FAIRER HOUSING

City of Westminster

LICENSING OF HOUSES IN MULTIPLE OCCUPATION



Appendix 2

Additional HMO Licensing Proposed Licence Conditions

August 2025

HMO Property Licensing Conditions - City of Westminster

Property Address:

Westminster City Council has imposed conditions in accordance with the Housing Act 2004, section 67.
These conditions may include

- *requirements to carry out improvement works to render the house suitable for as many as will occupy under the licence, and will include*
- *management conditions.*

1. Permitted Occupation

A new resident must not be permitted to occupy the house or any part of the house if that occupation:

- exceeds the maximum permitted number of persons for the house as detailed in the schedule of permitted occupation
- exceeds the maximum permitted number of households for the house as detailed in the schedule of permitted occupation
- exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation

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

Please note: Maximum permitted persons stated is regardless of age unless specified

2. Standard of accommodation

All licensed HMOs must be "reasonably suitable for occupation" by complying with Westminster City Council's HMO Standards. Copies of which can be found at: https://www.westminster.gov.uk/houses-multipleoccupation. These standards relate to the number of households specified in the application and cover the following issues:

- Bathroom and WC facilities
- Kitchen facilities
- Other facilities and equipment such as those provided to ensure fire safety and adequate heating.

Where properties fail to meet Westminster's HMO standards, 'works' conditions may be applied and can be found as additional conditions on the licence.

3. Numbers of persons permitted to occupy (national minimum rooms sizes)

The number of persons residing in the premises shall not exceed the maximum number stated on the licence. The number permitted is in relation to the numbers of amenities provided and/or size of rooms available. Where it is impracticable to improve the property, conditions will be applied limiting the numbers of persons able to occupy the property or parts of it.

The maximum occupation levels set will not affect the letting arrangements you have with existing occupiers of the premises. Occupation by new tenants however will not be allowed if this causes the levels to be exceeded.

The licence holder must:

(a) ensure that the floor area of any room in the HMO used as sleeping accommodation by one person agedover 10 years is not less than 6.51 square metres;

(b) ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons agedover 10 years is not less than 10.22 square metres;

(c) ensure that the floor area of any room in the HMO used as sleeping accommodation by one person agedunder 10 years is not less than 4.64 square metres;

(d) ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleepingaccommodation

The licence holder should refer to the room schedule attached to the licence and ensure:

(a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it isnot used as such by more than the maximum number of persons aged over 10 years specified in the licence;

(b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, itis not used as such by more than the maximum number of persons aged under 10 years specified in the licence;

(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

You must ensure that rooms used for sleeping purposes are not over-occupied in relation to their size, and are not occupied by more persons than specified in the room specific occupation schedule.

Note:- National minimum room sizes are set on the basis that rooms are used for sleeping purposes only. Where rooms are also used for living and kitchen purposes, such as in a studio bedsit, additional activity space is required, this is taken into account in the Room Schedule. Whole house occupation limits will also be affected by the extent of shared amenity (Bathroom/WC/kitchen) provision within the HMO.

4. Tenancy management

4.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the Council for inspection within 7 days upon demand.

4.2 The licence holder shall protect any deposit taken under an assured short-hold tenancy by placing it in astatutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council within 28 days on demand.

4.3 The licence holder must provide to the Council details in writing of the tenancy managementarrangements that have been, or are to be, made to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within 28 days on demand.

4.4 The following arrangements shall be implemented to fulfil the requirements of this condition:

- Provision of an emergency contact number (including out of hours response arrangements)
- Formal arrangements for the disposal of rubbish and bulky waste
- Update of written records of property inspections for management and repair issues at least once every 3 months

4.5 The licence holder shall ensure that inspections of the property are carried out at least every **6 months** to identify any problems relating to the condition and management of the property. 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. The records of such inspections shall be kept for the duration of this licence. Copies of these must be provided to the Council within 28 days on demand.

4.6 The licence holder shall effectively address problems of antisocial behaviour resulting from the conducton the part of occupiers of, or visitors to the premises by complying with the requirements of paragraphs (1) to (9) below:

1. The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) concerning the visitors to or occupiers of the premises.
2. Any letters, relating to antisocial behaviour, sent or received by the licence holder, or agent of the licence holder, must be kept for 3 years by the licence holder.
3. The licence holder must ensure that written notes are kept of any meetings or telephone conversations or investigations regarding antisocial behaviour for 3 years.
4. If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.
5. The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour.
6. Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the premises concerned with a warning letter about the consequences should the anti-social behaviour continue.
7. Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
8. If after 14 days of giving a warning letter the tenant has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms for occupation, e.g. the tenancy agreement or licence and which shall include promptly taking any legal proceedings to address the anti- social behaviour.

9. Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or Police. Any correspondence, letters and records referred to in condition 2.5 above must be provided to the Council within 28 days on demand.

5. Property Management

5.1 The licence holder shall ensure that the property is maintained in reasonable repair and in accordance with Westminster City Council's HMO Standards. The licence holder shall ensure that any works required to comply with Westminster City Council's HMO standards are carried out within the time specified on the licence. Copies of which can be found at: https://www.westminster.gov.uk/houses-multiple-occupation

5.2 The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the Council (within 14 days) on demand and copies must be provided to all tenants/occupiers at the start of their tenancy. All work on gas appliances must be carried out by gas safe certified operatives

5.3 The licence holder shall ensure that all electrical installations provided by the landlord in the property are in a safe condition. The licence holder must supply the council (within 14 days), on demand, with a declaration as to the safety of the electrical installations. For the purposes of this condition "electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010.

5.4 No refuse shall be kept in the front or rear garden other than in an approved storage container for that purpose and licence holder must comply with any scheme which is provided by the local housing authority to the licence holder which relates to the storage and disposal of household waste at the HMO pending collection.

5.5 Where the licence holder becomes aware of a pest problem or infestation at the property he shall takesteps to ensure that a treatment program is carried out to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within 28 days on demand.

5.6 The licence holder must take general fire precautions to ensure, as far as is reasonably practicable, thesafety of the people on the premises and in the immediate vicinity to include (where common parts exist) carrying out of a fire risk assessment for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005.

5.7 The licence holder shall install and maintain in good working order appropriate smoke alarms in the property where directed under any additional conditions attached to this licence and shall submit to the council, upon request, a declaration by him as to the condition and positioning of such alarms, in accordance with the fire safety requirements set out in the Westminster Standards. Copies of which can be found at: https://www.westminster.gov.uk/houses-multiple-occupation

5.8 The licence holder shall ensure that a smoke alarm is installed on each storey of the house (which includes half-landings) on which there is a room used wholly or partly as living accommodation.(A bathroom or lavatory situated on the landing/half landing which form part of a living accommodation is to be protected with the appropriate alarm system; the alarm system is to be sited away from direct contact with steam that is likely to interfere with the operation of the alarm).

5.9 The licence holder shall ensure each smoke alarm installed in any room in the house shall be kept in proper working order.

5.10 The licence holder shall submit to the Council (within 14 days), on demand, a declaration by him as tothe condition and positioning of any such smoke alarm.

The above is the statutory minimum requirement for fire detection and the type and grade of system required will depend on the size, layout and construction of the property in line with Westminster Standards for HMO's. Please refer to Additional Conditions on the licence for any requirements specific to this property licence.

5.11 The licence holder shall ensure that a carbon monoxide alarm is installed in any room in the housewhich is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. ("room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation).

5.12 The licence holder shall ensure any carbon monoxide alarm installed in any room in the house shall bekept in proper working order.

5.13 The licence holder must supply the authority (within 14 days), on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.

5.14 The licence holder shall ensure that furniture made available in the property is in a safe condition. Allupholstered furniture and covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration as to the safety of such furniture must be provided to the Council within 28 days on demand.

5.15 The licence holder must ensure that there are sufficient measures in the property to provide a safe andsecure environment for residents both within their lettings and the common parts. As a minimum the Council will require all

vulnerable doors and windows to be properly secured. In particular, the main front door a can be opened and closed without the use of a key. Any lock fitted should comply with BS 8621 (2007) and provide keyless egress.

The licence holder must have a written policy on controlling the return of room keys when rooms are vacated. This shall include action to be taken to ensure lock barrels are changed or locks moved to other rooms in the property when keys are not returned.

6. Documents to be displayed

6.1 The licence holder shall display a copy of the licence to which these conditions apply in the commonparts of the property.

6.2 The licence holder shall display a notice with the name, address and emergency contact number of thelicence holder or managing agent in the common parts of the property.

7. Financial Management

7.1 No person other than the licence holder or the agent named on the licence may collect and receive rentalmonies from the occupants of the property. The licence holder and/or agent may pass on the rental monies to any third parties as required.

7.2 Where rents are collected or received from occupants, the licence holder must ensure that the payment is recorded and that the occupants receive a receipt for the payment, unless the occupant is an assured shorthold tenant and pays their rent via bank standing order or direct debit. The licence holder must keep a copy of all such records and receipts and must provide the council with a copy of the same within 28 days of any request to inspect them.

8. General

8.1 The licence holder must advise the Council's Property Licensing Team in writing of any proposed changesto the construction, layout or amenity provision of the house that would affect the licence or licence conditions. For planning and building regulation queries please refer to the planning pages on the Council's website.

8.2 If there is a material change of circumstance affecting the licence holder or the operation of the property,the licence holder must contact Westminster City Council immediately and submit an application to 'vary' the licence details for the premises.

8.3 The licence holder must arrange for access to be granted at any reasonable time and must not obstruct Council officers carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.

8.4 The licence holder shall if required by written notice to provide the council with following particulars asmay be specified in the notice with respect to the occupancy of the house:

- The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property
- The number of individuals in each household

The particulars shall be provided to the Council within 28 days on demand.

8.5 The licence holder shall inform the Council of any change in ownership or management of the house.

8.6 The licence holder shall ensure that whilst any alteration or construction works are in progress, the workis carried out to ensure the safety to all persons occupying or visiting the premises. The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

Failure to comply with any licence condition may result in proceedings including unlimited fines and loss of the licence or may be subject to a penalty notice of up to £30,000.

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

Any HMO for more than six people may also require planning permission. Please contact the planning team to clarify what planning permissions are already in place for the property and advice on the process. Please note that unlawful HMO's may be subject to planning enforcement action. The Council do have powers of enforcement against breaches of planning control and that, upon summary conviction, continued failure to meet the Council's enforcement requirements could ultimately result in an unlimited fine.

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

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards that may be identified.

If the property is leasehold you must understand that the Notice of Approval does not operate as, or confer, any licence or consent or approval by the City of Westminster to the use of the property as a house in multiple occupation. You should check with the freeholder / reversioner to see whether the use to which the property is put is permitted by the covenants in the lease(s).”