Private Rented Sector Housing Team email [EH-OSU@rbkc.gov.uk](mailto:EH-OSU@rbkc.gov.uk). Some key findings and evidence are summarised below.

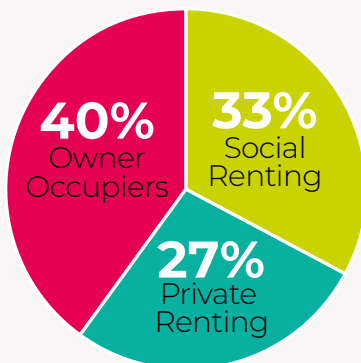
## 4.1 SUMMARY OF FINDINGS

### HOUSING TENURE

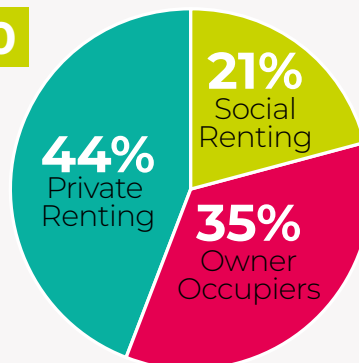
There are a total of 88,384 residential dwellings in Kensington and Chelsea, of which 39,047 are in the Private Rented Sector (PRS). Kensington and Chelsea's PRS has grown steadily in recent years, from 27.2% (2011) to 44.2% (2020). Affordability is one of the key challenges for private renters.

Tenure profile 2006 & 2019 (Source: ONS & Metastreet Ti model).

2011



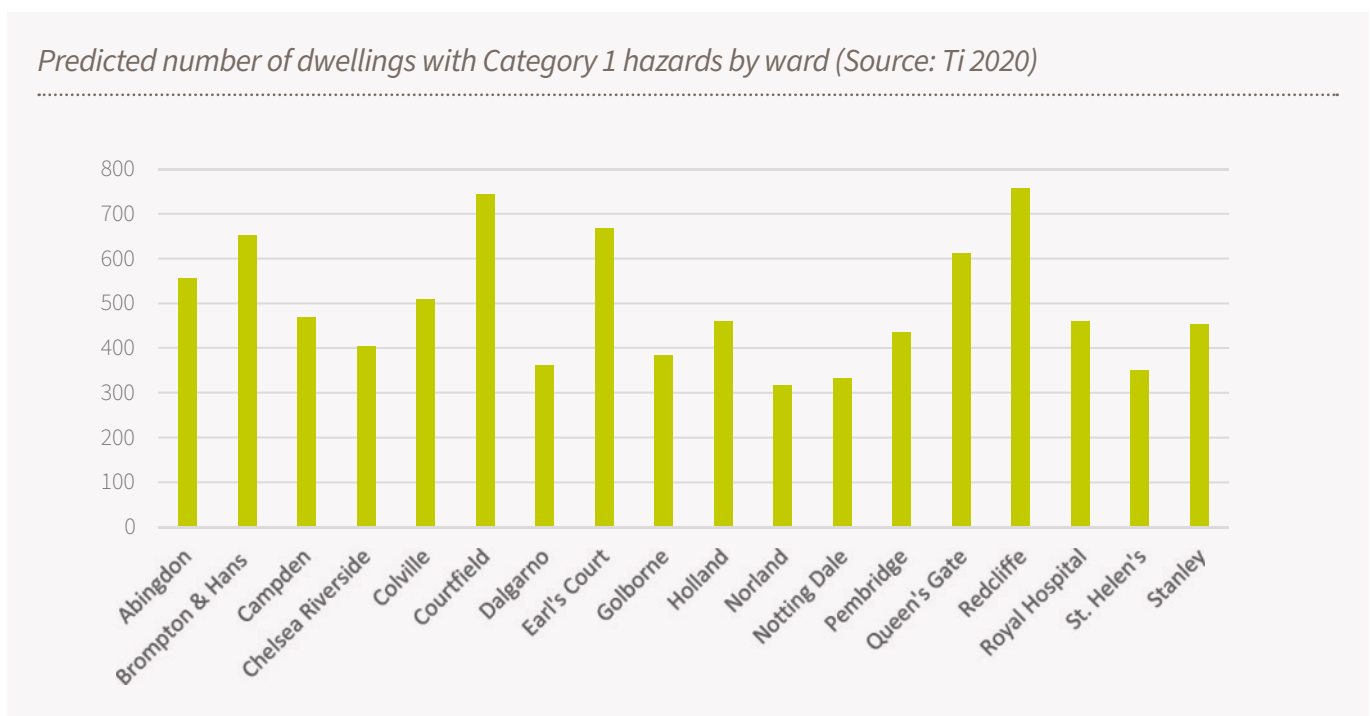
2020



The PRS in Kensington and Chelsea is distributed across all 18 wards. The number of PRS dwellings per ward ranges from 3,529 (Brompton & Hans Town) to 929 (Dalgarno).

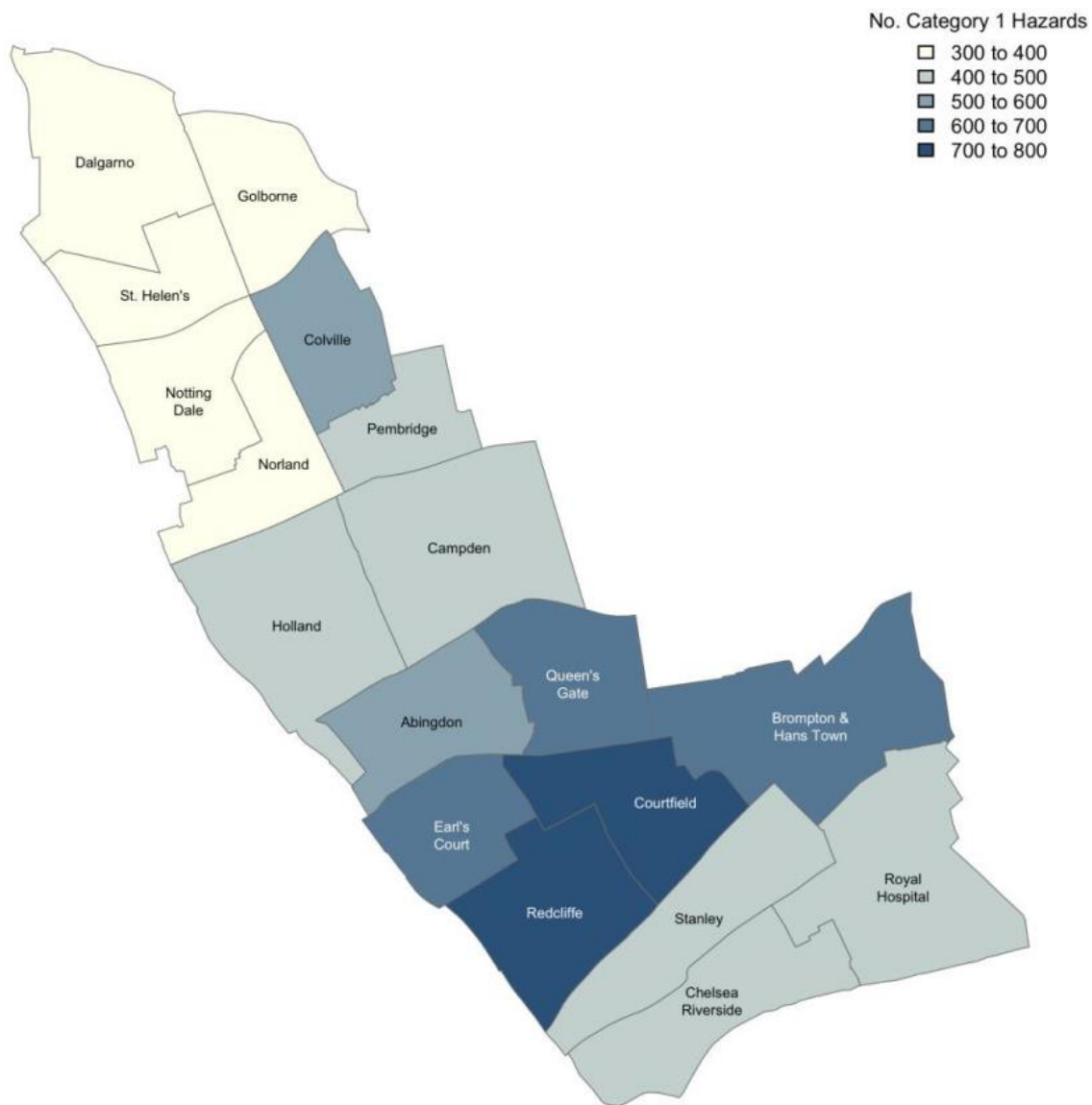
## HOUSING STOCK AGE & PROFILE

Poor housing conditions are prevalent in the PRS. 8,918 PRS properties are predicted to have at least 1 serious hazard (Category 1, HHSRS3). This represents 22.8% of the PRS stock, higher than the national average (14%). Category 1 hazards in the PRS are distributed across the whole borough. Redcliffe (756) and Courtfield (742) wards are predicted to have the highest number of serious home hazards.



Concentrations of properties with serious hazards can be found predominantly in the central southern wards, namely Redcliffe, Courtfield, Earl's Court, Brompton & Hans, Queen's Gate & Abingdon. Colville also has elevated numbers of hazards.

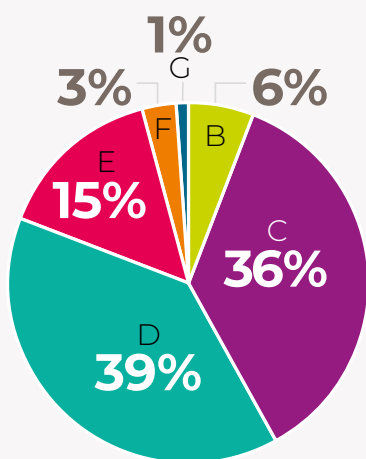
*Distribution of PRS dwellings with Category 1 hazards (HHSRS) (Source: Ti 2020, map by Metastreet).*



Housing conditions are affected by the level of maintenance and quality of repair, the age of the property, thermal efficiency, and type of construction. Kensington and Chelsea has a high number of residential properties, above 60%, built pre 1900. There is a gradient of risk of the presence of Category 1 (HHSRS) hazards with age of the property, the risk being greatest in dwellings built before 1900, and lowest in the more energy efficient dwellings built after 1980.

The Minimum Energy Efficiency Standard (MEES) requires all dwellings to have an Energy Performance Certificate rating of E and above to be compliant. It was found that 19.4% of PRS properties in Kensington and Chelsea have an E, F, and G rating. 3.8% of PRS properties have an F and G rating, which represents the most serious Category 1 housing hazard. Therefore, the sizeable number of F and G properties present a serious risk to the occupants' health, particularly if over the age of 65.

Distribution of Energy Performance Certificate ratings in PRS (Rating A-G) (Source: Ti 2020).

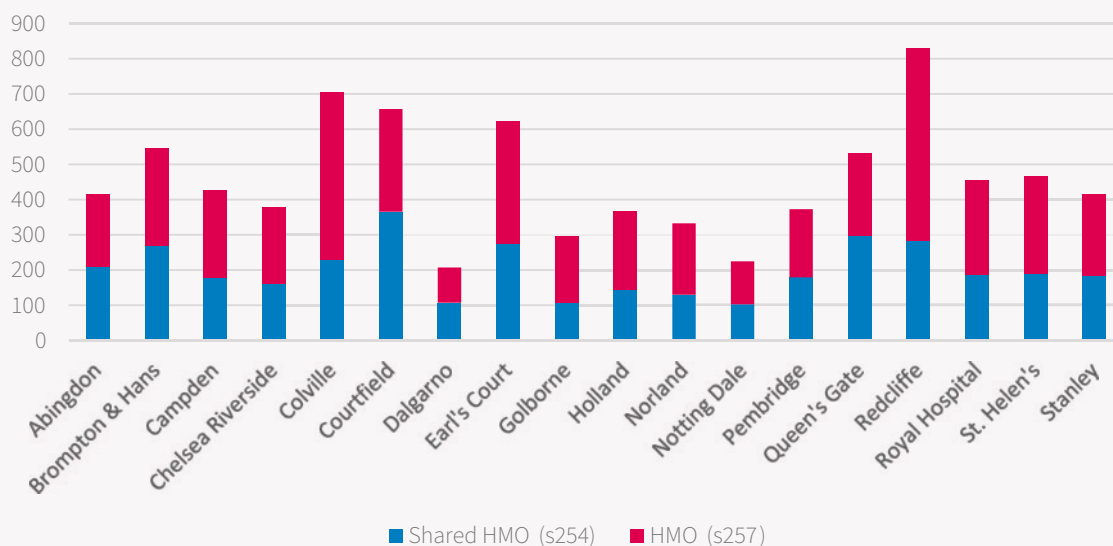


## NUMBERS AND TYPE OF HMO AS A SUBSET OF THE PRIVATE RENTED SECTOR

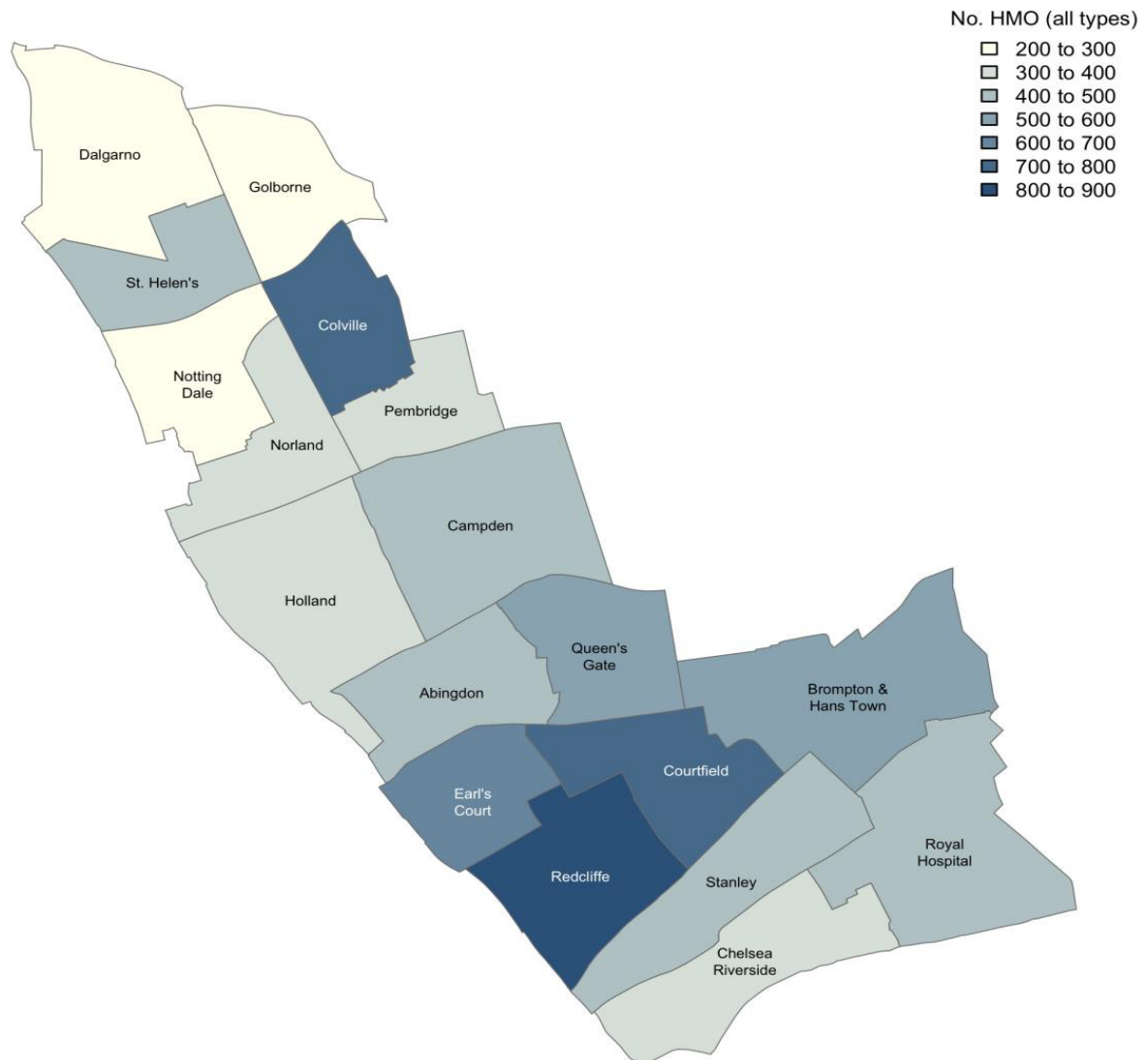
Kensington and Chelsea's PRS has a relatively high number of HMOs distributed across all 18 wards (total predicted is 8,244). Redcliffe ward has the highest concentration of HMOs, with a general higher concentration of HMOs in the south of the borough.

The HMO population is made up of two categories; Section 254 HMOs that share basic amenities, occupied by two or more households and 3 or more people (3,594), and section 257 converted properties with multiple flats that share common parts which are generally defined as less than two thirds owner-occupied (4,650). Shared amenities HMOs (s254) represent the cheapest rental accommodation; rented by room.

Number of HMOs (s257 & s254) by ward ( Source Ti2020)

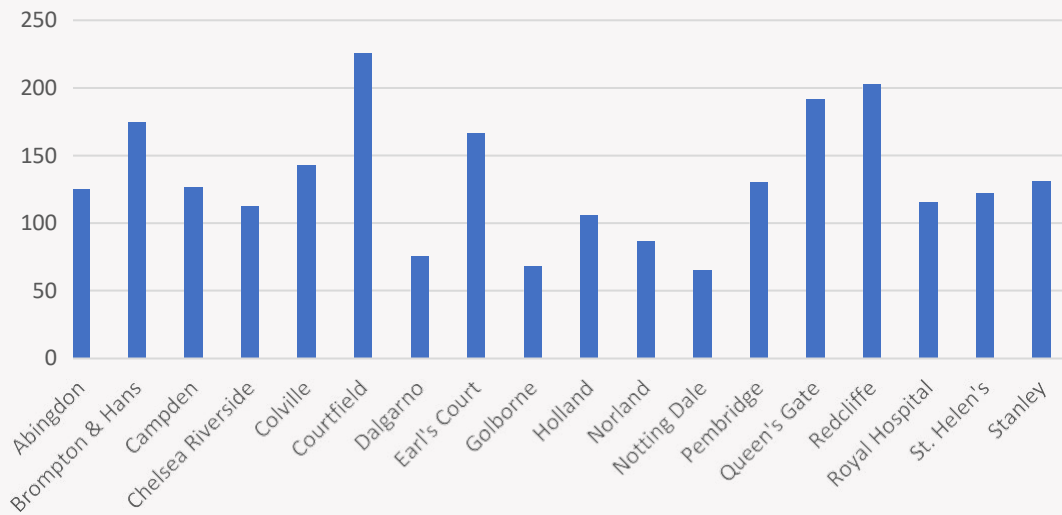


*Distribution of all HMOs (s257 & s254) (Source Ti 2020, map by Metastreet)*



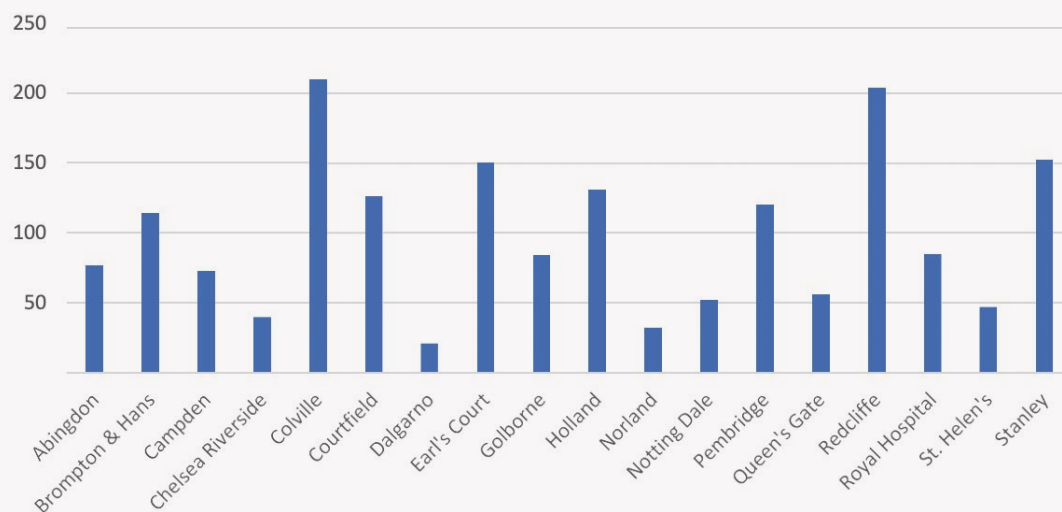
HMOs have some of the poorest housing conditions of any tenure. Analysis shows that 2,372 of 3,594 shared amenities HMOs (s254) in Kensington and Chelsea are predicted to have serious hazards (Category 1 Housing Health and Safety Rating Scheme (HHSRS)). The number of Category 1 hazards is highest in shared amenities HMOs (s254) in Courtfield (226). All wards have HMOs with Category 1 hazards.

*Predicted number of HMO (shared amenities, s254) with Category 1 hazards by ward (Source Ti 2020).*



Service requests made by PRS tenants to the council about poor property conditions and inadequate property management are a direct indicator of low quality PRS. The council has received 1,774 complaints from private tenants linked to all HMOs over 5 years. Complaints are distributed across all wards, Colville (210) and Redcliffe (204) have the highest rates.

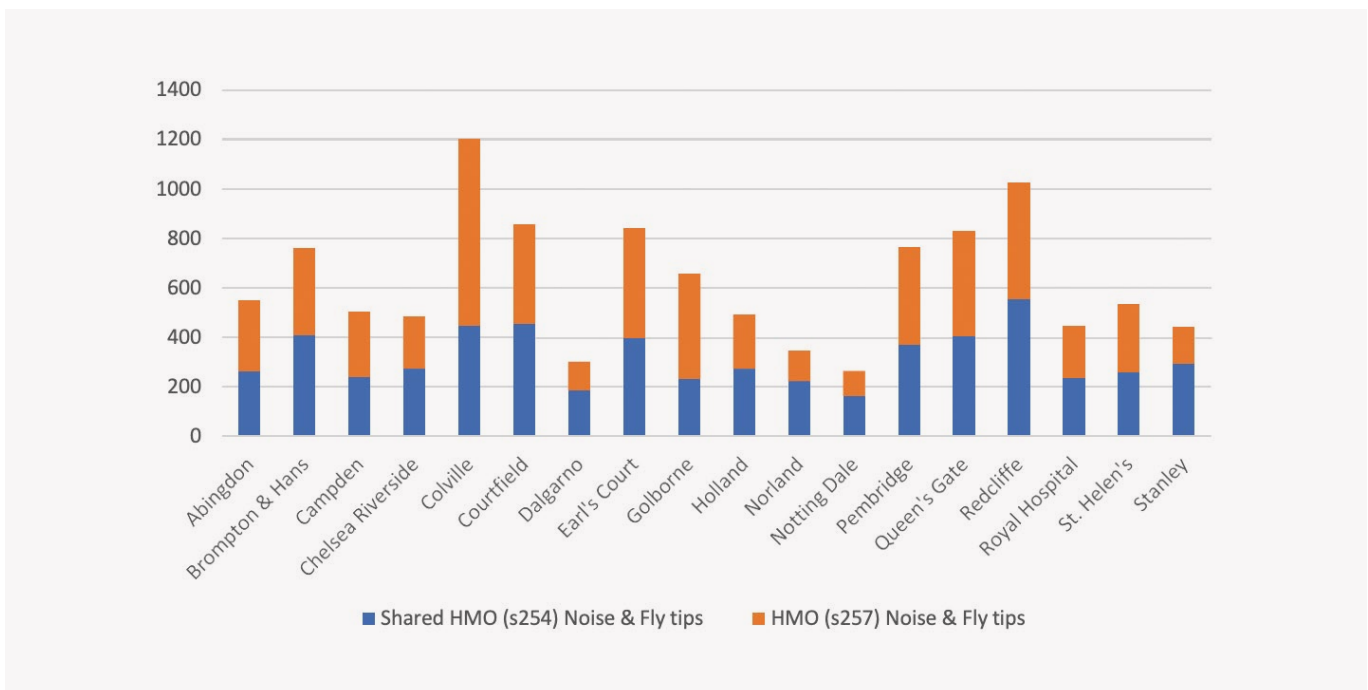
*HMOs service requests from tenants by ward (Source Ti 2020).*



## HMOs AND ANTISOCIAL BEHAVIOUR (ASB)

Over a 5 year period 11,318 ASB incidents have been linked to all HMOs in Kensington and Chelsea. ASB incidents recorded include noise and fly tipping.

The graph below shows the number of ASB incidents associated with all HMO premises (commercial and ASB incidents not linked to residential premises are excluded from these figures). ASB linked to HMOs is distributed across all wards. The wards with the highest recorded ASB incidents linked to HMOs is Colville (1,204) and Redcliffe (1,027).



Elevated levels of ASB can be an indicator of poor property management. HMO properties often have higher levels of transience which can result in higher waste production and ASB by tenants.

## DEPRIVATION

Kensington and Chelsea ranks as the 122nd most deprived borough in England out of 317, and has a mixture of high and low deprivation wards. 7 of 18 wards have aggregated IMD ( Income Deprivation ) rankings below the national average.



## 5.0 THE PRIVATE RENTED SECTOR – WHAT WE DO NOW

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The council's Private Sector Housing (PSH) service investigates concerns and complaints raised by tenants unable to resolve issues of disrepair, safety and poor management of their privately rented homes, using the range of enforcement tools available, against non-compliant landlords, through intelligence led intervention. The service also licenses certain types of HMO, comprising 5 or more people living in 2 or more separate households; these HMO types are subject to **mandatory licensing**, as required within the Housing Act 2004. There are currently approximately 185 properties licensed under the mandatory licensing scheme. However, evidence shows that 8985 privately rented properties have serious housing hazards, and therefore a more proactive approach is needed.

The council's Housing Strategy 2019 - 22 acknowledges the important role that privately rented properties play in providing homes for many of our vulnerable residents, and has laid out clear plans being implemented through the work of the PSH service. The service works closely with the London Fire Brigade (LFB) to address issues of fire

safety in multiply occupied properties, and works across council services and teams to collectively tackle anti-social behaviour, where intelligence is shared. It maintains key relationships with registered providers to address housing issues of concern and improve safety standards. Support is provided to landlords through the London Landlord Accreditation Scheme (LLAS), a voluntary scheme where landlords undergo training and sign up to a Code of Conduct, which applies certain standards of management and maintenance. The service seeks to engage with landlords on how to improve standards in the private rented sector. It is contributing to the London Councils' "Setting the Standard" initiative to ensure good quality and safe temporary accommodation, and works with the council's Homelessness Team where there is threat of eviction. The service supports private renters through the Rogue Landlord and Agent Checker and Redress schemes, and is supporting improvements to energy efficiency in lower income privately owned homes, occupied by elderly residents, and other non-compliant privately rented accommodation.

## 6.0 OUR PROPOSAL FOR AN ADDITIONAL HMO LICENSING SCHEME

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Evidence has demonstrated that there is clear correlation between HMOs, in particular section 254 and 257 HMOs, and poor housing conditions, poor management, and anti-social behaviour. The private rented sector continues to grow, with increasing use of multi-occupied properties, meaning more residents are becoming negatively impacted by these conditions. Additional HMO licensing would mean that these types of section 254 and 257 HMO, not already requiring a mandatory licence, could be regulated through a licensing scheme, applying conditions to ensure minimum housing standards. Our approach is to make any scheme as ‘light touch’ as possible, ensuring we have accurate intelligence and data on our HMO housing stock, whilst focusing enforcement on those non-compliant, and potentially criminal landlords, who operate within the market. It is proposed that an Additional HMO Licensing Scheme will cover the full range of licensable HMO premises, and would be implemented across the borough, reflecting the even spread of HMOs across the area.

See **Appendix One** for a map showing the area of the proposed Additional HMO Licensing Scheme

### 6.1 TYPES OF HMO THAT MIGHT BE LICENSED

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Types of HMO that might be licensed include:

**Shared flats and houses.** Occupied by three or more people forming more than one household. This will include all HMOs as defined in **section 254** of the Housing Act 2004 that are not required to hold a licence under the current mandatory licensing requirements. The households will share one or more basic amenity (such as a toilet, bathroom, or kitchen), or the living accommodation will be lacking in one or more of these basic amenities. This licence will cover the whole flat or house.

This will include private flats in council blocks, mansion blocks and other purpose built accommodation which are currently exempt from licensing, but it will not include the common parts of such properties. If you own and live in a property and have lodgers, additional licensing will only apply if you have three or more non-family members living with you.

**Houses converted into self-contained flats** where less than two-thirds of the self-contained flats are owner-occupied, and the building does not meet the standard of the 1991 Building Regulations (or later). This will include HMOs defined under **section 257** of the Housing Act 2004 which are buildings converted into self-contained flats that do not meet the “applicable standards”.

## 7.0 OTHER OPTIONS AVAILABLE

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The Housing Health and Safety Rating system (HHSRS), within Part 1 of the Housing Act 2004, is the primary tool for enforcing improvement in housing conditions within the PRS, but it is designed for individual properties, and is very time consuming, both for the council and those landlords impacted by it. The PSH service has received nearly 2000 service requests over 5 years, however evidence has shown that there are nearly 9000 properties within the borough with serious hazards, meaning that tenants continue to live with housing and management conditions that impact on their health and safety. HHSRS is largely reactive, and has no powers to improve standards of management or address anti-social behaviour.

Whilst the PSH team has been successful in dealing with mandatory licensable HMOs, its ability to deal with other HMOs is limited as many of the problematic HMOs lie outside the scope of mandatory licensing, either because they are purpose-built properties, or they are section 257 HMOs. We have also considered selective licensing as an alternative way to regulate anti-social behaviour, which also requires landlords to be fit and proper persons, in a similar way to HMO licensing. However selective licensing does not address property standards in the same way, and not all HMOs would be captured by selective licensing. Any scheme covering more than 20% of the borough requires Secretary of State approval – such a scheme would involve regulation of all privately rented accommodation, whereas our aim is to focus on those HMOs found to be most problematic.

The council also engages with landlords through schemes such as the Landlord Accreditation scheme, and other fora. However, engagement is often limited to those landlords who are already keen to manage their properties well, be compliant, and engage with professional bodies.

The other option is to use Interim Management Orders and Empty Dwelling management orders, which allow a local authority to tackle the day to day management of the private sector tenancy where certain prescribed conditions are met relating to antisocial behaviour and protection of health and safety. However, this is time consuming and requires the management by the council, or a council's agent, to manage the property. A Landlord has effectively someone else to manage the property, and potentially still receives income from being a poor landlord. Ultimately this does not present a long-term solution to poor management of private rented properties, and is extremely resource intensive.

# 8.0 BENEFITS OF AN ADDITIONAL HMO LICENSING SCHEME

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Benefits considered in introducing an Additional HMO Licensing Scheme:

## Benefits to tenants:

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- Protection of the health, safety and welfare of tenants through improved property management and housing condition.
- Increased targeted enforcement against rogue and criminal landlords, responsible for worst housing conditions and management standards.
- More security and assurance for tenants renting within a licensed property, and more awareness of compliant responsible landlords.
- Tenants living in purpose-built flats will be protected within a licensing scheme for the first time.
- A reduction in the number of complaints from tenants related to housing conditions over the five years of the scheme, and better information about who is responsible for repairs
- Ability to respond to the problems associated with absentee overseas landlords by requiring they nominate somebody to act of their behalf if repairs are needed, or anti-social behaviour ongoing.
- Improved energy efficiency and potential for reduction in fuel bills.
- Better management practices should help to increase length of tenure and reduced incidence of unplanned moves or homelessness.

## Benefits to landlords:

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- Delivering a scheme that has a ‘light touch’ supportive approach to compliant landlords, looking to promote licensed and accredited landlords and the quality accommodation they offer.
- Providing transparent and consistent regulation within the PRS market.
- Robust enforcement against rogue and criminal landlords, allowing compliant landlords to operate in a fairer market.
- Promoting professionalism and resilience within the PRS.
- The local authority can provide practical support and training around responding effectively to concern associated with anti-social behaviour, and support for vulnerable tenants.
- Improvement in the reputation of private landlords through promotion of a public list of licensed premises
- Shorter void periods and reduced tenant turnover.

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### Benefits to the community:

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- Reducing anti-social behaviour will make areas safer, more desirable and healthier places to live.
- Improved engagement with known landlords on local plans, crime and environmental initiatives.
- Better protection and awareness of vulnerable groups, often occupying poor standard multiply occupied properties.
- Reduction in resident churn within a community as housing and environmental standards improve. An improved sense of security and stability.
- Ability to detect empty properties and encourage their use back into the housing market.

### Benefits to the council:

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- Target support, information and enforcement more effectively, and to better understand the root of the problems the area faces.
- Improve intelligence and data on the sector and property profile in the area
- Opportunity for easier engagement with landlords, managing agents, lettings agents, and others involved in the sector.
- Fee income used to administer any licensing scheme, reducing financial burden on the council.
- Ability to uncover previously unknown HMOs, some which will be subject to mandatory licensing.

# 9.0 THE LICENSING PROCESS

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## 9.1 OUR APPROACH

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Our key aim is to protect the health, safety and welfare of residents and the public, who are affected by poor housing conditions and deficient property management. We aim to make the Borough a great place to live, work and learn, and a place where vulnerable residents are supported. We embrace the council's core values of:

- Putting Our Communities First
- Integrity
- Respect
- Working Together

in everything that we do.

The Council's expectation is that landlords will comply with the law, and proactively manage their properties, ensuring healthy, safe homes for their tenants, improving local neighbourhoods, and creating a fairer, more sustainable private sector market. We will operate in a supportive 'light touch' manner for compliant landlords, owners, agents and tenants, and engage with them to provide general information, advice and guidance, raising awareness, and supporting landlords to meet their regulatory obligations.

However, where it is clear that landlords are not willing to effectively engage, and legal duties are not being upheld, the council will make use of its enforcement powers to ensure that private rented accommodation, including multiple occupancy accommodation, is appropriately managed, maintained and licensed.

The council's approach to regulating HMOs, including the effective administration of its licensing scheme, follows the principles set out in the Private Sector Housing Enforcement Policy through:

- Providing transparent and consistent regulation within the PRS market

- Promoting professionalism and resilience within the PRS.
- Seeking a behaviour change and pursuing legal punishment of those who flout the law
- Making a fairer private rented sector (PRS) market by eliminating the financial gain or benefit from those who are non-compliant

This policy sets out the powers, including licensing powers, that we have at our disposal to regulate and manage non-compliance.

To avoid unnecessary regulatory burden, enforcement action and resources will be applied proportionally, based on the seriousness of the offence/s and focused toward seeking the highest penalties for the worst offenders. This means taking legal action where we detect serious or systematic breaches of housing legislation. Where less significant breaches of the law are witnessed and/or the risk to health is lower, we will attempt to resolve problems through the signposting of complainants, possible using lesser civil legal routes or informally. We will use data from various sources, such as complaints, licensing audits, and historical data to target our interventions. Breaches of HMO management regulations and/or breach of the conditions of a property licence will normally lead to enforcement.

Our work will be guided by three key principles of:

**Consistency:** This means taking a similar approach in similar circumstances to achieve similar ends. It does not mean uniformity. Officers will take into account many factors such as the level of risk, culpability of the offender, the history of compliance and the attitude and actions of those involved.

**Openness:** We will explain our actions clearly, in appropriate language and discuss compliance failures or problems. A clear distinction will be made between legal requirements and advice or guidance.

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**Proportionality:** We will endeavour to balance the punishment of an offender against the direct risks to the persons effected, the effect on the wider community and severity of the breach of the law involved, in order to deter offenders from repeating the offence and discouraging others from committing similar offences.

## 9.2 APPLYING FOR A LICENCE

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Applications for new HMO licences and renewals will need to be made on the council's website, with accompanying information and guidance. In order to meet the requirements set out in legislation and to ensure that the property is suitable for occupation (or can be made suitable), we will ask for certain information to be attached to applications, including the number of sleeping rooms, amenities (kitchens, bathrooms, WCs, etc) as well as room sizes. We will undertake fit and proper person checks, based on information provided, and require details of fire precaution equipment / escape routes / fire safety information. We will also require certain declarations to be completed, including those for gas safety and furniture safety. This is to help us determine whether the property is suitable for the proposed number of occupants. For houses converted into flats, we will need to know how many flats (if any) are under the direct control of the licence holder.

## 9.3 LICENSING CONDITIONS

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Certain conditions applicable to licensed HMOs are set out in legislation, and will apply to all HMO that are covered by the scheme. The council may also impose property specific conditions to ensure that HMOs are suitable and safe for occupation.

Conditions may include requirements to carry out improvement works to render the HMO suitable for the number of occupants and will also include management conditions. The conditions will be tailored to the type of property being licensed.

### General conditions will include:

- Maximum permitted number of occupants and households per unit of accommodation.
- Ensuring statutory minimum bedroom sizes are met.
- Effective tenancy management with assured shorthold tenancies.
- Suitable management arrangements are in place for dealing with repair issues and emergencies.
- Addressing complaints about anti-social behaviour.
- Gas and electrical installations are safe at all times.
- Fire precautions and in place that are suitable for the type of property.
- Ensuring furnishings in the property are safe.
- Effective management of pests and vermin.
- Maintaining adequate provision for the storage and disposal of waste.
- Adequate security appropriate for the type of building and in compliance with the relevant British Standards.
- A requirement to notify the council of any changes in management or person in control.

Licence holders must on demand provide a declaration as to the safety of gas and electrical installations, fire detection and emergency lighting, the safety of furnishings, carbon monoxide alarms and portable electronic appliances. The council believes that such conditions are not onerous and would be typical requirements for well managed properties.

***Our proposed licensing conditions can be viewed in APPENDIX TWO of this document.***

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## 9.4 ENFORCEMENT OF LICENSING CONDITIONS

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We are committed to working with landlords to ensure properties are safe and well managed. Where any breach of legislation is identified we will follow the council's private sector housing enforcement policy in determining the most appropriate course of action. This will take into account the severity and number of breaches, potential or actual harm caused to tenants, as well as the licence holders track record. The council will consider the degree of risk involved in breaches, and in the case of significant breaches of licence conditions, the council may:

- Issue a Civil Penalty Notice up to £30,000
- Prosecute the licence holder or managing agent
- Revoke the licence
- Seek a banning order
- Take other action as per the enforcement policy

We will also seek to use deterrence through publicity. We will work with various media organisations and persons to deter, promote and inform people about our enforcement regime. We will publish prosecutions and civil penalty charge notices on the Greater London Authority (GLA) Rogue Landlord Database and the Ministry Housing, Communities and Local Government (MHCLG) statutory database. Media coverage will normally be sought where the offence/s are serious or has significant factors such as the risk to health of tenants, visitors or neighbours, the exploitation of tenants, anti-social behaviour or an issue affecting the wider area or private rented sector.

Publicity will also be sought to support other local authorities and regulatory partners in their enforcement efforts, especially where the perpetrator/s operate across borough boundaries. Coverage will be sought to provide potential renters and tenants with information to enable them to check

whether a landlord's history of non-compliance. This to ensure the private rented housing market operates in a fair, equal and open way.

In order to prevent tenants from being exploited by dishonest landlords/letting agents, and to create a level playing field for the good, compliant landlords/agents. Press releases may also be issued about convictions where it is considered that publicity will bring in benefits by promoting compliance with those statutory requirements designed to protect the health, safety and welfare of customers, residents, workers and visitors.

## 9.5 HMO LICENCE FEES

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Legislation allows local authorities to charge fees to recoup the costs incurred in administering a licensing scheme. A fee is therefore payable alongside the application to license a property.

There will be separate fees for different types of HMO. For HMOs which fall under the definition of **section 254** of the Housing Act 2004, i.e. where there is an element of sharing of kitchen and/or bathroom facilities, the fee covers the licence for an average-sized HMO of this type.

For HMOs which fall under the definition of **section 257** of the Housing Act 2004, i.e. buildings which have been converted to self-contained flats but not in compliance with building regulations, the fee will cover the determination and issue of the licence which will predominantly cover the common parts of the building and any flats directly under the control of the licence holder.



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The licence fees are split into two parts as required by law; the first part covers the costs of receipt and validation of a licence application and will be charged alongside the initial licence application. The second part will be charged once a decision has been reached to issue a licence and this covers the costs of enforcing the licence.

*Detail of our fee proposal can be seen in*  
**APPENDIX THREE**

It is proposed to offer a reduction of £200 to landlords accredited with the London Landlord Accreditations Scheme (LLAS), or equivalent professionally recognised scheme, in recognition that their properties will be well managed, and that they are aware of their legal responsibilities, requiring less input from the council. Landlords will need to state their accreditation details as part of their application.

Landlords who make bulk applications (more than three at one time) may be offered a discount in recognition that the licences will take less time to process, due to reduced number of checks made by the Council. However, this would be dependent on applications being made at the same time, and checks relating to the same person(s) for each property. The discount proposed is £30 per application.

## 9.6 LICENCE DURATION

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A Licence will normally run for five years from the date of approval. This is the maximum length of time a licence may last. The council may however decide it is necessary to issue a licence for a reduced duration in certain circumstances, including :

- Where there is a history of non-compliance
- The property has been identified as a result of a complaint, and is unlicensed
- Where conditions are attached to the licence requiring its regular review

- The applicant is not able to demonstrate they will maintain full control over the property for five years
- Where the licence holder and/or agent presents a cause for concern.
- The property's planning status is under question

## 9.7 UNLICENSED PROPERTIES

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It is an offence to let out and be in control of a property under the proposed additional scheme, without applying for a licence. Any landlord operating an unlicensed property will be liable to a number of enforcement options including;

- Prosecution of the person having control or managing the property
- Issue of a Civil Penalty Notice ( up to £30,000)
- Apply for a Rent Repayment Order ( where housing benefit/universal credit paid where tenants have the ability to claim back 12 months' rent )
- Consider a Banning Order

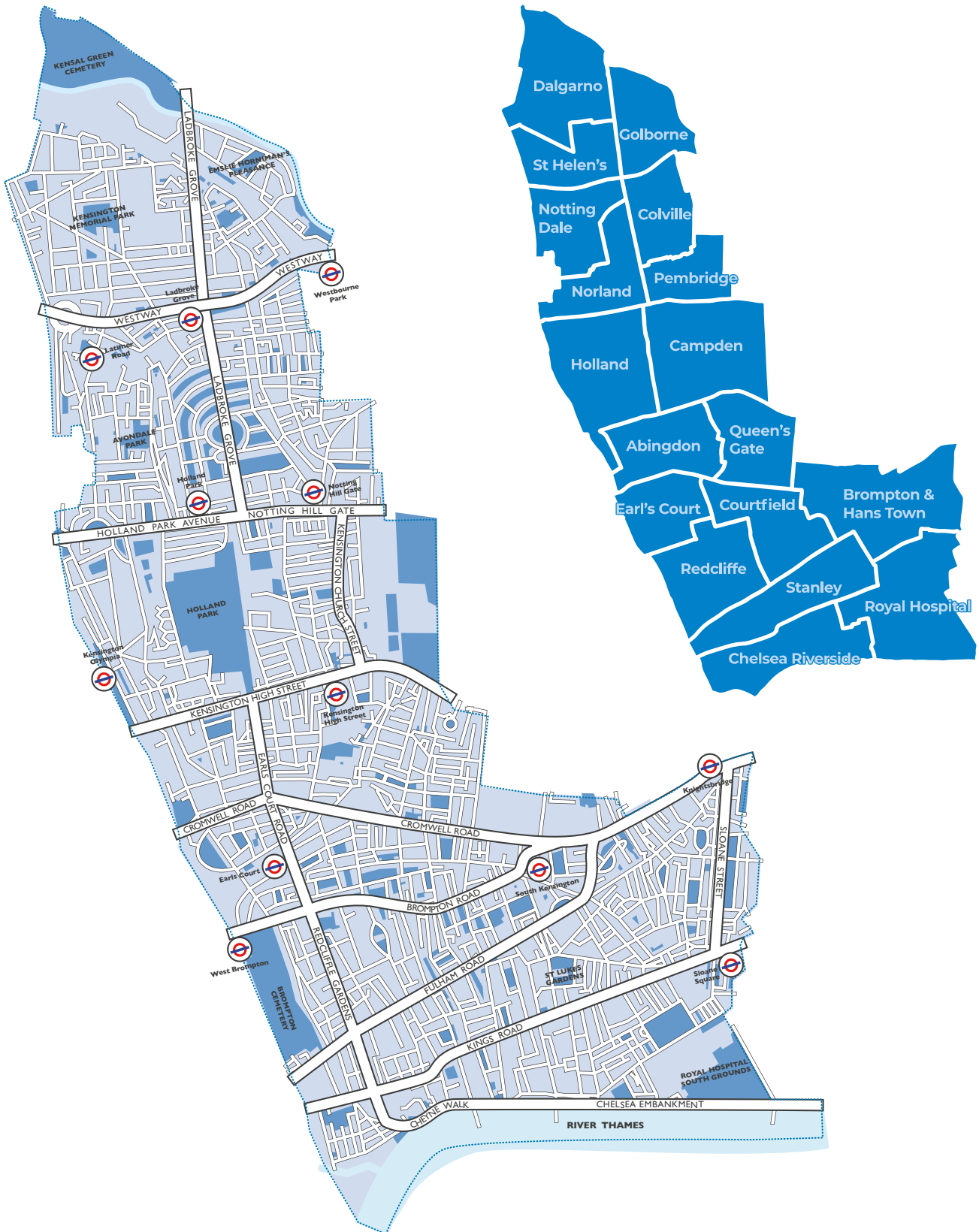
Take other action as per the enforcement policy.

# APPENDICES

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# APPENDIX ONE

## AREA OF PROPOSED ADDITIONAL HMO LICENSING SCHEME





THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## Appendix 2

### Royal Borough of Kensington & Chelsea

#### Houses in Multiple Occupation (HMO)

#### Licence Conditions Proposal

This document contains standard conditions for a property licensed under an Additional HMO licensing scheme.

**Please note:** Each licence is unique and so some conditions may be removed, or new ones added depending on the specific circumstances of the property. Further conditions may have to be amended, removed or added due to changes in law, legislative requirements.

## IMPORTANT INFORMATION

### Limitations of the Licence

**LICENCE TRANSFER-** This licence can **NOT** be transferred to another person or organisation or property.

**COMPANIES AND PARTNERSHIPS-** If the Licence Holder is a company or partnership and it is dissolved while the licence is in force, the licence ceases to be in force on the date of dissolution.

**LICENCE HOLDER RESPONSIBILITY-** Please note, the legal responsibility for compliance with the conditions of this licence remains with the Licence Holder, even if there is an agent or other entity involved with the management or other involvement of the property. If the property is sold, then the licence holder should arrange for the licence to be revoked and any new owner should make a new application for a licence.

### Other Statutory and Legal Requirements

**PLANNING PERMISSION and BUILDING CONTROL-** This licence does **NOT** grant any planning approvals, Building Control (Development Control) consents or permissions under the Town and Country Planning Act 1990, Building Act 1984 or any related Planning or Building Control (Development Control) legislation, retrospectively or otherwise.

If the property is being used as a House in Multiple Occupation (HMO) without the correct planning consent this may constitute a breach of planning control and you should check to ensure the correct planning permissions are in place. We may also reduce the term of the licence whilst you seek the correct permissions.

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 advice. You can find out more here;

<https://www.rbkc.gov.uk/planning-and-building-control/planning-and-building-control>

**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, management or other matters.

**LICENCE HOLDER CONTACT INFORMATION-** The address of the Licence Holder given on the application form shall be used as the address for the proper service of any letter, notice or other document by the Council on the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to receive and act upon any letter, email, notice or other document sent to that address.

### Penalties for Non-Compliance.

Failure to comply with any licence condition without a reasonable excuse may result in a **civil penalty of up to £30,000** or prosecution, leading to criminal conviction and an unlimited fine and other penalties as stated in the Private Sector Housing Enforcement Strategy.

**Please note** that any prosecutions, enforcement, or legal action taken against the Licence Holder, manager or anyone they are associated with, may affect their 'fit and proper' status which could lead to the possible revocation of existing licenses.

The Council will normally seek to publish any prosecutions, enforcement, or legal action in the press and within publicly accessible and governmental intelligence databases. It may also result in an order Banning a person from operating as a landlord within England.

**1. Permitted Occupation of ADDRESS .....**

The Licence Holder must not allow a new resident to occupy the property or any part of the property if that occupation:

- a) Exceeds the maximum permitted number of persons for the property as detailed in the schedule of permitted occupation below.
- b) Exceeds the maximum permitted number of households for the property as detailed in the schedule of permitted occupation below.
- c) Exceeds the maximum number of persons per room as detailed in the schedule of permitted occupation below.
- d) Exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the property and/or the specific room at the date of the issue of the licence.

**Occupancy and Maximum Permitted Person per Letting**

Letting	Location	Floor area	Maximum permitted occupiers per room	Maximum permitted households per room
Self-contained flat				
1				
2				
Living room				
			<b>Occupants</b>	<b>Households</b>
			<b>Total no. Permitted</b>	XX
			XX	XX

Justification for determining levels of occupation:  
 The maximum number of occupiers has been determined by .....room sizes, levels of amenities and facilities.

If any lettings above have a 0 maximum occupiers then at the end of the existing tenancy that room must not be occupied and used for sleeping accommodation.

	<p><b>Permitted Occupancy - Statutory Minimum</b></p> <p>The Licence Holder shall check and ensure that;</p> <ol style="list-style-type: none"> <li>a) the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres.</li> <li>b) the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;</li> <li>c) the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;</li> <li>d) any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.</li> <li>e) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;</li> <li>f) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;</li> <li>g) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.</li> </ol> <p><b>PLEASE NOTE:</b> Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 meters is not to be taken into account in determining the floor area of that room.</p>
2.	<p>The Licence Holder must provide to the Council, in writing, if any room in the property has a floor area of less than 4.64 square metres. These details must be provided within 28 days of request being made by the Council.</p>
3.	<p>If any of the conditions imposed in Condition 1, above, have been breached in relation to the HMO and the licence holder has not knowingly permitted the breach, the Council will notify the licence holder of the breach allowing a specified time period to remedy the breach.</p> <p>If action is not taken and the breach(es) remain after this notification period, the Council may take enforcement action.</p>

4.	<p><b>Gas Safety</b></p> <p>If gas is supplied to the house, the Licence Holder shall take all reasonably practicable steps to ensure gas installation and appliances are in a safe condition. The licence holder shall produce to the local housing authority (the Council) a current and valid gas safety certificate obtained in respect of the house within the last 12 months within 28 days of request being made by the Council.</p> <p><b>Note:</b> a copy must also be provided to the tenants at the start of their tenancy</p>
5.	<p><b>Furniture Safety</b></p> <p>The Licence Holder shall;</p> <ul style="list-style-type: none"> <li>a) keep furniture made available by him in the house in a safe condition. All upholstered furniture made available in the property should comply with current fire safety legislation.</li> <li>b) supply to the Council, on demand, a declaration by him as to the safety of furniture within 28 days of a request being made by the Council.</li> </ul>
6.	<p><b>Electrical Appliances</b></p> <p>The Licence Holder shall;</p> <ul style="list-style-type: none"> <li>a) keep all electrical appliances made available by him in the house in a safe condition;</li> <li>b) supply to the Council, on demand, a declaration by him as to the safety of such appliances within 28 days of a request being made by the Council.</li> </ul>
7.	<p><b>Electrical Installation</b></p> <p>The licence Holder shall</p> <ul style="list-style-type: none"> <li>a) ensure that every electrical installation in the house is in proper working order and safe for continued use; and</li> <li>b) supply to The Council, on; demand, with a declaration by him as to the safety of such installations within 28 days of request being made by the Council</li> </ul> <p><b>Note:</b> a copy must also be provided to the tenants at the start of their tenancy</p>
8.	<p><b>Smoke Alarms</b></p> <p>The Licence Holder is required to;</p> <ul style="list-style-type: none"> <li>a) ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and</li> <li>b) to keep each such alarm in proper working order;</li> <li>c) supply to the authority, on demand, with a declaration by him as to the condition and positioning of such alarms within 28 days of request being made by the Council.</li> </ul> <p><b>Note:</b> Room includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.</p>
9.	<p><b>Carbon Monoxide Alarms</b></p> <p>The Licence Holder is required to;</p>



	<p>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 solid fuel burning combustion appliance;</p> <p>b) keep any such alarm in proper working order; and</p> <p>c) supply The Council, on demand, with a declaration by him as to the condition and positioning of any such alarm within 28 days of request being made by the Council</p> <p><b>Note:</b> Room includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.</p>
<p><b>10.</b></p>	<p><b>Tenancy Management</b> The Licence Holder shall</p> <p>a) supply to the occupiers of the house a written statement of the terms on which they occupy it, details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions.</p> <p>b) Supply the Council, on demand, copies of the written statement of the terms on which they occupy within 7 days of request being made by the Council.</p>
<p><b>11.</b></p>	<p><b>Waste Management</b> The Licence Holder must give new occupiers of the property within 7 days of the start of their occupation, the following information on Waste and Recycling, in writing:.</p> <p>a) The collection days for the refuse and recycling bins for the property you can search for collection days here; <a href="https://www.rbkc.gov.uk/bincollections/default.aspx">https://www.rbkc.gov.uk/bincollections/default.aspx</a></p> <p>b) Details on what they can and can't recycle. You can find out more here; <a href="https://www.rbkc.gov.uk/bins-and-recycling/rubbish-and-recycling/recycling/about-recycling">https://www.rbkc.gov.uk/bins-and-recycling/rubbish-and-recycling/recycling/about-recycling</a></p> <p>c) How they can dispose of bulky waste. More details can be found here <a href="https://www.rbkc.gov.uk/bins-and-recycling/rubbish-and-recycling/bulky-household-waste-collections">https://www.rbkc.gov.uk/bins-and-recycling/rubbish-and-recycling/bulky-household-waste-collections</a></p> <p>d) Provide the occupiers with information on how to comply with the local housing authority scheme relating to the storage and disposal of household waste.</p> <p>e) The licence holder shall also comply with any further scheme/s which is provided by the Council which relates to the storage and disposal of household waste at the HMO pending collection</p> <p>f) If the Licence Holder becomes aware that the occupiers of the property or their visitors are not using the waste disposal facilities provided and/or leaving waste outside the property or in its vicinity (for example old furniture, mattresses), they must write a warning letter to the occupiers within 7 days advising them to remove the items immediately.</p> <p>The licence holder shall keep a record of the information given as per these conditions and supply it to the Council within 28 days of request being made by the Council.</p>
<p><b>12.</b></p>	<p><b>Fire Safety</b></p>

	<p>a) The Licence Holder shall carry out a suitable fire risk assessment with reference to the Regulatory Reform (Fire Safety) Order 2005, the LACORS Fire Safety Guidance and 'Fire Safety Risk Assessment' in Sleeping Accommodation, to determine what safety measures are needed to prevent fires and to keep the occupiers safe in the event of a fire occurring.</p> <p>b) Where the property is in a block the licence holder shall co-operate with the building owner/manager in relation to fire prevention and evacuation procedures and ensure their tenants are aware of what to do in the event of a fire.</p> <p>c) The licence holder shall keep a record of the assessment and supply it to the Council within 28 days of request being made by the Council.</p> <p>d) The Licence Holder shall implement any controls identified during the fire risk assessment as soon as is reasonably practical. The controls should identify, any evacuation procedures as well as the frequency of inspection for the detection, alarm and emergency lighting system (if fitted).</p> <p>e) The Licence Holder shall ensure that any firefighting equipment and fire alarm at the property are maintained in good working order. The licence holder shall supply to the Council the latest fire detection and alarms certificate, and if installed, the emergency lighting test certificates within 28 days of request being made.</p> <p><i>Please Note: Compliance with these conditions does not automatically mean your property is free from the hazard of fire. Subsequent enforcement action may have to be taken to reduce the hazard.</i></p>
<p><b>13.</b></p>	<p><b>Pests</b></p> <p>a) The Licence Holder shall carry out checks every 6 months to ensure that the property is free from a pest infestation.</p> <p>b) Where the Licence Holder becomes aware of a pest problem or infestation at the licensed property they shall, within seven (7) days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation.</p> <p>c) Records shall be kept of such treatment programs and copies of these must be provided to the Council within 28 days of the request being made.</p>
<p><b>14.</b></p>	<p><b>Notifying the Council of Changes</b></p> <p>The Licence Holder shall inform the Council's Property Licensing Team directly, in writing or by email, of the following within 28 days of the change occurring:</p> <p>a) Any change in the ownership or management of the property.</p> <p>b) Any change in address, email or telephone number for the licence holder and/or agent.</p>

15.	The Licence Holder must advise the Council's Property Licensing Team directly, in writing or by email, if they intend to create or remove any rooms, bathrooms, W.Cs or kitchens in the property, at least 28 days before starting works.
16.	<b>Information for Tenants</b> The Licence Holder shall display in the common area the following, a) The name, address and emergency contact information of the licence holder of managing agent and who to contact in the event of an emergency or to report any issues with the property. b) The permitted occupancy of the property c) A copy of the Licence in the common parts of the property.
17.	<b>Anti-Social Behaviour</b> a) The Licence Holder shall investigate and address problems of antisocial behaviour (ASB) resulting from the conduct of occupiers of, or visitors to, the licensed property as soon as possible after it has been brought to their attention. (If the Licence Holder has an agent it is still the Licence Holder's responsibility to ensure their agent acts on their behalf in compliance of the conditions):  b) If the Licence Holder receives a complaint from any person or organisation (including the Council) regarding antisocial behaviour involving the occupiers of or visitors to the property, the Licence Holder must contact the occupiers within 14 days of receiving the complaint. The Licence Holder must inform the occupiers in writing of the allegations of the ASB and of the consequences of its continuation.  c) The Licence Holder must co-operate with the Police and the Council in resolving ASB in the licensed property. Such co-operation includes reporting persistent ASB of their tenant or visitors to the Council, attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Council when requested.  d) If the Licence Holder is informed by the Council, Police or other organisation that any occupiers have entered into a Community Resolution; or have been issued with an Acceptable Behaviour Contract; or a civil injunction has been obtained against the occupiers; or if the occupiers have been prosecuted in relation to ASB, the Licence Holder must visit the property within 7 days of being notified.  e) During the visit the Licence Holder must provide the occupiers with a warning letter advising them (amongst other things) that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, and of the consequences of its continuation.  f) The Licence Holder shall make a record of the action they have taken and keep any emails or letters in respect of any reported ASB for 5 years.

	<p>g) Any correspondence, letters and records referred to in conditions 17(a) to (f) must be provided by the Licence Holder to the Council within 28 days on demand.</p>
<b>18.</b>	<p><b>Inspections</b></p> <p>a) The Licence Holder shall ensure that inspections of the property are carried out at regular intervals to identify any problems relating to the, condition and management of the property and its contents. As a minimum this should be every 6 months.</p> <p>b) The records of such inspections shall be kept for the duration of this licence. As a minimum requirement the records must contain a log of who carried out the inspection, date and time of inspection, what was inspected, issues found, and action(s) taken. Copies of these records must be provided to the Council within 28 days of request being made by the Council.</p>
<b>19.</b>	<p><b>Responding to Complaints</b></p> <p>a) The Licence Holder shall ensure that, if they are informed, in writing, by email or other form of communication, of a complaint of disrepair, lack of facilities, utilities, maintenance problems or pest infestation in the property from the occupiers or the Council, they take action to remedy the disrepair and/or infestation. The Licence Holder shall respond in writing to any such complaint, within 14 days, stating what action they have or are taking.</p> <p>b) The Licence Holder shall make a record of the action they have taken and keep any emails, receipts for work, letters and other documentation in respect of any complaints and keep for the duration of their licence term.</p> <p>c) The Licence Holder must supply the Council a copy of these documents within 28 days of request being made.</p>
<b>20.</b>	<p><b>Creation of Tenancies</b></p> <p>The Licence Holder shall ensure that only he/she or an agent listed on this licence creates new tenancies or licences to occupy this property whilst this licence is in force. Copies of any new written terms of tenancies or licences must be provided to the Council within 7 days.</p>
<b>21.</b>	<p><b>Other Persons Banned or not Fit and Proper</b></p> <p>The Licence Holder shall not cause or permit any person who has previously applied for a property licence in respect of the property and has either:</p> <p>(a) been found not to be a Fit and Proper person, or</p> <p>(b) been made subject to a Banning Order under the Housing and Planning Act 2016</p> <p>to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property</p>

<p><b>22.</b></p>	<p><b>Tenancy Deposit Scheme</b></p> <p>The Licence Holder must ensure that any tenants' deposit is placed in a government-backed tenancy deposit protection (TDP) scheme <a href="https://www.gov.uk/deposit-protection-schemes-and-landlords">https://www.gov.uk/deposit-protection-schemes-and-landlords</a> .</p> <p>The Licence Holder shall keep a written record of the scheme used and the prescribed information of the deposit scheme for each tenant and a copy of the prescribed information given must be provided to the Council within 28 days on demand.</p>
<p><b>23.</b></p>	<p><b>How to Rent Checklist</b></p> <p>The Licence Holder must ensure that the tenant is provided with "How to rent: the checklist for renting in England", as published by the Ministry of Housing, Communities and Local Government (MHCLG), see <a href="https://www.gov.uk/government/publications/how-to-rent">https://www.gov.uk/government/publications/how-to-rent</a> for more details. The Licence Holder shall keep a written record of when each tenant is provided with the How to Rent document and shall supply to the Council this written proof within 28 days of a request being made.</p>

Additional Licence Conditions, below, may be added where the Council has concern over the management of the property and they believe it is appropriate in the circumstances.

<p><b>24.</b></p>	<p><b>Landlord Training</b></p> <p>a) The Licence Holder and/or their manager must undertake an accredited Landlord Training course.</p> <p>Accredited courses include:</p> <ul style="list-style-type: none"> <li>• London Landlord Accreditation Scheme (LLAS) <a href="http://www.londonlandlords.org.uk">www.londonlandlords.org.uk</a> - one day training course</li> <li>• National Residential Landlords Association's (NRLA) <a href="http://www.nrla.org.uk">www.nrla.org.uk</a> ; National Residential Landlords Association (NRLA); <a href="http://www.nrla.org.uk/training-academy/accreditation/cpd-activities/accreditation-overview">www.nrla.org.uk/training-academy/accreditation/cpd-activities/accreditation-overview</a> );</li> <li>• Midland Accreditation Scheme (MLAS) (<a href="http://www.mlas.org.uk">www.mlas.org.uk</a>)</li> <li>• DASH Services (<a href="http://www.dashservices.org.uk/Accreditation">www.dashservices.org.uk/Accreditation</a> )</li> </ul> <p>b)The Licence Holder shall continue to be an accredited Landlord with LLAS or registered with the equivalent professionally recognised scheme for the duration of this licence.</p> <p>The Licence Holder shall keep a record of all training undertaken and shall supply to the Council certification detailing the accredited courses undertaken within 28 days of a request being made.</p>
<p><b>25.</b></p>	<p><b>Responsibility for Repairs and Works</b></p> <p>The Licence Holder shall ensure that any repairs, improvement works or treatments at the property 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 provided to the Council within 28 days upon demand.</p>
<p><b>26.</b></p>	<p><b>Collection of Rent or other Consideration</b></p>

	<p>No person other than the Licence Holder or the agent named on the licence can collect or receive rent, licence fees or other consideration from the occupiers at the property. These monies can be passed onto any third parties if required. Licence holder must keep records of rental payments and supply to the council with 28 days upon receiving a request.</p>
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### APPENDIX THREE– PROPOSED LICENCE FEES

APPLICATION TYPE	TOTAL FEE	ADMINISTRATIVE FEE ( PART A )	ENFORCEMENT FEE ( PART B )
NEW APPLICATION – SECTION 254 HMO (HMO WITH SHARED FACILITIES)	£1090	750	340
NEW APPLICATION – SECTION 257 HMO ( CONVERTED BUILDING)	£1310	960	350

### OTHER FEES AND DISCOUNTS

ACTION	APPLICABLE FEE/REFUND	DISCOUNT
Revocation of licence	NO REFUND	
Application to license following revocation of licence	FULL FEE	
Application refused by the Council	FULL ADMINISTRATION FEE WITH NO REFUND	
Application withdrawn by the applicant	FULL ADMINISTRATION FEE WITH NO REFUND	
Application made in error	FULL REFUND	
Properties where licence revoked, at request of landlord before expiry of licence period	NO REFUND for unspent period of licence	
Landlord Accreditation (London Landlord Accreditation Scheme LLAS ), or equivalent professionally recognised scheme.		£200 PER APPLICATION
MULTIPLE APPLICATIONS ( more than 3 applications & checks relating to the same person(s) for each property )		£30 PER APPLICATION

- Fees reflect cost recovery
- A Landlord who fails to apply within six months from the start of the scheme will not be eligible for a discount, nor where unlicensed HMOs are found by the council.
- Instalment payments are not available.

