

Consultation on Proposals for the Private Rented Sector

2021-2026

Proposals for licensing in
Southwark 2021-2026
Appendix 2

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Summary

1. The London Borough of Southwark are consulting on its proposals to introduce discretionary licensing schemes, covering both Houses in Multiple Occupation (HMOs) and other privately rented homes. The consultation will be for 12 weeks and offer residents, business owners, landlords and managing agents, stakeholders and partners and neighbouring authorities the opportunity to give their views on these proposals. The Council will use a range of methods to draw attention to the plans and to provide people and organisations the opportunity to comment on them.
2. This document contains information on the following proposed schemes:
 - a. Additional Licensing of HMOs – the proposal is to introduce a scheme that would see licensing required for all types of HMO across the entire borough.
 - b. Selective licensing – four distinct schemes are proposed:
 - i. Designation 1 – covering 2 wards that have issues with anti-social behaviour.
 - ii. Designation 2 – covering 3 wards that have significant issues with property condition.
 - iii. Designation 3 – covering 4 wards that show issues with both deprivation and property condition.
 - iv. Designation 4 - covering 10 wards that have issues with property conditions.
3. There is also information about the proposed fees and proposed discounts that would apply to the schemes.
4. The proposed differentiated licence conditions that would apply to the various schemes is set out after each proposed scheme.
5. Further proposed information about the licensing process is also given, which covers:
 - a. who can be a licence holder and the fit and propose person test,
 - b. refunds and additional charges,
 - c. how license's will be transferred from previous schemes,
 - d. the application process,
 - e. enforcement and penalties, and
 - f. how the schemes will be reviewed.

Introduction

6. The legal definition of a House in Multiple Occupation (HMO) is extensive, but a brief definition is: a dwelling that's occupied by three or more people in two or more households (families), who share at least one basic amenity (kitchen, bathroom or toilet). You can read the legislation regarding the definition of a house or flat in multiple occupation here <http://www.legislation.gov.uk/ukpga/2004/34/part/7/crossheading/meaning-of-house-in-multiple-occupation>
7. Some buildings converted into self-contained flats can also be HMOs if they were converted without complying with the 1991 Building Regulations. This is defined in section 257 of the Housing Act 2004. You can read the legislation for the definition of HMOs which are converted blocks of self-contained flats here <http://www.legislation.gov.uk/ukpga/2004/34/section/257>
8. There are 3 types of licensing that can apply to properties in the private rented sector. All three types are included in this document. These are:
 - Mandatory Licensing - Under part 2 of the Housing Act 2004, places a duty on local authorities to operate a mandatory licensing scheme. Larger HMOs that are occupied by 5 or more persons forming at least 2 separate households are required to be licensed under this scheme.
 - Additional Licensing – Part 2 of the Housing Act 2004 also gives local authorities power to license HMOs that are not covered by mandatory licensing.
 - Selective licensing - Part 3 of the Housing Act 2004 gives local authorities power to license privately rented properties that are not covered by mandatory or additional licensing.

Additional and selective licensing is sometimes referred to as discretionary licensing as the decision to bring the schemes in is down to the discretion of the local authority.
9. This document includes information regarding mandatory licensing to not only give a fuller picture of the extent of licensing within Southwark, but to introduce proposals for changes to the scheme's discretionary conditions and fees. These changes are designed to be consistent with proposals for the additional licensing scheme and are the only parts of the mandatory scheme that will be subject to consultation.

Objectives

10. It is recognised that licensing is part of an overall approach to help improve the private rented offering within the London Borough of Southwark and outcomes achieved may not be solely as a result of licensing. With this caveat, progress will be assessed against the following key objectives:

- a. Objective - Reduction in ASB and repeat ASB incidents in PRS properties.

This applies to Mandatory HMO Licensing and proposed Selective Licensing - Designation 1 – see pages 6 -14 (Mandatory) and pages 17 – 23 (Designation 1).

- b. Objective – Improve property standards in the borough.

This applies to Mandatory and Additional HMO Licensing and Selective Licensing – proposed Designations 2, 3 and 4 – see pages 6 -15 (Mandatory and Additional) and pages 24 – 48 (Designations, 2, 3 and 4)

- c. Objective – Ensure compliance with licence conditions.

This applies to all schemes – see pages 6 – 48.

- d. Objective – Reduce the factors that contribute to deprivation.

This applies to Selective Licensing – proposed Designation 3 – see pages 32 – 40.

- e. Objective – Maximise the number of licensable properties that are licensed.

This applies to all schemes – see pages 6 – 48.

- f. Objective – Improve the professionalism of landlords and managers and the management of PRS property.

This applies to all schemes – see pages 6 – 48.

Mandatory Licensing proposals specific to the scheme

Properties covered by the scheme

11. All houses let in multiple occupation in the borough, that are occupied by 5 or more people, in 2 or more households require a licence under the mandatory licensing scheme.

Exemptions

12. Exemptions to the mandatory licensing scheme include:

- a) Properties that meet the converted block of flats test (section 257 HMOs), unless the individual flat/s meet the mandatory test, i.e. that the flat is multiply let to 5 or more persons in 2 or more households.
- b) Flats in Multiple Occupation in a purpose-built block of flats that houses 3 or more flats.
- c) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association.
- d) properties already subject to a management order or empty dwelling management order.
- e) properties subject to a temporary exemption notice.
- f) owners who reside in property they own as their main residence (owner-occupiers).
- g) holiday lets; and tenancies under a long lease and business tenancies.
- h) an HMO which is managed by a charity registered under the Charities Act 2011 and which—
 - i) is a night shelter, or
 - ii) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.
- i) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
- j) Student accommodation directly managed by educational institutions, e.g. halls of residence.
- k) Single family dwellings where a dwelling is occupied by one household.
- l) Homes with up to 2 lodgers.

Fees

13. The Council is required to split the fees into two payments. The initial part of the fee is charged to cover the processing of the application. If the application for a licence is successful a further fee will be charged before the full licence can be issued. This second fee is to cover the cost to the council for enforcement of the licence. What the actual split will be is to be determined following the consultation.

14. The flat fee covers the first 5 bedrooms with a small additional charge per bedroom above 5. (This is a change from the 'per bedroom' only fee under the current scheme).

15. The fee is proposed to be £1,500 + £100 per room above 5 bedrooms.

Conditions

16. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence.

17. There are two types of conditions that can be applied, mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and discretionary conditions which the council can set for the management, use, occupation, condition and contents of the HMO.
18. In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property additional or more specific conditions will be added.
19. These mandatory conditions are prescribed by Schedule 4 Housing Act 2004 and The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
20. The following are standard conditions that will be attached to each licence. The Licence Holder must comply with the following conditions throughout the duration of the licence:

1. General

- 1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants (*discretionary condition*).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.7 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(discretionary condition).

2. Gas Safety

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. 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 *(mandatory condition)*.
- 2.2 The Licence Holder is required to ensure that a carbon monoxide detector is installed and kept in working order in any room within the premises where a solid fuel appliance is installed. The Licence Holder must supply to the authority, on demand, a declaration by as the condition and positioning of such alarms *(mandatory condition)*.

3. Electrical Safety

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g. fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works *(mandatory condition)*.
- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should 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 in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request *(discretionary condition)*.
- 3.3 Where low-risk (i.e. works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition Report (EICR), the Licence Holder shall at the expiry of the EICR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR *(discretionary condition)*.

4. Furniture

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

5. Fire Precautions

- 5.1 Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Southwark. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified.

Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.

The LACoRs Fire Guide provides guidance on the levels of fire precautions expected in different types of HMO -

http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

(*discretionary condition that ensures we are meeting mandatory requirements*)

- 5.2 The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of any smoke alarms (*mandatory condition*).
- 5.3 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 (*discretionary condition*).
- 5.4 Consonant with the requirements of the Regulatory Reform (Fire Safety) Order 2005 (<http://www.legislation.gov.uk/ukxi/2005/1541/contents/made>) the manager shall make a suitable and sufficient assessment of the risks to which tenants or visitors to the HMO are exposed for the purpose of identifying the general fire precautions required at the HMO. The manager shall supply a copy of the risk assessment to London Borough of Southwark on demand (*discretionary condition*).
- 5.5 Following testing, the Government have advised that several fire door manufacturers have failed the standard testing requirements, meaning that the fire doors sold will not hold back fire for a minimum of 30 minutes. This presents a significant safety risk to occupants.

The Government have issued some guidance to the private sector in relation to fire doors: https://www.gov.uk/government/publications/advice-for-building-owners-on-assurance-and-replacing-of-flat-entrance-fire-doors?utm_source=8f072d3d-8cb9-40d8-9d2f-edb0c7a50b03&utm_medium=email&utm_campaign=govuk-notifications&utm_content=weekly

The licence holder shall carry out a full inspection of any fire doors installed in the HMO. The licence holder shall ensure that:

- The door is sound and in good repair.
- Any glazing in the door is in good repair and at least 6mm minimum thick wired cast glass.
- The door been fitted with 100mm butt hinges that are securely fixed.

- The intumescent strips and cold smoke seals are in place and in good repair.
- The self-closer fitted to the door operates correctly, closing the door without intervention.
- The gap between the frame and the door is no more than 3mm.

The licence holder shall submit to the Council within three (3) months of the date of the licence a signed declaration stating that the above has been carried out.

In addition, the licence holder shall submit to the Council within three (3) months the licence manufacturers certification that the door meets the relevant British Standard for fire resistance and smoke control. Where you cannot evidence that the fire door meets the relevant British Standard for fire resistance and smoke control from both sides, carry out the following:

- Review your fire risk assessment.
- Put in place interim measures to mitigate the risk of sub-standard doors. The level of interim measures will depend on the nature and size of the building but could include;
 - advising the occupants in writing of the evacuation procedures and the reason and need to keep fire doors closed,
 - carrying out fire drills,
 - decreasing the intervals between management inspections,
 - putting in a waking watch,
 - making sure the route of escape is free of obstacles and combustible materials,
 - where it is safe to do so providing escape windows.

With the interim measures in place, either:

- either obtain third party certification that the in-situ doors meet the relevant British Standard, or
- plan to replace the doors.

Where you are uncertain that the doors to be purchased are from a manufacturer that can supply actual certified 30-minute fire resistant doors then we would recommend buying and installing doors labelled as 60-minute fire resistant. By doing so you are providing yourself with some assurance that the doors should at least provide 30-minute fire resistant if not greater.

The licence holder shall submit to the Council within twelve (12) months of the date of the licence third party certification that the in-situ doors meet the relevant British Standard or manufacturers certification relating to the resistance of the new fire doors installed at the HMO (*discretionary condition*).

5.6 The licence holder must inform the Council by email [add email] within 72 hours of becoming aware of the occurrence of a fire within the house (*discretionary condition*).

6. Tenancy Matters

6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of

this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).

- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) 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 28 days upon demand (*discretionary condition*).
- 6.3 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:
- (a) been found not to be a Fit and Proper person, or
 - (b) been made subject to a Banning Order under the Housing and Planning Act 2016 to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

7. Anti-Social Behaviour

- 7.1 The Licence Holder shall take all reasonable and practical steps for preventing and dealing with anti-social behaviour and undertaking a thorough process of reasonable and effective steps to deal with any complaints that have been made directly to them or via Southwark Council or the Metropolitan Police, regarding their occupiers. For the purpose of these conditions, anti-social behaviour is taken to comprise behaviour by the occupants of the house and/or their visitors, which causes a nuisance or annoyance to other occupants of the house, to lawful visitors to the house or to persons residing in or lawfully visiting the neighbouring area of the house (*discretionary condition*).

8. Waste Disposal

- 8.1 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:
- The collection days for the refuse and recycling bins for the property (LINK TO WEBSITE)
 - Details on what they can and can't recycle (LINK TO WEBSITE)
 - How they can dispose of bulky waste. (LINK TO WEBSITE)
 - General waste guidance from the Council's website: (LINK TO WEBSITE).

A copy of the information provided to the occupiers must be kept for 5 years and provided to the Council within 28 days on demand.

- 8.2 The Licence Holder must provide the tenants with adequate facilities for the disposal of refuse and recycling. The Licence Holder must ensure that there are suitable and appropriate receptacles for the storage of household refuse and recycling between collections, so that bags or loose refuse and recycling are not stored outside the property.
- 8.3 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property.
- 8.4 The Licence Holder shall carry out regular checks and ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities, other than waste stored in appropriate receptacles for the storage of household refuse and recycling; and that waste such as old furniture, bedding, rubbish or refuse from the property is not left outside the property or in its vicinity.

- 8.5 The Licence Holder must not leave old furniture, bedding, rubbish or refuse from the property on the immediately outside the property or private land.
- 8.6 The Licence Holder must ensure that any type of waste which the Council does not routinely collect such as hazardous waste is disposed of in a safe and lawful manner.
- 8.7 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. A copy must be kept and must be provided to the Council within 28 days on demand.

(discretionary conditions that ensure we are meeting mandatory requirements).

- 8.8 The licence holder shall label any furniture, soft furnishing and kitchen appliances and white goods provided at the property, using a suitable indelible marker pen (removable labels are not acceptable) with the address and, where relevant, the room number the articles relate too, e.g. Room 1, 38, postcode. The labelling should be readable and clear. The licence holder will regularly check the labelling and re-label should the existing labelling have faded to the point it can no longer be read. This doesn't apply to articles provided by the tenants. Note. This condition will be applied in defined hotspot areas where there have been significant issues with dumping of articles of furniture, etc. as a way of easily identifying the properties the articles come from. *(discretionary condition).*

9. Fit and Proper Person

- 9.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand 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 *(discretionary condition).*

10. Changes in the use and layout of the Property

- 10.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent *(discretionary condition).*

11. Council Standards for Licensable Houses in Multiple Occupation

- 11.1 The maximum occupancy for this house in multiple occupation is **X** people in **X** households *(mandatory condition).*
- 11.2 Table to be inserted stating room, room size, maximum people and maximum households.
- 11.3 The Licence Holder must ensure that no room is used by more than the number of persons specified in the licence *(mandatory condition).*
- 11.4 The total of number of people must not exceed the maximum stated. The table above outlines the number of people and households allowed per room *(discretionary condition).*
- 11.5 Licensed properties must comply with Southwark's Standards for HMOs within 18 months of the licence being granted and for the remaining duration of the licence *(discretionary condition).*

11.6 The Licence Holder is required:

- a) to ensure that 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 (*mandatory condition*);
- b) to ensure that 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 (*mandatory condition*);
- c) to ensure that 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 (*mandatory condition*);
- d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation (*mandatory condition*).

11.7 The Licence Holder shall ensure that:

- a) 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 (*mandatory condition*);
- b) 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 (*mandatory condition*);
- c) 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 (*mandatory condition*).

A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO (*mandatory condition*).

For the purposes of paragraph's 11.6 and 11.7 a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes (*mandatory condition*).

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be considered in determining the floor area of that room for the purposes of this paragraph (*mandatory condition*).

11.8 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).

11.9 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

12. Access to Utility Meters

12.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

13. Flats in Multiple Occupation in a block of flats

13.1 The licence holder shall ensure the tenants of the Flat in Multiple Occupation (FMO) are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:

- Evacuation arrangements, e.g. an all-out or stay-put policy.
- The safest route to safety from the FMO.
- The designated fire assembly area.
- Fire Drill arrangements (if any).
- Fire Warden and/or waking watch arrangements (where provided).
- The nearest manual call point (where provided).

(discretionary condition)

14. Training Courses

14.1 The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark.

Details of Training Courses:

London Landlord Accreditation Scheme (LLAS) and:

Accreditation and Training for Landlords & Agents Service (ATLAS)

Website: www.londonlandlords.org.uk

The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses *(discretionary condition)*.

15. Interim Measures

15.1 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are:

[List measures – examples given below]

- Battery operated smoke detectors located in [add locations].
- Battery operated heat detectors located in [add locations].
- Battery operated hand-held emergency lighting located in [add locations].
- A 'waking fire watch' comprising:
 - 24 hour continuously staffed fire patrols of the building.
 - Trained and competent staff.
 - Staff given appropriate equipment and PPE.
 - An 'all out' evacuation plan managed by the watch staff.
- Undersized shower cubicles located in [add locations].
- Undersized baths located in [add locations].
- Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms].

These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance.

The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).

16. Missing documents

16.1 Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence:

[delete/add as appropriate]

- i. Energy Performance Certificate (EPC)(s)
- ii. Written tenancy agreement(s) with the occupying tenants.
- iii. Lease Agreements/Commercial Agreement with owner (if any)
- iv. Building insurance certificate
- v. Inventory of furniture and fittings(s)
- vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any)
- vii. Gas Safety Certificate(s)
- viii. Portable Appliance Test (PAT) report(s)
- ix. Test certificates for fire alarm system
- x. Test certificates emergency lighting system
- xi. Asbestos report(s)
- xii. Fire Risk Assessment

Email the copies to [email address]

(*discretionary condition*)

16. Infectious Disease Control

16.1 In the event or either a national or local outbreak of an infectious disease (that poses a significant risk to health) that is spread by air, water or touch (or a combination of these), the licence holder shall as a minimum put in place the following measures:

- **Inform**

Notify all occupants in writing of the nature of the infectious disease, how it is spread and the measures put in place at the HMO to limit its spread.

Provide a Notice, clearly displayed, in an accessible common area, setting out the nature of the infectious disease, how it is spread and the measures put in place at the HMO to limit its spread.

- **Clean**

Increase the frequency of the cleaning schedule for all the common areas in the HMO, including (but limited to) living and dining areas, shared bathrooms, toilets and kitchens. The minimum frequency should be three times a week.

The cleaning regime should include (but is not limited to) the sanitisation/disinfection of:

- Door and window handles and locks,
- Doors, handles and controls of all white goods communally provided,
- Taps and plugs,
- Showers,

- Baths,
- Wash hand basins,
- Toilets,
- Shared surfaces, e.g. dining tables, chairs, coffee tables, etc.
- All shared surfaces and cupboards used in the storage, preparation and cooking of food and making drinks,
- The doors, handles and controls of cooking appliances and kettles.

- **Sanitise**

Provide hand sanitiser stations in each common room including (but limited to) living and dining areas, shared bathrooms, toilets and kitchens and at the main entrance to the HMO. The sanitiser should not be diluted in any way and supplied in pump action containers for ease of use.

Examples of an infectious disease that would require these measures to be put in place are, COVID-19, Tuberculosis, SARS-CoV, etc.

The licence holder must inform the Council by email [add email] within 72 hours of becoming aware of the occurrence of an outbreak.

(discretionary condition)

Additional Licensing proposals specific to the scheme

Properties covered by the scheme

21. All houses let in multiple occupation in the borough, that are not subject to mandatory licensing under the Housing Act 2004 will require a licence under the proposed additional licensing scheme.

Exemptions

22. Exemptions to the proposed additional licensing scheme include:

- a) properties licensable as an HMO under mandatory licensing;
- b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
- c) properties already subject to a management order or empty dwelling management order;
- d) properties subject to a temporary exemption notice.
- e) owners who reside in property they own as their main residence (owner-occupiers).
- f) holiday lets; and tenancies under a long lease and business tenancies.
- g) an HMO which is managed by a charity registered under the Charities Act 2011 and which—
 - i) is a night shelter, or
 - ii) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.
- h) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
- i) Student accommodation directly managed by educational institutions, e.g. halls of residence.
- j) Homes let to up to two single people who are unrelated.
- k) Single family dwellings where a dwelling is occupied by one household.
- l) Homes with up to 2 lodgers.

Fees

23. The Council is required to split the fees into two payments. The initial part of the fee is charged to cover the processing of the application. If the application for a licence is successful a further fee will be charged before the full licence can be issued. This second fee is to cover the cost to the council for enforcement of the licence. What the actual split will be is to be determined following the consultation.

24. The fee is proposed to be £1,300.

25. This is a change from a per bedroom fee under the current scheme to a flat fee.

Conditions

26. The conditions attached to additional licences will in the main be the same as those attached to mandatory licences, with the exception that the condition relating to Anti-social behaviour will not apply as a general condition. Please refer to the section on mandatory licensing conditions set out from page 6.

27. In some circumstances, where the council believes there are specific issues not covered in the standard conditions for a particular property additional or more specific conditions will be added.

Selective licensing proposals

28. Part 3 of the Housing Act 2004 gives local authorities power to license properties that are not covered by mandatory or additional licensing.
29. The proposal is for selective licensing designations, which covers some of the existing selective licensing areas, some new areas that are not licensable under the current scheme and some changes to the fees and standard conditions on the licences.
30. All properties let in the private rented sector that are not included in the mandatory scheme, or included in the proposed additional licensing schemes, will be included in the selective licensing scheme if they are located within the designated area.
31. The total number of privately rented properties in Southwark is estimated to be 42,964¹.

Exemptions applying to all proposed Designations for Selective Licensing.

32. Exemptions to the proposed selective licensing designations include:
- a) properties licensable as an HMOs under mandatory or the proposed additional licensing;
 - b) properties let by a local authority or a Registered Provider (RP), traditionally known as a not-for-profit Housing Association;
 - c) properties already subject to a management order or empty dwelling management order;
 - d) properties subject to a temporary exemption notice.
 - e) owners who reside in property they own as their main residence (owner-occupiers).
 - f) holiday lets; and tenancies under a long lease and business tenancies.
 - g) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
 - h) Student accommodation directly managed by educational institutions, e.g. halls of residence.
 - i) properties managed by a charity registered under the Charities Act 2011 and which—
 - a. is a night shelter, or
 - b. consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Fees applying to all proposed Designations for Selective Licensing.

33. The Council is required to split the fees into two payments. The initial part of the fee is charged to cover the processing of the application. If the application for a licence is successful a further fee will be charged before the full licence can be issued. This second fee is to cover the cost to the council for enforcement of the licence. What the actual split will be is to be determined following the consultation.
34. The fee is proposed to be £900.

Conditions

35. There are two types of conditions that can be applied to a selective licensing scheme. Mandatory conditions must apply as required by Schedule 4 of the Housing Act 2004 and

¹ Source – Metastreet - London Borough of Southwark - Private Rented Sector: Housing Stock Condition and Stressors Report – December 2019

discretionary conditions which the council can set for the management, use, occupation, condition and contents of the property.

36. In some circumstances, where the council believes there are specific issues not covered discretionary conditions for a particular property additional or more specific conditions will be added.
37. These mandatory conditions are prescribed by Schedule 4 Housing Act 2004.
38. As the proposed designations are based on different evidential criteria, the discretionary conditions are tailored to tackle the conditions pertinent to each of the four proposed designations. Therefore, the conditions pertinent to each proposed designation and given under the individual proposed designations.

Properties covered by the scheme

39. Southwark are consulting on four proposed selective licensing schemes. These are outlined below:

Designation 1

40. This designation includes two wards, named below, in a single designation (Designation 1).

The wards included in Designation 1 are:

Champion Hill
Newington

Table 1 – wards proposed to be included in Designation 1

41. The evidence demonstrates that the privately rented properties in these two wards are subject to high and repeated levels of anti-social behaviour as set out in the table 2 below:

	No of PRS	% PRS	% repeat ASB	%ASB
Champion Hill	924	21.2%	5%	43%
Newington	1,141	17.6%	6%	31%

Table 2 – Levels of ASB and repeated ASB in wards proposed to be included in Designation 1.

42. Further analysis of the evidence is given in the December 2019 Metastreet report (Private Rented Sector: Housing Stock Condition and Stressors Report) produced for the London Borough of Southwark as set out in Appendix 1.
43. The number of privately rented properties included in the proposed Designation 1 equate to 5% of the total privately rented properties in Southwark.

Conditions – those that would be attached to licences in the proposed Designation 1 (Anti-Social Behaviour).

1. General

- 1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants (*discretionary condition*).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 The property must comply with and be maintained in accordance with and any Approved Codes of Practice which the Council or Central Government may from time to time require (*discretionary condition*).
- 1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.8 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(*discretionary condition*).

- 1.9 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.
- 1.10 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the

landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.

- 1.11 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the Licence Holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters.
- 1.12 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. 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 (*mandatory condition*).
- 2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*discretionary condition*).

3. Electrical Safety

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g. fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).
- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should 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 in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*).
- 3.3 Where low-risk (i.e. works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition

Report (EICR), the Licence Holder shall at the expiry of the EICR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR (*discretionary condition*).

4. Furniture

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

5. Fire Precautions

- 5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).

6. Tenancy Matters

- 6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).

- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create 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 28 days upon demand (*discretionary condition*).

- 6.3 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:

(a) been found not to be a Fit and Proper person, or

(b) been made subject to a Banning Order under the Housing and Planning Act 2016

to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

- 6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*). No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).

(References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.

- 6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).

- 6.6 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).
- 6.7 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).

7. Fit and Proper Person

- 7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. Changes in the use and layout of the Property

- 8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. Council Standards for Licensable Properties

- 9.1 The maximum occupancy for this property is **one household OR two people in two households** (*mandatory condition*).
- 9.2 Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).
- 9.3 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).
- 9.4 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

10. Access to Utility Meters

- 10.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

11. Training Courses

- 11.1 The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark.

Details of Training Courses:

London Landlord Accreditation Scheme (LLAS) and:

Accreditation and Training for Landlords & Agents Service (ATLAS)

Website: www.londonlandlords.org.uk

The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses (*discretionary condition*).

12. Interim Measures

12.1 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are:

[List measures – examples given below]

- Battery operated smoke detectors located in [add locations].
- Battery operated heat detectors located in [add locations].
- Battery operated hand-held emergency lighting located in [add locations].
- Undersized shower cubicles located in [add locations].
- Undersized baths located in [add locations].
- Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms].

These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance.

The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).

13. Missing documents

13.1 Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence:

[delete/add as appropriate]

- i. Energy Performance Certificate (EPC)(s)
- ii. Written tenancy agreement(s) with the occupying tenants.
- iii. Lease Agreements/Commercial Agreement with owner (if any)
- iv. Building insurance certificate
- v. Inventory of furniture and fittings(s)
- vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any)
- vii. Gas Safety Certificate(s)
- viii. Portable Appliance Test (PAT) report(s)
- ix. Test certificates for fire alarm system
- x. Test certificates emergency lighting system
- xi. Asbestos report(s)
- xii. Fire Risk Assessment

Email the copies to [email address]

(discretionary condition)

14. Anti-Social Behaviour (*discretionary conditions*)

- 14.1 The Licence Holder shall take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the flat/ house and to this end shall:

Report all incidences of anti-social behaviour to the appropriate authority, for example the police or the Council.

- 14.2 The Licence Holder shall enter into an assured shorthold tenancy agreement (unless an alternative arrangement is more appropriate, e.g. a licence to occupy) with each new tenant of the dwelling for which he/ she is the person having control. The tenancy agreement will include provisions relating to forfeiture of the property in the event of a breach of the tenancy agreement terms in the following circumstances:

"That the tenant or someone living in, or visiting the premises has been guilty of conduct which is, or is likely to cause a nuisance or annoyance to neighbours; or, that a person residing or visiting the premises has been convicted of using the premises, or allowing it to be used for immoral or illegal purposes or has committed an arrestable offence in, or in the locality of the licensed premises."

For the avoidance of doubt conduct causing a nuisance includes noise nuisance.

A further condition shall be added to the tenancy agreement that requires the tenant to obtain written permission to sub-let the property.

The Government have produced a model template for an Assured Shorthold Tenancy which can be found here - <https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

- 14.3 The Licence Holder shall investigate complaints of anti-social behaviour (as defined in Housing Act 2004, Section 57(5)) arising from their property and being caused by their tenants or tenants' visitors. Where appropriate they shall take legal advice and act to either caution or evict the tenants.

- 14.4 If the Licence Holder is informed by the Authority, 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 either visit the house within 7 days of being notified or ensure that it is visited by the person managing the house. During the visit, the Licence Holder must ensure that the occupiers are provided 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.

Any letters, emails, legal notices or other documents relating to ASB, which are sent or received by the Licence Holder, or the agent on behalf of the Licence Holder, must be copied and kept for 5 years by the Licence Holder.

- 14.5 Where the Licence Holder has reasonable grounds to suspect that the ASB involves criminal activity the Licence Holder must ensure that the appropriate authorities are informed.

The Licence Holder shall co-operate with the Police and Authority in resolving ASB in any licensed property under their control. Such cooperation includes attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Authority when requested.

Any correspondence, letters and records kept in accordance with these conditions must be provided by the Licence Holder to the Authority within 28 days on demand.

14.6 Where there have been two or more corroborated reports of ASB to the relevant investigating agency, the Licence Holder shall install monitorable and recordable CCTV cameras covering the outside spaces of the dwelling, which can operate in both daylight and nighttime (where there are outside spaces). This is to include cameras covering the access points to the dwellings.

15. Security (*discretionary conditions*)

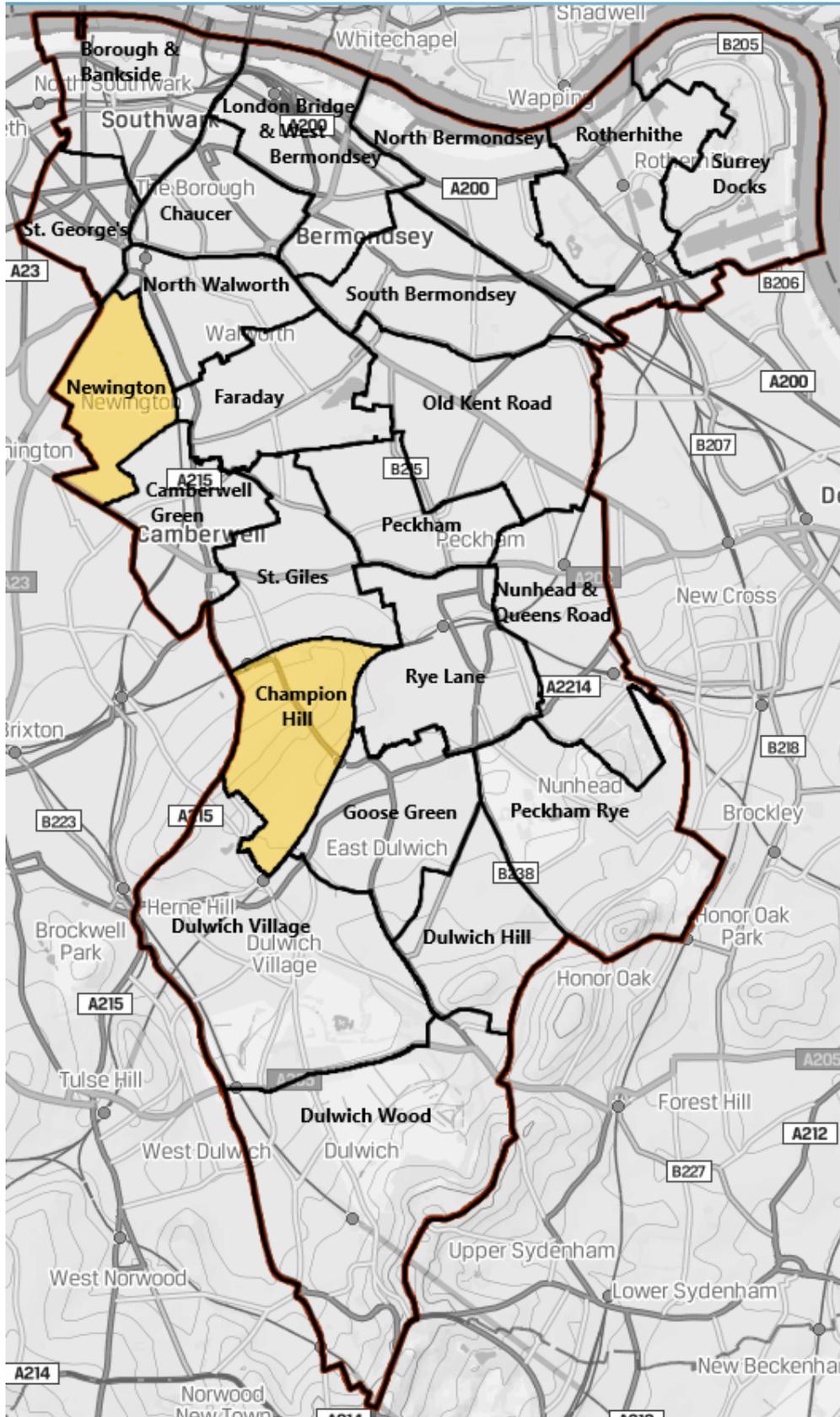
15.1 Ensure adequate security arrangements are in place to prevent unauthorised access to the premises. This includes:

- The front door of the dwelling shall be fitted with a 'peekhole' to allow the occupant to view who is at the front door.
- A device shall be fitted to the front door to allow for the door to be opened in a restricted manner to prevent access by unauthorised persons, e.g. a door chain.
- The front (and where provided back doors and French doors) door shall as a minimum be fitted with locks that meet BS3621.
- All windows shall be fitted with suitable window locks and the keys provided to the tenants.

15.2 Where previous occupants have not surrendered door keys, the Licence Holder will arrange for a lock change to be undertaken prior to new occupants moving in.

15.3 Where there are outside spaces within the curtilage of the property, movement operated security lights shall be fixed and mounted providing sufficient light to illuminate the outside spaces.

Map of Wards Included in Designation 1



Map 1 – wards included in Designation 1

Designation 2

44. This designation includes three wards, named below, in a single designation (Designation 2).

The wards included in Designation 2 are:

Faraday

Goose Green

St Giles

Table 3 – wards proposed to be included in Designation 2

45. The evidence demonstrates that the privately rented properties in these three wards are subject to poor property condition (Category one hazards) as set out in the table 4 below:

	No of PRS	% PRS	Cat 1 hazards
Faraday	1,794	32.4%	23.4%
Goose Green	1,918	28.8%	24.9%
St Giles	2,126	29.2%	26.1%

Table 4 – Levels of poor property conditions in the wards to be included in Designation 2.

46. Further analysis of the evidence is given in the December 2019 Metastreet report (Private Rented Sector: Housing Stock Condition and Stressors Report) produced for the London Borough of Southwark as set out in Appendix 1.

47. The number of privately rented properties included in the proposed Designation 2 equate to 13% of the total privately rented properties in Southwark.

Conditions – those that would be attached to licences in the proposed Designation 2 (property standards and maintenance).

1. General

- 1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants (*discretionary condition*).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).

- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 The property must comply with and be maintained in accordance with and any Approved Codes of Practice which the Council or Central Government may from time to time require (*discretionary condition*).
- 1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.8 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(*discretionary condition*).

- 1.9 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.
- 1.10 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.
- 1.11 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the Licence Holder

shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters.

- 1.12 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. 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 (*mandatory condition*).
- 2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*discretionary condition*).

3. Electrical Safety

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g. fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).
- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should 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 in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*).
- 3.3 Where low-risk (i.e. works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition Report (EICR), the Licence Holder shall at the expiry of the EICR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR (*discretionary condition*).

4. Furniture

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

5. Fire Safety

- 5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).
- 5.2 Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Southwark. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified.

Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.

The LACoRs Fire Guide provides guidance on the levels of fire precautions expected in different types of HMO -

http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

(*discretionary condition that ensures we are meeting mandatory requirements*)

- 5.3 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 (where supplied) and keeping the escape route clear (*discretionary condition*).
- 5.4 The Licence Holder shall ensure the tenants of Flats in a block are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:
- Evacuation arrangements, e.g. an all-out or stay-put policy.
 - The safest route to safety from the FMO.
 - The designated fire assembly area.
 - Fire Drill arrangements (if any).
 - Fire Warden and/or waking watch arrangements (where provided).
 - The nearest manual call point (where provided).

(*discretionary condition*)

6. Tenancy Matters

- 6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).
- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create 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 28 days upon demand (*discretionary condition*).

6.3 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:

(a) been found not to be a Fit and Proper person, or

(b) been made subject to a Banning Order under the Housing and Planning Act 2016 to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).

6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*). No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).

(References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.

6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).

6.8 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).

6.9 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).

7. Fit and Proper Person

7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. Changes in the use and layout of the Property

8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. Council Standards for Licensable Properties

9.1 The maximum occupancy for this property is **one household OR two people in two households** (*mandatory condition*).

- 9.2 Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).
- 9.3 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).
- 9.4 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

10. Access to Utility Meters

- 10.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

11. Training Courses

- 11.1 The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark.

Details of Training Courses:

London Landlord Accreditation Scheme (LLAS) and:

Accreditation and Training for Landlords & Agents Service (ATLAS)

Website: www.londonlandlords.org.uk

The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses (*discretionary condition*).

12. Interim Measures

- 12.1 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are:

[List measures – examples given below]

- Battery operated smoke detectors located in [add locations].
- Battery operated heat detectors located in [add locations].
- Battery operated hand-held emergency lighting located in [add locations].
- Undersized shower cubicles located in [add locations].
- Undersized baths located in [add locations].
- Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms].

These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance.

The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).

13. Missing documents

13.1 Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence:

[delete/add as appropriate]

- i. Energy Performance Certificate (EPC)(s)
- ii. Written tenancy agreement(s) with the occupying tenants.
- iii. Lease Agreements/Commercial Agreement with owner (if any)
- iv. Building insurance certificate
- v. Inventory of furniture and fittings(s)
- vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any)
- vii. Gas Safety Certificate(s)
- viii. Portable Appliance Test (PAT) report(s)
- ix. Test certificates for fire alarm system
- x. Test certificates emergency lighting system
- xi. Asbestos report(s)
- xii. Fire Risk Assessment

Email the copies to [email address]

(*discretionary condition*)

15. Carbon Monoxide

15.1 Ensure that a carbon monoxide alarm is installed in any room in the house that contains a gas appliance (includes boilers) (*discretionary condition*).

15.2 The Licence Holder must ensure that the carbon monoxide alarms are kept in proper working order (this can be a check of the battery and operation of the alarm). A declaration as to the proper working order of such alarms must be supplied to the London Borough of Southwark on demand (*discretionary condition*).

16. Property Management and Safety

16.1 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.

Copies of any such written complaint (including by email) and the response referred to in condition 17 must be provided to the Authority within 21 days on demand.

(*discretionary condition*)

16.2 The Licence Holder shall ensure that any repairs, improvement works or treatments at the house are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or

invoices for any such works must be provided to the Authority within 21 days upon demand (*discretionary condition*).

- 16.3 The Licence Holder must ensure that regular checks are carried out to ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities (*discretionary condition*).
- 16.4 The Licence Holder must ensure that regular checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Authority within 28 days on demand (*discretionary condition*).
- 16.5 The Licence Holder must ensure that all outhouses, garages and sheds are kept secure, are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation (*discretionary condition*).
- 16.6 The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly (*discretionary condition*).
- 16.7 The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Authority may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. 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 and issues found, and action(s) taken. Copies of these must be provided to the Authority within 28 days on demand (*discretionary condition*).

17. Homes (Fitness for Human Habitation) Act 2018

- 17.1 The Homes (Fitness for Human Habitation) Act 2018 modified the Landlord and Tenant Act 1985. The Licence Holder must ensure the property complies with the modification brought about by the Homes (Fitness for Human Habitation) Act 2018. The building must:

- not be neglected or in a bad condition,
- be stable,
- be free from a serious problem with damp,
- have a safe layout,
- have enough natural light,
- have enough ventilation,
- have a satisfactory supply of hot and cold water,
- have satisfactory drainage and lavatories,
- have satisfactory facilities to prepare and cook food or wash up, and
- free from category one hazards set out in the [Housing Health and Safety \(England\) Regulations 2005](#)

(*discretionary condition*)

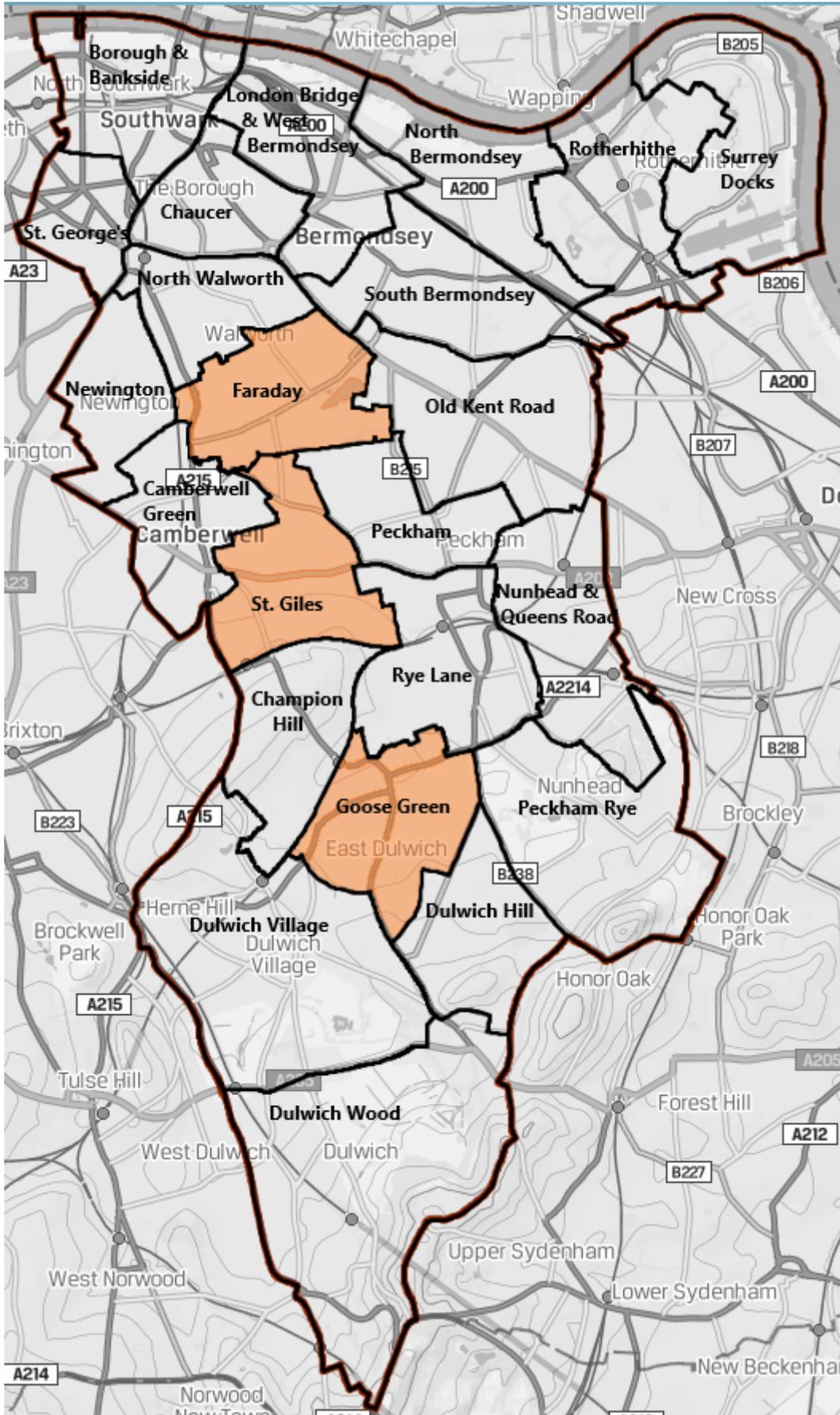
18. Noise standards

- 18.1 Where the Council has investigated complaints of noise nuisance related to the dwelling and concluded that the noise is not a nuisance but relate to normal domestic noise the Licence Holder will:

- provide carpets to any floors, where the floor covering is solid/hard, for example, floor-boards or laminate flooring, etc. The exception shall be flooring designed to protect a room from water, e.g. bathroom, laundry, kitchen, etc.,
- use noise insulation mats under any white goods, such as washing machines, tumble dryers, dishwashers, etc., and
- provide strips to door frames or doors that minimise the noise that occurs from the impact of a closing door.

(discretionary condition)

Map of Wards Included in Designation 2



Map 2 – wards included in Designation 2

Designation 3

48. This designation includes four wards, named below, in a single designation (Designation 3).

The wards included in Designation 3 are:

North Walworth

Nunhead & Queens Road

Old Kent Road

Peckham

Table 5 – wards proposed to be included in Designation 3

49. The evidence demonstrates that the privately rented properties in these four wards are subject to high levels of deprivation and poor property conditions (Category one hazards) as set out in the table 6 below:

	No of PRS	% PRS	Cat 1 hazards	IMD ranking
North Walworth	3,140	38.4%	18.2%	2.6
Nunhead & Queens Road	2,523	36.5%	22.9%	2.4
Old Kent Road	2,297	30.8%	16.9%	2.7
Peckham	1,807	30.1%	19.6%	2.4

Table 6 – Levels of deprivation and poor property conditions in the wards to be included in Designation 3.

50. Further analysis of the evidence is given in the December 2019 Metastreet report (Private Rented Sector: Housing Stock Condition and Stressors Report) produced for the London Borough of Southwark as set out in Appendix 1.

51. The number of privately rented properties included in the proposed Designation 3 equate to 22% of the total privately rented properties in Southwark.

Conditions – those that would be attached to licences in the proposed Designation 3 (property standards and maintenance and deprivation).

1. General

- 1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants (*discretionary condition*).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is

the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).

- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 The property must comply with and be maintained in accordance with and any Approved Codes of Practice which the Council or Central Government may from time to time require (*discretionary condition*).
- 1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.8 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.
- 1.9 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.
- 1.10 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the Licence Holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters.
- 1.11 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. 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 (*mandatory condition*).
- 2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*discretionary condition*).

3. Electrical Safety

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g. fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).
- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should 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 in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*).
- 3.3 Where low-risk (i.e. works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition Report (EICR), the Licence Holder shall at the expiry of the EICR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR (*discretionary condition*).

4. Furniture

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

5. Fire Safety

- 5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).
- 5.2 Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Southwark. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified.

Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with

controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.

The LACoRs Fire Guide provides guidance on the levels of fire precautions expected in different types of HMO -

http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

(discretionary condition that ensures we are meeting mandatory requirements)

- 5.3 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 (where supplied) and keeping the escape route clear *(discretionary condition)*.
- 5.4 The Licence Holder shall ensure the tenants of Flats in a block are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:
- Evacuation arrangements, e.g. an all-out or stay-put policy.
 - The safest route to safety from the FMO.
 - The designated fire assembly area.
 - Fire Drill arrangements (if any).
 - Fire Warden and/or waking watch arrangements (where provided).
 - The nearest manual call point (where provided).

(discretionary condition)

6. Tenancy Matters

- 6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property *(mandatory condition)*, details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand *(discretionary condition)*.
- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create 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 28 days upon demand *(discretionary condition)*.
- 6.3 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:
- (a) been found not to be a Fit and Proper person, or
 - (b) been made subject to a Banning Order under the Housing and Planning Act 2016
- to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property *(discretionary condition)*.
- 6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property *(mandatory condition)*. No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references *(discretionary condition)*.

(References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent and their past tenant history.) The

Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.

- 6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).
- 6.6 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).
- 6.7 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).
- 6.8 If an occupant misses a rent payment, the Licence Holder must ensure that the occupant is contacted to ascertain whether they still occupies the house; and must ensure that a record of any such contact is kept. If no such contact is or can be made, the Licence Holder must ensure that the house is visited, no later than one month after the date on which the payment became due, to ensure that the house is secure and has not been abandoned.

Where a tenant misses a rental payment, the Licence Holder shall notify the Council's Homelessness Team **[add contact details]** of this so that the Council can work with the Licence Holder and tenant to prevent homelessness.

(*discretionary condition*)

- 6.9 When rent or licence fees are collected or received in cash from the occupiers, a written rent receipt must be given to the occupiers, within 7 days of receiving the rent. (This can be an email or written invoice confirming to the tenant, the date and amount paid). Copies of the rent receipts and records must be provided to the Authority within 28 days on demand (*discretionary condition*).
- 6.10 The Licence Holder shall not refuse a potential tenant solely based on the fact the tenant is in receipt of state assistance towards the cost of living, which includes rent (*discretionary condition*).
- 6.11 The Licence Holder shall at the commencement of a tenancy or where a tenancy exists provide to the tenant:
- An inventory of contents and their condition at the commencement of the tenancy,
 - details of the rent and dates due, rent payment methods and how and when rent may be increased and,
 - details of arrangements for the payment for services including gas, water, electricity and heating, and provide the relevant contact information for the services provided at the house.
 - details of the arrangements for the storage and disposal of refuse, including recycling requirements and days and times for collections.

(*discretionary condition*)

7. Fit and Proper Person

7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. Changes in the use and layout of the Property

8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. Council Standards for Licensable Properties

9.1 The maximum occupancy for this property is **one household OR two people in two households** (*mandatory condition*).

9.2 Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).

9.3 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).

9.4 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

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11. Training Courses

11.1 The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark.

Details of Training Courses:

London Landlord Accreditation Scheme (LLAS) and:

Accreditation and Training for Landlords & Agents Service (ATLAS)

Website: www.londonlandlords.org.uk

The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses (*discretionary condition*).

12. Interim Measures

12.1 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are:

[List measures – examples given below]

- Battery operated smoke detectors located in [add locations].
- Battery operated heat detectors located in [add locations].
- Battery operated hand-held emergency lighting located in [add locations].
- Undersized shower cubicles located in [add locations].
- Undersized baths located in [add locations].
- Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms].

These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance.

The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).

13. Missing documents

13.1 Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence:

[delete/add as appropriate]

- i. Energy Performance Certificate (EPC)(s)
- ii. Written tenancy agreement(s) with the occupying tenants.
- iii. Lease Agreements/Commercial Agreement with owner (if any)
- iv. Building insurance certificate
- v. Inventory of furniture and fittings(s)
- vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any)
- vii. Gas Safety Certificate(s)
- viii. Portable Appliance Test (PAT) report(s)
- ix. Test certificates for fire alarm system
- x. Test certificates emergency lighting system
- xi. Asbestos report(s)
- xii. Fire Risk Assessment

Email the copies to [email address]

(*discretionary condition*)

14. Carbon Monoxide

14.1 Ensure that a carbon monoxide alarm is installed in any room in the house that contains a gas appliance (includes boilers) (*discretionary condition*).

14.2 The Licence Holder must ensure that the carbon monoxide alarms are kept in proper working order (this can be a check of the battery and operation of the alarm). A declaration as to the proper working order of such alarms must be supplied to the London Borough of Southwark on demand (*discretionary condition*).

15. Property Management and Safety

- 15.1 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.
- Copies of any such written complaint (including by email) and the response referred to in condition 17 must be provided to the Authority within 21 days on demand.
- (discretionary condition)*
- 15.2 The Licence Holder shall ensure that any repairs, improvement works or treatments at the house are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Authority within 21 days upon demand *(discretionary condition)*.
- 15.3 The Licence Holder must ensure that regular checks are carried out to ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities *(discretionary condition)*.
- 15.4 The Licence Holder must ensure that regular checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Authority within 28 days on demand *(discretionary condition)*.
- 15.5 The Licence Holder must ensure that all outhouses, garages and sheds are kept secure, are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation *(discretionary condition)*.
- 15.6 The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly *(discretionary condition)*.
- 15.7 The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Authority may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. 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 and issues found, and action(s) taken. Copies of these must be provided to the Authority within 28 days on demand *(discretionary condition)*.

16. Homes (Fitness for Human Habitation) Act 2018

- 16.1 The Homes (Fitness for Human Habitation) Act 2018 modified the Landlord and Tenant Act 1985. The Licence Holder must ensure the property complies with the modification brought about by the Homes (Fitness for Human Habitation) Act 2018. The building must:
- not be neglected or in a bad condition,
 - be stable,
 - be free from a serious problem with damp,
 - have a safe layout,
 - have enough natural light,
 - have enough ventilation,
 - have a satisfactory supply of hot and cold water,

- have satisfactory drainage and lavatories,
- have satisfactory facilities to prepare and cook food or wash up, and
- free from category one hazards set out in the [Housing Health and Safety \(England\) Regulations 2005](#)

(discretionary condition)

17. Noise standards

17.1 Where the Council has investigated complaints of noise nuisance related to the dwelling and concluded that the noise is not a nuisance but relate to normal domestic noise the Licence Holder will:

- provide carpets to any floors, where the floor covering is solid/hard, for example, floor-boards or laminate flooring, etc. The exception shall be flooring designed to protect a room from water, e.g. bathroom, laundry, kitchen, etc.,
- use noise insulation mats under any white goods, such as washing machines, tumble dryers, dishwashers, etc., and
- provide strips to door frames or doors that minimise the noise that occurs from the impact of a closing door.

(discretionary condition)

18. Minimum Energy Rating

18.1 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(discretionary condition).

19. Fuel Poverty

19.1 Where a communal system is not in use, the Licence Holder shall ensure a suitable heating system is installed throughout the dwelling. Portable heaters and gas fires are not acceptable means of space heating. The system installed must be programmable and controllable and must include thermostatic control. The system is to include thermostatic radiator valves (if radiators are provided).

19.2 Where a communal system is not in use, the Licence Holder shall ensure a suitable system for providing hot water is installed. The system shall be programmable and controllable *(discretionary condition)*.

19.3 The Licence Holder shall, in writing, provide the tenant with details on how to use the heating and hot water systems, and how they are programmed. Where the system is a

communal system, the Licence Holder must inform the tenants of this and how it is controlled and how the system is charged for (*discretionary condition*).

19.4 Where a property contains single glazed windows, draught proofing shall be provided to the windows and external doors (*discretionary condition*).

20. Water Saving

20.1 The Licence Holder shall, where possible, install water saving devices to the bathroom and kitchen facilities provided in the dwelling. This should include (but not limited to):

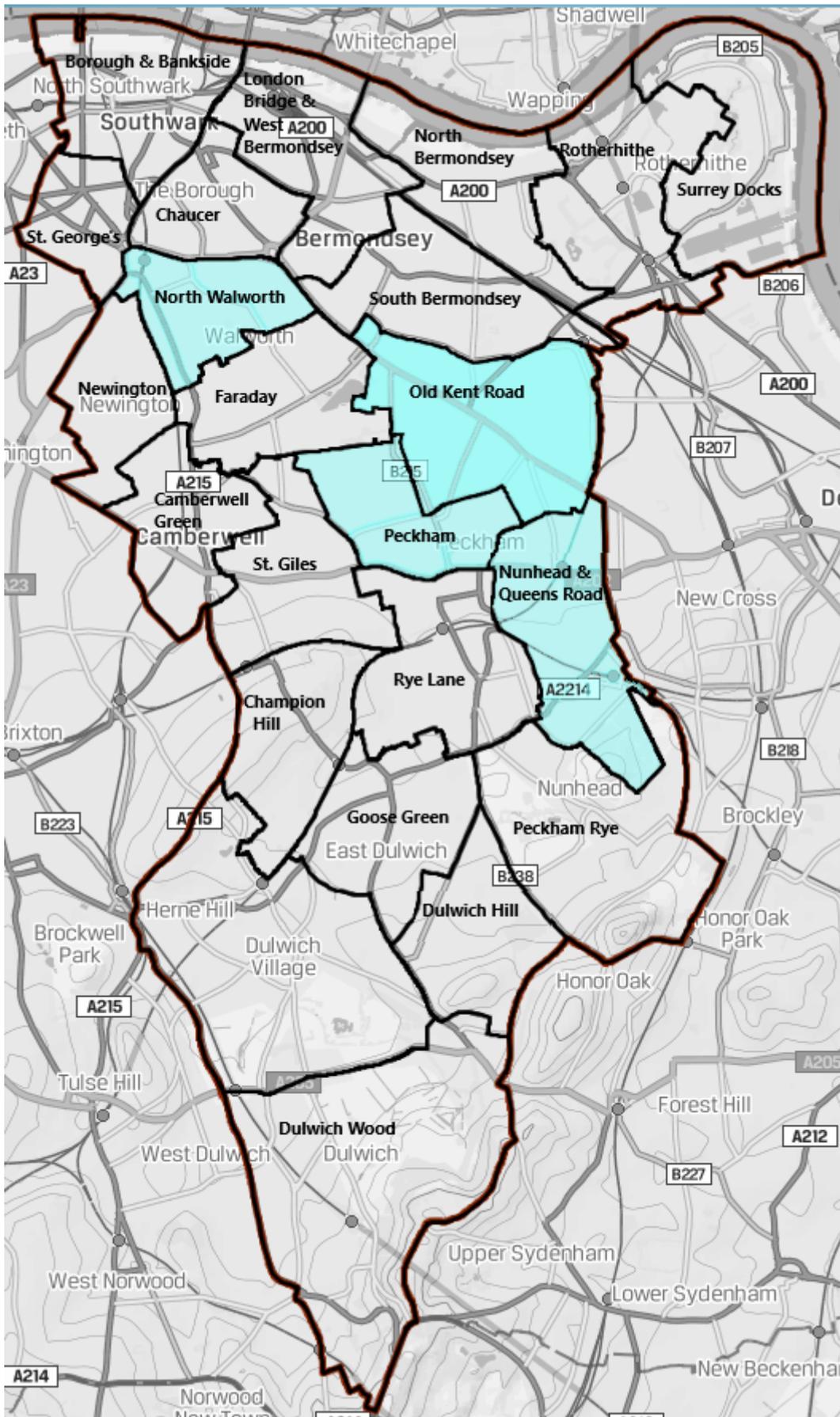
- tap aerators,
- shower flow regulators,
- shower timer devices,
- Combismart - thermostatic valve – only where Combination Boilers are fitted, and
- toilet cistern – flush water-use reduction devices.

The great majority of water companies offer both a free 'water saving' assessment of property and a selection of free water saving devices. The Council advises that you contact your water company in the first instance before purchasing any equipment.

The Council recommend that you have a qualified plumber install all devices in the property, to ensure proper fitting and use as these devices cannot be used for all types of water products, e.g. power showers.

(*discretionary condition*)

Map of Wards Included in Designation 3



Map 3 – wards included in Designation 3

Designation 4

52. This designation includes ten wards, named below, in a single designation (Designation 4).

The wards included in Designation 3 are:

Camberwell Green

Chaucer

Dulwich Hill

Dulwich Wood

London Bridge & West Bermondsey

Peckham Rye

Rotherhithe

Rye Lane

South Bermondsey

Surrey Docks

Table 7 – wards proposed to be included in Designation 4

53. The evidence demonstrates that the privately rented properties in these ten wards are subject to poor property conditions (Category one hazards) as set out in the table 8 below:

	No of PRS	% PRS	Cat 1 hazards
Camberwell Green	1,791	25.2%	22.6%
Chaucer	2,254	31.8%	18.8%
Dulwich Hill	1,102	26.2%	21.1%
Dulwich Wood	1,326	29.2%	18.8%
London Bridge & West Bermondsey	2,303	27.2%	15.1%
Peckham Rye	1,438	33.1%	19.3%
Rotherhithe	2,247	30.3%	20.3%
Rye Lane	2,258	33.3%	21.9%
South Bermondsey	2,617	35.7%	17.5%
Surrey Docks	1,933	29.7%	21.0%

Table 8 – Levels of poor property conditions in the wards to be included in Designation 4.

54. Further analysis of the evidence is given in the December 2019 Metastreet report (Private Rented Sector: Housing Stock Condition and Stressors Report) produced for the London Borough of Southwark as set out in Appendix 1.
55. The number of privately rented properties included in the proposed Designation 4 equate to 39% of the total privately rented properties in Southwark.

Conditions – those that would be attached to licences in the proposed Designation 4 (property standards and maintenance).

1. General

- 1.1 The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants (*discretionary condition*).
- 1.2 The address of the Licence Holder given on their application form shall be used as the address for the proper service of any letter, notice or other document between the London Borough of Southwark Property Licensing Team and the Licence Holder. It is the Licence Holder's responsibility to ensure that they take all reasonable steps to collect and act upon any letter, notice or other document sent to that address on a regular basis (*discretionary condition*).
- 1.3 The Licence Holder must notify the Council of any managing agent that they employ in relation to the property within 14 days of having employed the agent (*discretionary condition*).
- 1.4 No other persons other than the Licence Holder or the named agent (that the Licence Holder has notified to the Council) can collect and receive rental monies from the tenant(s) at this property. These monies can be passed onto any third parties if required (*discretionary condition*).
- 1.5 If the Licence Holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence (*discretionary condition*).
- 1.6 The property must comply with and be maintained in accordance with and any Approved Codes of Practice which the Council or Central Government may from time to time require (*discretionary condition*).
- 1.7 Every habitable room in the property must have acceptable natural daylight and ventilation. An area of glazing which is equivalent to at least 10% of the internal floor space of each habitable room must be provided. An area of openable glazing (for ventilation) which is equivalent to at least 20% of the internal floor space of each habitable room must be provided (*discretionary condition*).
- 1.8 The Licence Holder is in control of property with an Energy Performance Certificate (EPC) Rating of less than 'E'.

The Licence Holder shall within twelve months of the licence being issued carry out the works detailed on the EPC for the property to improve the energy efficiency of the HMO to achieve an EPC rating of 'E' or above

OR

within three months of the licence being issued register a valid exemption on the national exemptions register -

Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before>

Where there is a lack of compliance, enforcement will be under the The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019.

(discretionary condition).

- 1.9 Provide, in writing, to the tenants, the name, address and telephone number of the person managing the house.
- 1.10 The Licence Holder shall give a written declaration that they shall provide to each current and future occupant with the name, address and telephone number of the landlord's appointed local out of hours contact, who will respond to emergency situations outside normal business hours, and be able to attend or arrange for a contractor to attend the property to deal with any emergencies within 24 hours of notification. A copy of these details shall be forwarded to the Council on demand.
- 1.11 The Licence Holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the Licence Holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters.
- 1.12 The Licence Holder shall not unreasonably cause the supply of water, gas (where provided) and electricity to house to be interrupted, where these supplies is under their control.

2. Gas Safety

- 2.1 If gas is supplied to the property, a valid Gas Safe gas safety certificate must be available, on request, at any time. 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 *(mandatory condition)*.
- 2.2 The Licence Holder is required to ensure that any carbon monoxide detector that is installed is kept in working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms *(discretionary condition)*.

3. Electrical Safety

- 3.1 The Licence Holder shall ensure that every electrical installation in the house is in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of the electrical installation(s) in the house. The Licence Holder shall ensure that any electrical appliances supplied by the licence holder, (e.g. fridges, kettles, lawn mowers, hedge trimmers, etc.) in the house are in proper working order and safe for continued use. The Licence Holder shall supply the London Borough of Southwark, within seven days of demand, a written declaration or appropriate certification as to the safety of any electrical appliances in the property (supplied by the licence holder). Only approved Electrical contractors are to be permitted to carry out inspections of electrical installations and appliances or remedial works. Any necessary remedial works identified by such contractors shall be undertaken within a reasonable time period. The Licence Holder must, within seven days of inspection, provide the London Borough of Southwark with a copy of such inspection reports. The

Licence Holder shall inform the London Borough of Southwark upon completion of such works (*mandatory condition*).

- 3.2 A valid Portable Appliance Testing (PAT) record must be available, on request, at any time, for all electrical appliances provided in the property by the licence holder. PAT tests should 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 in accordance with Part P of the Building Regulations. Copies of all maintenance records and PAT testing must be provided to the Council on request (*discretionary condition*).
- 3.3 Where low-risk (i.e. works that are only recommended and are not required to protect safety) works have been identified for remediation on the Electrical Installation Condition Report (EICR), the Licence Holder shall at the expiry of the EICR (5 years from the date of issue) or within two years from the date of the licence, whichever comes sooner, have those works carried out. The licence holder must inform the Council when the works have been completed and provide an updated EICR (*discretionary condition*).

4. Furniture

- 4.1 The Licence Holder is required to keep furniture made available by them in the house in a safe condition and must supply the authority, on demand, with a declaration by them as to the safety of such furniture (*mandatory condition*).

5. Fire Safety

- 5.1 The Licence Holder is required to ensure that smoke alarms are installed in the property and are kept in proper working order. The Licence Holder must supply to the authority, on demand, a declaration by them as to the condition and positioning of such alarms (*mandatory condition*).
- 5.2 Provide fire precaution facilities and equipment at the property, as deemed necessary by the London Borough of Southwark. Information on necessary fire precautions and equipment for the property will be provided to the licence holder. Fire precautions and equipment must be maintained in proper working order. Appropriate records of such maintenance, such as current certificates, are to be kept and produced to the London Borough of Southwark on demand as evidence of such maintenance. Any defects noted on certification must be promptly rectified.

Provide details of fire exit routes to tenants and, in respect of the fire alarm system, ensure that all tenants are aware of fire and fault indications, are adequately familiar with controls (e.g. resetting) and aware of measures to avoid false alarms. Tenants should be aware of what to do in the case of a fire.

The LACoRs Fire Guide provides guidance on the levels of fire precautions expected in different types of HMO -

http://www.southwark.gov.uk/downloads/download/4354/lacors_fire_guidance

(*discretionary condition that ensures we are meeting mandatory requirements*)

- 5.3 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 (where supplied) and keeping the escape route clear (*discretionary condition*).
- 5.4 The Licence Holder shall ensure the tenants of Flats in a block are informed in writing of the fire safety arrangements in place within the block, being, but not restricted to:
- Evacuation arrangements, e.g. an all-out or stay-put policy.
 - The safest route to safety from the FMO.

- The designated fire assembly area.
- Fire Drill arrangements (if any).
- Fire Warden and/or waking watch arrangements (where provided).
- The nearest manual call point (where provided).

(discretionary condition)

6. Tenancy Matters

- 6.1 The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property (*mandatory condition*), details of the arrangements in place to deal with repair issues and emergency issues and a copy of this licence and its conditions. Copies of the written statement of terms must be provided to the Council within 7 days upon demand (*discretionary condition*).
- 6.2 The Licence Holder shall ensure that only they or the named agent (that the Licence Holder has notified to the Council) create 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 28 days upon demand (*discretionary condition*).
- 6.3 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:
- (a) been found not to be a Fit and Proper person, or
 - (b) been made subject to a Banning Order under the Housing and Planning Act 2016 to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property (*discretionary condition*).
- 6.4 The Licence Holder shall obtain references from persons who wish to occupy the property, or a part of the property, before entering into any tenancy or licence or other agreement with them to occupy the property (*mandatory condition*). No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references (*discretionary condition*).
- (References should be as a minimum, checks to ensure the tenants identity, whether they have the right to rent a property [see <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>], their ability to pay rent and their past tenant history.) The Licence Holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within 28 days on demand.
- 6.5 The Licence Holder shall carry out adequate checks and obtain satisfactory proof that occupiers belong to a single household. Evidence of this must be retained for the duration of licence. This evidence must be provided to the Council within 28 days on demand (*discretionary condition*).
- 6.6 Where the standard local authority waste collection schemes do not suffice, the Licence Holder must arrange for private collections of waste from the property (*discretionary condition*).
- 6.7 The Licence Holder must ensure that any deposit taken under an assured shorthold tenancy is protected by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must ensure compliance with the requirements of the scheme and the operation of Part 6 in Chapter 4, Housing Act 2004 within the statutory time limit (currently 30 days). A copy of the prescribed information given must be provided to the Authority within 28 days on demand (*discretionary condition*).

7. Fit and Proper Person

- 7.1 If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention (*discretionary condition*).

8. Changes in the use and layout of the Property

- 8.1 No changes must be made to the use, layout or maximum occupancy level of the property without the Council's prior written consent (*discretionary condition*).

9. Council Standards for Licensable Properties

- 9.1 The maximum occupancy for this property is **one household OR two people in two households** (*mandatory condition*).
- 9.2 Licensed properties must comply with the occupancy levels stated in this licence within 18 months of the licence being granted and for the remaining duration of the licence (*discretionary condition*).
- 9.3 The terms of these conditions are unique to this property and cannot be applied to any other property (*discretionary condition*).
- 9.4 For the purposes of this licence, any occupier is regarded as one person, regardless of age (*discretionary condition*).

10. Access to Utility Meters

- 10.1 The licence holder shall ensure that their tenants can access and obtain readings of the utility meters (gas, electricity and water, as applicable) for the house at reasonable times (no less than the delivery frequency of the utility bills) during the course of the tenancy and a final reading at the termination of the tenancy. Furthermore, the licence holder shall supply to the tenant a written document describing the location of the utility meters (gas, electricity and water, as applicable) and the access arrangements for the meters (*discretionary condition*).

11. Training Courses

- 11.1 The Licence Holder and manager of the house shall attend training courses or otherwise demonstrate competence in relation to any applicable codes of practice as specified by the London Borough of Southwark.

Details of Training Courses:

London Landlord Accreditation Scheme (LLAS) and:

Accreditation and Training for Landlords & Agents Service (ATLAS)

Website: www.londonlandlords.org.uk

The licence holder shall submit to the Council within twelve (12) months of the date of the licence copies of certification demonstrating competence and/attendance at the relevant training courses (*discretionary condition*).

12. Interim Measures

- 12.1 The London Borough of Southwark have agreed interim safety and welfare measures with the licence holder to minimise the risk to tenants whilst works are carried out in relation to [fire safety] [space standards] [amenity standards]. These interim measures are:

[List measures – examples given below]

- Battery operated smoke detectors located in [add locations].
- Battery operated heat detectors located in [add locations].
- Battery operated hand-held emergency lighting located in [add locations].
- Undersized shower cubicles located in [add locations].
- Undersized baths located in [add locations].
- Microwaves located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Kettles located [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]].
- Electrically operated space heaters [in all rooms used for sleeping] [in the following rooms used for sleeping [add locations]] [and] [the communal living rooms].

These interim measures shall be maintained in good repair, condition and where applicable, remain fully operational whilst in place. This includes, where applicable, adherence to standards and manufacturers guidance.

The licence holder must inform the Council by email [add address] within 72 hours of becoming aware of the failure of any of the interim measures (*discretionary condition*).

13. Missing documents

- 13.1 Provide electronic copies of the following documents that were missing from your licence application within 3 months of the issue of the licence:

[delete/add as appropriate]

- i. Energy Performance Certificate (EPC)(s)
- ii. Written tenancy agreement(s) with the occupying tenants.
- iii. Lease Agreements/Commercial Agreement with owner (if any)
- iv. Building insurance certificate
- v. Inventory of furniture and fittings(s)
- vi. Terms if contract (or a copy of your contract) with the Managing Agent (if any)
- vii. Gas Safety Certificate(s)
- viii. Portable Appliance Test (PAT) report(s)
- ix. Test certificates for fire alarm system
- x. Test certificates emergency lighting system
- xi. Asbestos report(s)
- xii. Fire Risk Assessment

Email the copies to [email address]

(*discretionary condition*)

14. Carbon Monoxide

- 14.1 Ensure that a carbon monoxide alarm is installed in any room in the house that contains a gas appliance (includes boilers) (*discretionary condition*).
- 14.2 The Licence Holder must ensure that the carbon monoxide alarms are kept in proper working order (this can be a check of the battery and operation of the alarm). A declaration as to the proper working order of such alarms must be supplied to the London Borough of Southwark on demand (*discretionary condition*).

15. Property Management and Safety

- 15.1 The Licence Holder must ensure that prompt action is taken to investigate and effectively address complaints about disrepair or pest infestation at the house. The Licence Holder must ensure, in particular, that a written response is made to any such complaint within 21 days of receipt, stating the action that has been or will be taken.
- Copies of any such written complaint (including by email) and the response referred to in condition 17 must be provided to the Authority within 21 days on demand.
- (discretionary condition)*
- 15.2 The Licence Holder shall ensure that any repairs, improvement works or treatments at the house are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Authority within 21 days upon demand *(discretionary condition)*.
- 15.3 The Licence Holder must ensure that regular checks are carried out to ensure that the common parts, gardens and yards are free from waste, which could provide harbourage for pests and/or is a nuisance and/or is detrimental to the local amenities *(discretionary condition)*.
- 15.4 The Licence Holder must ensure that regular checks are carried out to ensure that the house is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the house they shall, within 7 days, take steps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and copies of these must be provided to the Authority within 28 days on demand *(discretionary condition)*.
- 15.5 The Licence Holder must ensure that all outhouses, garages and sheds are kept secure, are used for their intended purpose only. The Licence Holder must ensure that these structures are not used for human habitation *(discretionary condition)*.
- 15.6 The Licence Holder must ensure that the exterior of the house is kept clean and tidy and that issues of routine maintenance affecting the exterior, such as broken windows, are addressed promptly *(discretionary condition)*.
- 15.7 The Licence Holder shall ensure that inspections of the house are carried out at least every six (6) months to identify any problems relating to the condition and management of the house. The Authority may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the house. 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 and issues found, and action(s) taken. Copies of these must be provided to the Authority within 28 days on demand *(discretionary condition)*.

16. Homes (Fitness for Human Habitation) Act 2018

- 16.1 The Homes (Fitness for Human Habitation) Act 2018 modified the Landlord and Tenant Act 1985. The Licence Holder must ensure the property complies with the modification brought about by the Homes (Fitness for Human Habitation) Act 2018. The building must:
- not be neglected or in a bad condition,
 - be stable,
 - be free from a serious problem with damp,
 - have a safe layout,
 - have enough natural light,

- have enough ventilation,
- have a satisfactory supply of hot and cold water,
- have satisfactory drainage and lavatories,
- have satisfactory facilities to prepare and cook food or wash up, and
- free from category one hazards set out in the [Housing Health and Safety \(England\) Regulations 2005](#)

(discretionary condition)

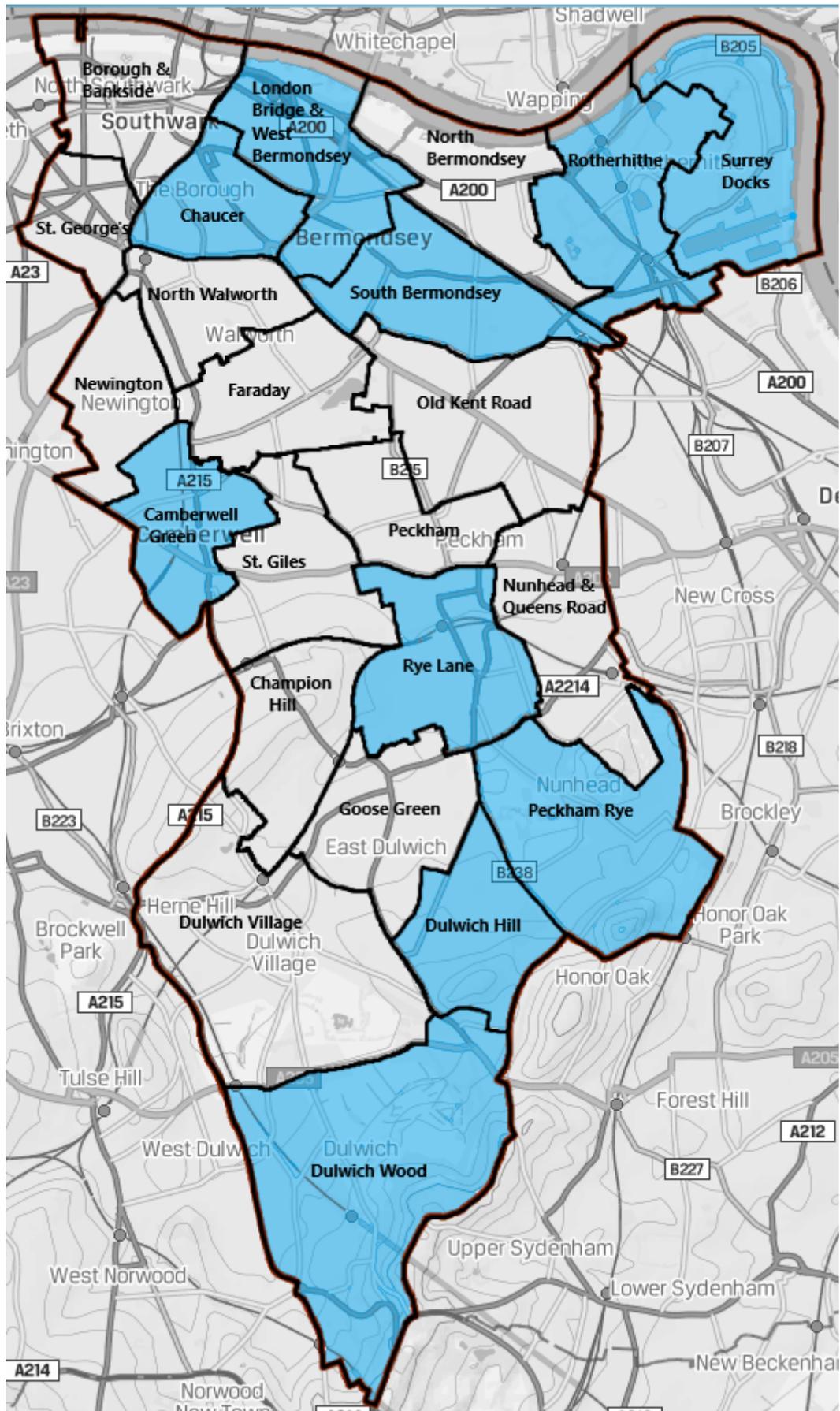
17. Noise standards

17.1 Where the Council has investigated complaints of noise nuisance related to the dwelling and concluded that the noise is not a nuisance but relate to normal domestic noise the Licence Holder will:

- provide carpets to any floors, where the floor covering is solid/hard, for example, floor-boards or laminate flooring, etc. The exception shall be flooring designed to protect a room from water, e.g. bathroom, laundry, kitchen, etc.,
- use noise insulation mats under any white goods, such as washing machines, tumble dryers, dishwashers, etc., and
- provide strips to door frames or doors that minimise the noise that occurs from the impact of a closing door.

(discretionary condition)

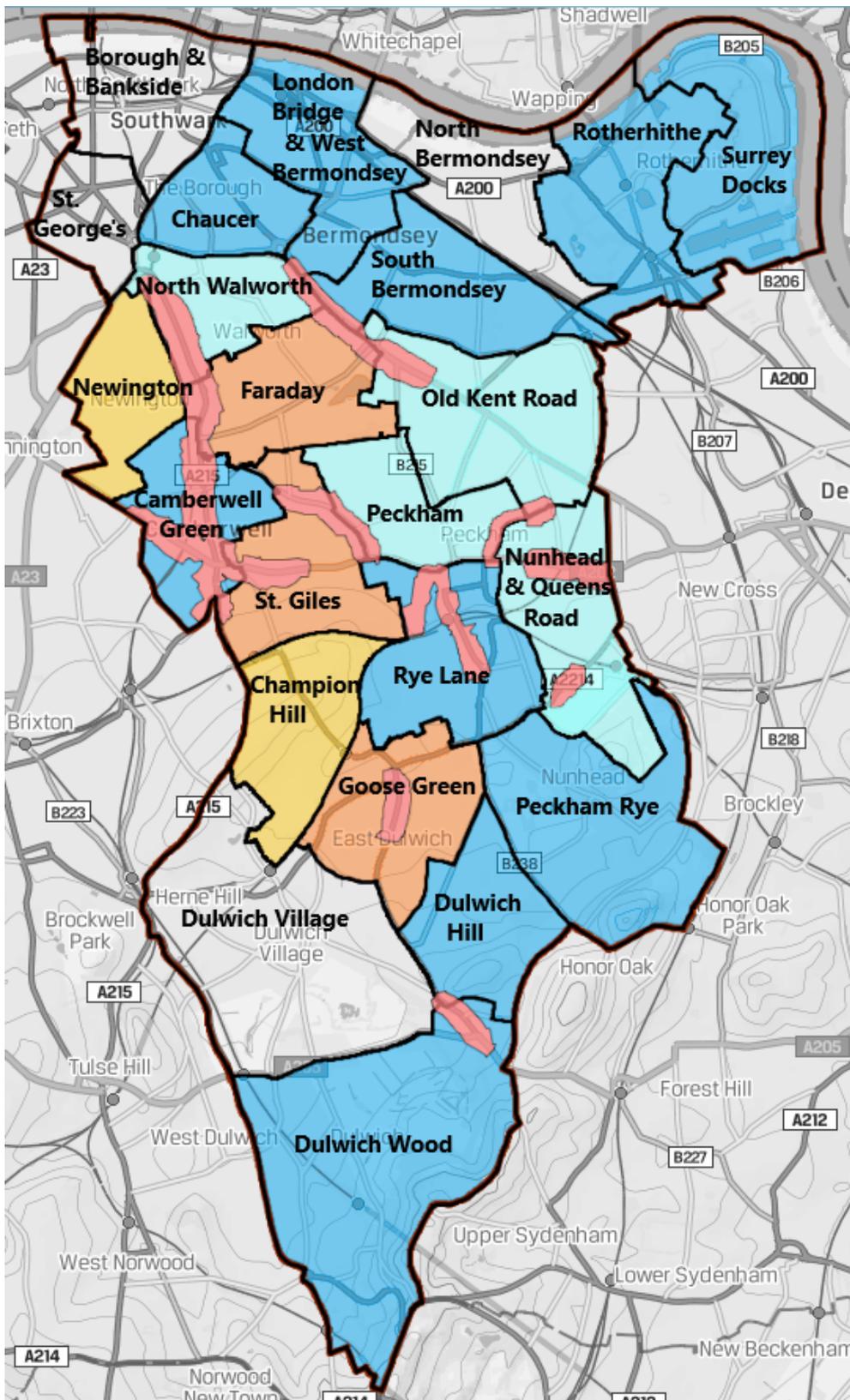
Map of Wards Included in Designation 4



Map 4 – wards included in Designation 4

A comparison with the current proposals and the previous selective licensing schemes.

58. Map six below shows the all the wards covered by the proposed four separate Designations overlaid with the areas covered by the previous selective licensing schemes that operated between 2016 and 2020.



Map 6 – proposed areas overlaid with the areas covered by the previous schemes (pink = previous areas)

Proposals for the licensing process across all schemes

59. The following proposals will apply to mandatory Licensing as well as the proposed additional and selective licensing schemes.

Changes in the use and layout of the Property

60. No changes must be made to the use or layout of the property without the Council's prior written consent. This licence is not valid for the property to be occupied as an HMO. Should the property be used as an HMO the Licence Holder must notify the council immediately and apply for an HMO licence.

Discounts on licensing fees

61. A 30% early bird discount will be applied to the proposed selective and additional schemes, which will operate for a period of 3 months from the point a scheme starts.

62. A discount of 50% will be offered on the second part of the fee (enforcement element) for all licensing schemes where the landlord and/or managing agent has signed up to the Council's Gold Standard Charter (see appendix 3 for details on the Charter).

- a. A requirement of the Gold Standard Charter is that a landlord must be accredited. The discount for being an accredited landlord under the existing scheme has therefore been removed under the proposals for the new schemes.
- b. The Gold Standard Charter discount can be applied for a managing agent of a licensable property however, if the Licence Holder and/or landlord has not signed up to the Gold Standard Charter, landlords who change their managing agents during the period of the licence must ensure that any new agent is also signed up to the Gold Standard Charter or repay the discount, pro-rata, for the period of time the property is being managed by an agent not signed up to the Gold Standard Charter.
- c. Discounts will not apply to properties where the council has found it necessary to issue a warning letter requiring the landlord/agent to apply for a licence. This applies to previously unlicensed properties or properties where a previous licence has expired more than 3 months before the renewal application has been received.
- d. A Gold Standard Charter landlord/agent who has not applied for a licence on a licensable property without a warning letter from the council can have their Gold Charter status removed.
- e. If a licensing application is not successful the fee for enforcement will not be charged. Any subsequent applications made for the same property will be charged the application fee (discount will apply where appropriate) and the further fee for enforcement if a licence is to be issued.

63. A further discount of 50% on the second part of the fee (enforcement element) for all licensing schemes, is available where the landlord and/or managing agent, as well as being signed up to the Council's Gold Standard Charter has also signed up to the Platinum Standard Criteria (see appendix 3) and their property has been accepted onto the Council's Finder's Fee scheme (or subsequent iterations). This means that when combined with the Gold Standard Charter Discount the second part of the fee (enforcement element) will be free of charge.

64. There will be no charge for all licensing schemes, where the landlord and/or managing agent, as well as being signed up to the Council's Gold Standard Charter, has also signed up to the Platinum Standard Criteria (see appendix 3) and their property has been accepted onto the Council's Social Lettings Agency (or subsequent iterations).

Refunds and additional charges

65. No fee will be charged for revoking a licence, however any applications made following revocation will be charged the normal applicable fee.
66. The initial fee (payable at the point of application) will be charged with no refund given where:
- planning permission for use as a licensable property is refused before a full licence has been issued.
 - permission to use the property for private letting is refused by a relevant party, e.g. a freeholder, mortgage company, etc.
 - an application is withdrawn by the applicant before a full licence has been issued.
67. If an application is made in error by the applicant (i.e. duplicate or property is not licensable under any of the active designations) a full refund will be given.
68. Fees will not be refunded if:
- the property changes hands or no longer requires a licence before the licence period expires
 - planning permission is refused following issue of a full licence and the property no longer requires a licence.
 - permission to use the property for private letting is refused following issue of a full licence by a relevant party, e.g. a freeholder, mortgage company, etc.

Transfer of unexpired licences from the existing schemes

69. Licences issued under the current additional and selective licensing schemes (within the period 1/1/2016-31/12/2020 inclusive) that have not expired will be valid under the proposed schemes for the remainder of their licence period. This is to prevent essential council resources being taken up with re-licensing properties that have already been licensed, inspected and brought up to standard within a 5-year period under the existing schemes. The focus at the beginning of the new schemes can then be on continuing to license properties in areas previously unaffected by licensing or that have not been licensed previously.

Application process for a licence

70. Applications and payments will continue to be made online as per the existing licensing process.
71. Applicants who are struggling to complete the online process can obtain assistance from a member of staff however; unless there is a specific reason why they need assistance (e.g. accessibility or disability) an additional charge of £100 will be added to the fee to cover the cost of the additional administration of the application by the council.
72. Paper applications can be issued on request however, unless there is a specific reason why online application cannot be made (e.g. accessibility or disability) an additional charge of £250 will be added to the fee to cover the cost of the additional administration of the application by the council.
73. Once in receipt of a full and complete application The Council aim to process an application in 12 weeks. Please note a full and complete application consists of an application form, initial payment and all required documentation. If an incomplete application is submitted the applicant will be informed and given one opportunity to provide what is required before we reject the application. Please note the payment made is not refundable.

74. If the Council has not decided an application in 52 weeks from receipt of a full and complete application (as defined above), tacit consent will apply and the property will be able to operate as though the Council has granted the licence unconditionally. In exceptional circumstances the Council may extend this period once. The applicant will be notified of the reason and time period of the extension if an extension is granted by the Head of Service. In any circumstance an extension cannot be longer than 12 weeks from the expiry of the initial 52-week period.

Licence Holder

75. The Licence Holder will usually be the person who exercises practical control of the property including the collection of rent, arranging repairs & management.
76. The Licence Holder may be the owner or manager of the property. The owner is responsible for ensuring that an appropriate person is appointed to be the licence holder.
77. The Licence Holder must be resident in the UK. Any landlord resident outside of the UK must appoint a UK based manager to be the Licence Holder for the property.
78. If the Licence Holder decides they will no longer hold the licence the owner must ensure that a new Licence Holder is appointed and a new application is made. The existing licence cannot be varied or transferred to a new licence holder.
79. If a licensed property is sold the licence is not transferable to the new owner. If the property remains a licensable property the new owner is responsible for appointing a Licence Holder and making a new application within 12 weeks of taking control the property.

Fit and Proper Person

80. If the Licence Holder becomes aware that they or any other person involved in the management of the property have received a conviction, caution, informal warning or reprimand in respect of any offence as detailed in the Licence application form, they must notify the Council in writing within 14 days of the information coming to their attention.
81. The applicant must declare on the application form whether they have any of the convictions listed below. The applicant must also state whether, to the best of their knowledge, any manager has convictions listed below.
- any previous convictions relating to violence, sexual offences, drugs and fraud;
 - any convictions relating to housing or landlord and tenant issues;
 - been found guilty of unlawful discrimination;
 - Contravened relevant legislation in any HMOs they have managed.
82. The Council may decide that the applicant cannot be considered a fit and proper person and refuse a licence on that basis. The Council will take into account:
- what the conviction was for;
 - the date of the conviction and whether it is spent ;
 - whether the conviction will affect the person's ability to be a good landlord.

Enforcement of the Full Licence

83. Properties will be inspected to ensure compliance with the licence conditions during the time the licence is active.
84. Assessments will be carried out under the Housing Health & Safety Rating System and, where necessary, enforcement action will be taken under part 1 of the Housing Act 2004 where

category 1 and significant category 2 hazards are found in line with the adopted Private Sector Housing - Enforcement Policy

Penalties

85. Once a licensing scheme has been designated it is a criminal offence to let out a licensable property in Southwark without applying for a licence.
86. Failure to apply for or obtain a licence could lead to the tenants of the property obtaining a rent repayment order from the First Tier Tribunal (Property Chamber), requiring the landlord or agent to repay any rent paid for the period in which the property was unlicensed up to a maximum of 12 months.
87. Failure to apply for or obtain a licence could lead to prosecution, which can result in an unlimited fine or a Civil Penalty Notice in accordance with the council's Private Sector Housing - Enforcement Policy. The council or tenants can also apply to the First Tier Tribunal (Property Chamber) for a Rent Repayment Order, depending on whether rent is paid by the tenant or by the council as housing benefits, requiring the landlord or agent to repay any rent paid for the period in which the property was unlicensed up to a maximum of 12 months.
88. Failure to comply with licence conditions could lead to prosecution, which can result in an unlimited fine, or a Civil Penalty Notice could be issued to the Licence Holder in accordance with the council's Private Sector Housing - Enforcement Policy.
89. Once a licensing designation has been made, no notice under section 21 of the Housing Act 1988 (notice requiring possession) may be served in relation to a short-hold tenancy of the whole or part of an unlicensed property, whilst it remains unlicensed.
90. Landlords and managing agents who have a previous poor management record or have failed in the past to comply with the council's requirements to maintain and manage their properties may be deemed to be unfit to hold a licence or may be issued with a shorter-term licence and subjected to more frequent checks.
91. If the person who applies for a licence owns or manages a property, which has previously been the subject of a formal notice, leading to works in default, Fixed or Civil Penalty Notice or prosecution by a local authority under the provisions of Part 1 of the Housing Act 2004 (for example, an improvement notice, prohibition order, hazard awareness notice, emergency remedial action, emergency prohibition order, demolition order and clearance area powers), then the proposed Licence Holder may be an unsuitable candidate (not "fit and proper") and may not be granted a licence.
92. If the person who applies for the licence has previously had a licence revoked or refused by any local authority or owns a property that is subject to an interim or final management order, they may not be considered fit and proper to hold a licence.

Reviewing Progress

93. The Housing Act 2004 requires local authorities to review their licensing schemes from time to time and to revoke the scheme if they consider this to be the most appropriate action. A process of review will be useful to assess whether there are ways of making the scheme more effective and ultimately to determine the success of the scheme in its later stages with a view to informing the exit strategy. It is proposed that an initial review is carried out at the end of year 2 with a further review at the end of year 4 to help inform the strategic direction following the expiry of the five year scheme, e.g. whether a further scheme is needed or whether the scheme objectives have been met.
94. In addition, a financial review of the scheme will be carried out on an annual basis.

