

Private Rented Property Licensing

Guide for Landlords and Managing Agents

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1. Private Rented Property Licensing - An Introduction

This guide provides you with information required to understand the property licensing schemes operational in the London Borough of Newham. The schemes have been in force since January 2013 and requires landlords of all privately rented properties in Newham to apply for a property licence.

This includes all property types and is not restricted to certain high risk houses in multiple occupation (HMOs). From January 2018, the only exclusion in force will be Selective and Additional licensing to private rented properties in the E20 postcode area.

The council aims to use private rented property licensing to ensure that all privately rented properties are well managed. Many landlords do this already, however there are problems in many areas where a small minority of rogue landlords neglect their management responsibilities. A number of well-intentioned landlords are not aware of their responsibilities and in some cases absentee landlords may not be aware of problems their tenants are causing. Arrangements must be in place for dealing with general tenancy issues and anti- social behaviour at the property.

Properties must also be suitable for the number of occupants and meet all the relevant health and safety regulations. The council will be working with and exchanging information with other enforcement and regulatory authorities in order to administer and enforce licensing.

Licensing of private rented accommodation aims to ensure that:

- Anti-social behaviour is dealt with effectively
- Tenants' health, safety and welfare are safeguarded
- Landlords are 'fit and proper persons' or employ agents who are
- Adequate property and tenancy management arrangements are in place
- Accommodation is suitable for the number of occupiers.
- All landlords and managing agents operate at the same minimum level of professional standards.

What if I don't get a licence?

Failure to apply for a licence may result in landlords and managing agents being prosecuted and subject to an unlimited fine. They can have control of their unlicensed properties taken away from them, and also being made to repay any rents they have received from their tenants.

There are three types of Property Licence.

*There are exceptions to the requirement to licence. Please read the following sections and then contact us if you believe you are exempt.

2. Selective Licensing

Selective licensing of residential accommodation under Part 3 of the Housing Act 2004 is intended to respond to the problems of anti-social behaviour (ASB) within the London Borough of Newham. It applies to all private rented properties within the borough that are not a House in Multiple Occupation (see sections 3 and 4). It is a tool to deliver sustainable improvements to private rented accommodation increasing the quality of existing stock in the private rented sector in terms of both physical conditions and management standards.

All landlords who rent out or let residential accommodation that is not a mandatory or additional HMO (House in multiple occupation) must have a selective licence. Please see next page for example and exemptions.

If your property meets the criteria above you should apply for a licence under part 3 of the housing act 2004.

In some cases properties maybe exempt from the requirement of licensing under part three of the housing act. The following list gives those exemptions:

- The house is a House in Multiple Occupation (HMO).
- A Temporary exemption notice is in force (s.62 or s.86 Housing Act 2004)
- A management order is in force (s.102 or s.113 Housing Act 2004)
- The tenancies or licences are granted by registered social landlords and housing providers.
- The tenancies and licences are subject to a prohibition order whose operation has not been suspended. (s.20/s.21 Housing Act 2004)
- The tenancy is a business tenancy

- Certain premises licensed for alcohol consumption (only on-licences not off licences)
- Certain agricultural tenancies
- Buildings controlled or managed by a Local Housing Authority
- Buildings controlled or managed by Police.
- Buildings controlled or managed by fire brigade
- Buildings controlled or managed by Health Service Body
- Tenancies, licences etc regulated by other enactments
- Certain University/College accommodation occupied by students
- Where the owner or his relatives occupy a property on a long leasehold
- Where landlord lets to certain relatives
- Holiday Homes
- Where landlord/licensor or his relative lives at the property and shares facilities

If you think that your property is exempt from the requirement of licensing please contact us.

3. Mandatory HMO Licensing

Mandatory Houses in Multiple Occupation (HMO) licensing under Part 2 of the Housing Act 2004 applies to all HMOs **occupied by five or more persons living in two or more households**. It is intended to apply to those HMOs considered to present the highest risk to the health, safety and welfare of the occupiers.

If your property meets the criteria above you should apply for a licence under part 2 of the housing act 2004.

For the property to be used as an HMO, it must have the correct planning use class, and you may be required to apply for the planning class of the property to be changed from C3 (dwelling house) to C4 (house in multiple occupation). There is no guarantee that this will be granted and planning requirement remains separate to Property Licensing requirement.

In some cases properties maybe exempt from the requirement of licensing under part two of the housing act. The following list gives those exemptions:

- Buildings controlled or managed by a Local Housing Authority
- Buildings controlled or managed by registered social landlords and housing providers.

- Buildings controlled or managed by Police.
- Buildings controlled or managed by fire brigade
- Buildings controlled or managed by Health Service Body
- Buildings regulated by other enactments
- Certain University/College accommodation occupied by students
- Buildings occupied by religious communities (except section 257 HMO's)
- Any building occupied by two persons who form two households.

If you think that your property is exempt from the requirement of licensing please contact us.

4. Additional HMO Licensing

The additional licensing scheme of Houses in Multiple Occupation (HMOs) will require all landlords who let a property that is occupied by three to four non-related occupiers that are sharing some basic facilities or amenities such as a kitchen or bathroom to have a licence.

If your property meets the criteria above you should apply for a licence under part 2 of the housing act 2004.

For the property to be used as an HMO, it must have the correct planning use class, and you may be required to apply for the planning class of the property to be changed from C3 (dwelling house) to C4 (house in multiple occupation). There is no guarantee that this will be granted and planning requirement remains separate to Property Licensing requirement.

5. What is a HMO

A house in multiple occupations (HMO) is a property that is occupied by 3 or more unrelated individuals/households who share facilities such as a kitchen or bathroom, or do not have exclusive occupation of the whole property.

For example, HMOs can commonly be occupied by a group of individuals sharing a house or flat, individuals living in bedsit accommodation, and some properties that have been converted into several flats.

Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are also considered to be HMO.

A House in Multiple Occupation is defined by the Housing Act 2004. There are four tests that define what a HMO is:

1. **The standard test:** Any building which consists of one or more units of accommodation which are not self-contained and where two or more households share one or more basic amenities, or where the accommodation is lacking basic amenities.
2. **The self-contained flat test:** Any part of a building which is a self-contained flat, which consists of one or more units of accommodation, in which two or more households share one or more basic amenities or where the accommodation is lacking basic amenities.
3. **The converted building test:** Any building, which has been converted and contains one or more units of accommodation, which are not self-contained (whether or not the building also consists of some self-contained units).
4. **Certain converted blocks of flats:** Any building which has been converted into and consists of self-contained flats only, and it does not comply with 1991 Building Regulations and less than two thirds of the flats are owner occupied, (more than one third on short tenancies).

6. How do I work out the number Households?

'Households' for the purposes of the Housing Act 2004 includes members of the same family living together who are:

- couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
- relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins
- Half-relatives who are treated as full relatives.
- A foster child living with his foster parent is treated as living in the same household as his foster parent.
- An unrelated single occupant/sharer will be classed as one household

7. How do I count the number of storeys there are in my property?

When counting the number of storey's in the building you need to include:

- basements and attics if they are occupied or have been converted for occupation by residents or if they are in use in connection with the occupation of the HMO by residents
- any storey's which are occupied by you and your family if you are a resident landlord
- all the storey's in residential occupation, even if they are self-contained
- any business premises or storage space on the ground floor or any upper floor.

8. Are you Fit and Proper?

In order to obtain a private rented property licence the applicant will need to demonstrate that they are a 'fit and proper' person. This will involve making a declaration to confirm their status with regards to criminal offences. The licence holder must have a registered address in the UK. In determining whether an applicant is 'fit and proper' the council must take into account any evidence found that the person applying for a licence has:

- committed any offence involving fraud or other dishonesty, violence, drugs and certain sexual offences
- practised unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in connection with any business
- contravened any provision of the law relating to housing or landlord and tenant law.

The applicant must also be able to demonstrate satisfactory management and financial arrangements are in place for each rented property. Failure to meet the fit and proper person test may result in an application for a licence being refused or a reduced duration of a licence.

9. The application process?

If your property is required to be licensed you should complete your application online by logging onto [Apply for a rented property licence](#) or going to <https://my.newham.gov.uk/>. The online application is the quickest and cheapest option to obtain a property licence.

See Appendix 1 of this Guide for a Step by Step Guide to completing the online Property Licence application from

Before you make an online application please visit our website to view the current fees and charges www.newham.gov.uk/propertylicensing .

You may make an application by a paper form but there is an extra £100 charge for this service.

It is your responsibility to ensure you have made a full and valid licence application. If we become aware that your property is licensable and you have not applied for a licence you will be liable for prosecution, subject to a fine up to an unlimited fine (plus costs) and you may still be required to complete an application.

In addition, the s.21 possession proceedings cannot be taken whilst a property that is required to be licensed is not licensed and the council may make a Rent Repayment Order (RRO) for up to 12 months rent (see section 12 below).

More information on property licensing can be found on our website www.newham.gov.uk/propertylicensing

10. Who can apply for a property licence?

Anyone can apply for a property licence, however they must be the most appropriate person to do so. Normally this will be the owner or a manager employed by the owner. The proposed licence holder needs to be the most appropriate person, namely the landlord, person in receipt of rent or in control of the property. If it is a limited company please give the full company name and address of a UK registered office and listed director who will be the proposed licence holder. At the very least, the council expects the licence holder to have the power to:

- let and terminate the tenancies;
- access all parts of the premises to the same extent as the owner.

The council also requires details of all interested parties involved in the ownership or management of the property to be provided at the time of application.

11. How long will the licence last?

The council aims to work with landlords to licence their properties within a timely manner. Licences can last up to a period of five years. Where the Council has determined that there is cause for concern regarding premises or management arrangements, or requests to apply for licensing have not been responded to in a timely manner, or there are significant council tax arrears (where the landlord is the liable person) the council may determine that the licence should be granted for a shorter period.

Any application requiring to be renewed or a re-application as a result of the Council revoking the licence will be dealt with as a new application and will be charged the current licence fee for the applicable licence type.

12. What happens if I fail to apply for a licence?

It is a criminal offence to let a property that is required to be licensed on a certain date by law without applying for a licence. There is a range of sanctions that could be applicable depending on the individual circumstances; these are detailed below:

- Failure to apply for a licence can lead to a fine of an unlimited amount on conviction.
- If the council cannot grant a licence or a licence is revoked, the council has the powers to make an Interim Management Order (IMO). This will transfer the management of the property to the council for a specified period after which a Final Management Order (FMO) may be made.
- An unlicensed landlord is not able to use the section 21 Possession Procedure. The section 21 procedure entitles them to regain

possession of the property without a court hearing, following the service of a valid notice giving the tenant at least 2 months notice.

- For any period where an unlicensed property is being privately rented, an application can be made to the Residential Property Tribunal for a Rent Repayment Order. This could mean a landlord having to repay up to 12 months of rent.

Where the London Borough of Newham has had to take enforcement action, a licence may be revoked or varied and may require a new application for all licence types. This includes a licence being varied so that is only valid for a shorter period of time.

13. How much will it cost?

Fees are only allowed to cover the cost of the Council administering the licensing scheme.

The most efficient way in which to pay for a property licence is using our automated service when completing the application online. [Apply for a rented property licence.](#)

The fee is calculated from the information given on the type of licence sought and in some cases the size of the accommodation.

The fees for the Selective and Additional HMO property licence (see sections 2 and 3) are illustrated in the table below.

Licence Type	Licence Fees
Selective Licence	£750
Additional Licence	£1250
New Build Property (Selective)	£400
New Build Property (Additional)	£800

New build rental properties are newly constructed properties that have not been previously been lived in by residents.

To claim the new build discount, you must email propertylicensing@newham.gov.uk with scanned copies of:

- 10-year warranty and insurance cover from National House Building Confederation, or similar
- building regulation certificate of completion

The fees for the Mandatory HMO property licence (see section 4) are illustrated in the table below.

Number of Rooms	Application Fee
Up to 5 lettings	£1050.00
6 to 9 lettings	£1,200.00
10 to 14 lettings	£1,350.00
15 to 19 lettings	£1,500.00
20 lettings and above	£1,650.00

NOTE: Where the London Borough of Newham has had to take enforcement action, a licence may be revoked or varied and may require a new application for all licence types.

For further guidance please refer to the Property licensing fees and charges document or alternatively on our website at www.newham.gov.uk/propertylicensing

14. Right of appeal?

The Property Licensing & Technical Support Team will work hard to support applicants throughout the application process and to assist you in meeting the criteria in order to qualify for a licence.

If a landlord feels that the council has made a decision that is unfair, in the first instance we would request that they contact the Property Licensing & Technical Support Team at the council on 0203 373 1950 so that we can explain the reasons for our decision and hopefully resolve the problem. If, however, the landlord still feels that the council has acted unfairly by:

1. Refusing to grant a licence.
2. Imposing certain conditions on a licence.
3. A decision to vary a licence.
4. A decision to revoke a licence.

The landlord can appeal to the Residential Property Tribunal (RPT). The RPT is an expert independent tribunal that act in the same way as the County Court to confirm, vary or overturn the council's decision.

Residential Property Tribunal Service
10 Alfred Place
London
WC1E 7LR
Tel: 020 7446 7700
Fax: 020 7637 1250

If you wish to make a complaint about the service you have received you can contact either:

**The Council's Corporate
Complaints Team at:**

Corporate Complaints
Newham Dockside
4th Floor West Wing
E16 2QU

Tel: 020 8430 2000

Email:
Corporate.Complaints@newham.gov.uk

**The Local Government
Ombudsman at:**

Local Government
Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061
0614/0845 602 1983

Email: advice@lgo.org.uk

Appendix 1

A guide to completing the online Property Licence Application Form

Below is a guide to all the questions which will need to be answered to make a valid property licence application. It goes through the process screen page by screen page.

Each screen page will need to be completed before going to the next. At the bottom of the screen, press the pink “next” button to progress to the next screen. You will be able to navigate through the whole form so you can review and edit any details before submitting your final application and payment.

If nothing seems to happen when the “next” button is pressed, scroll to the top of the page as there may be some information that you have failed to fill in correctly. This will be displayed in a red box.

You may click the pink “previous” button to review or change information you have entered.

If at any point you wish to stop filling in the application form (even if just going away from your computer for a few minutes) please click the pink “save for later” button at the bottom of the screen. This will ensure you do not lose any information you have already entered and you can log back into the same application by using the ‘My Enquiries’ option in your ‘My Newham’ account.

Screen 1 - Licence Type

Q. You need to choose which licence you want to apply for either, Mandatory HMO Licence or Additional HMO Licence or Selective Licence. Please read sections 2, 3 and 4 of this guide to help you decide which licence you need to apply for. If you are not sure and enter the incorrect licence type on this screen the form will automatically select the correct licence type at the end of completing the whole application.

Screen 2 - Property Details

You will need to select the address of the property you want to licence. Type in the postcode or street name, then click search.

Look for the property you wish to apply for a licence for then click the search button next to it.

It will display the full address. If this is the correct address then click next, if this is not the right address search again. If your property address does not display please contact the property licensing team.

Screen 3 - Property Usage

Q. How is the property used? You will need to select one option from the following:

- House in Multiple Occupation
- Flat in Multiple Occupation
- House rented to a single household
- Flat rented to a single household

See section 5 above for more information.

Q. How Many Storeys does the property have?

When counting the number of storeys in the building you need to include:

- basements and attics if they are occupied or have been converted for occupation by residents or if they are in use in connection with the occupation of the HMO by residents
- any storeys which are occupied by you and your family if you are a resident landlord
- all the storeys in residential occupation, even if they are self-contained
- any business premises or storage space on the ground floor or any upper floor

See section 7 above for more information

Q. On what floors are they situated?

You will need to type inside the text box what floor(s) your property is on. For instance “Ground Floor, First Floor”

Q. How many households currently live in the property?

'Households' for the purposes of the Housing Act 2004 includes members of the same family living together who are:

- couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)
- relatives living together, including parents, grandparents, children (and step-children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins
- half-relatives who are treated as full relatives.
- A foster child living with his foster parent is treated as living in the same household as his foster parent.
- An unrelated single occupant/sharer will be classed as one household

See section 6 above for more information

Q. How many people currently live in the property?

This includes any children and partners/guests of tenants etc.

Q. How many separate lettings are there?

This is the number of rooms or non-self contained flats that are rented out on separate tenancies in the property that is to be licensed.

Q. How many habitable rooms are there (excluding kitchens)?

This means rooms that are, or could be, used for sleeping accommodation. Not bathrooms, kitchens, undersized rooms.

Screen 4 - Notification to all Parties

You are required by law to let certain persons know in writing that you have made this application, or give them a copy of it. These are:

- Any mortgagee (e.g. of the property to be licensed)
- Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you.

- Any other person who is a tenant or a long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy).
- The proposed licence holder (if that is not you).
- The proposed managing agent (if any) (if that is not you).
- Any person who has agreed to be bound by any conditions in a licence if it is granted.

You must tell each of these persons:

- Your name, address, telephone number, email address or fax (if any)
- The name, address, telephone number and email address of the proposed licence holder (if it will not be you)
- whether this is an application for an HMO license under part 2 or for a house licence under part 3 of The Housing Act 2004
- The address of property to which the application relates
- The names and address of the local housing authority to which the application will be made
- The date the application will be submitted.

Screen 5 - Party details

Q. On the right side of the “Applicant” grey title box there is a button stating “Proposed licence holder”. Fill in this box if the applicant is the proposed licensed holder. The proposed licence holder should be the landlord, person in receipt of rent or in control of the property.

Q. Date notice served.

By filling in this date you are making a declaration that you or the applicant has served notice of this application on the following persons stated on screen 4.

Q. You will need to provide the full name, UK address and contact details of the proposed licence holder. If it is a limited company

Please give the full company name and address of a UK registered office and listed director who will be the proposed licence holder.

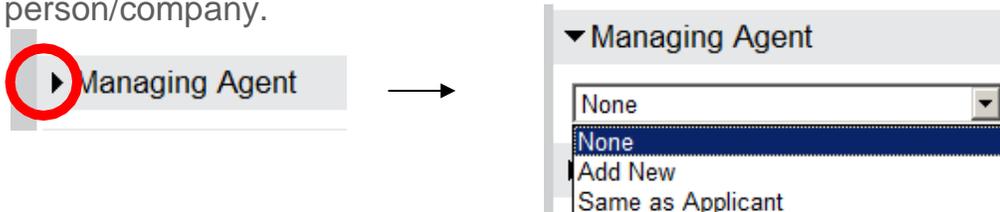
Q. For the address you will need to write either the postcode or street name and use the search button. If you are unable to locate the address from the search results provided please select 'Not Found' this will give the option to manually update the required property address.

Q. Do you accept to be contacted and receive documentation from the London Borough of Newham via e-mail?
Please select either yes or no.

Q. You will need to enter the details of any

- Managing Agents
- Leaseholder
- Freeholder
- Mortgagee/Lender
- Any other person that has an interest in the property.

This is done by clicking on the drop down menu (black triangle) next to the persons listed above and click "Add New" to input the details of the person/company.



*Please make sure that all entries required are completed for Applicant, Freeholder, Leaseholder, Managing agent, mortgage or other. These must be completed if applicable; Freeholder information is compulsory but please select 'NONE' if any other interested party is not applicable to you. If you do not complete all sections you will not be able to progress past this page.

These details will be saved so you don't have to input them in twice. For instance if the Managing Agent was also the Leaseholder. So when you click on the drop down menu (black triangle), the name of previous person should be there to select.

Screen 6 - Management of the Property

Q. Have you or anyone associated to you, or mentioned on this form, any unspent convictions relating to any of following:

- Fraud
- Dishonesty
- Violence
- Drugs
- Sexual Offences Act 2003 (Schedule 3)

You do not need to ask any of the associated persons if they have any unspent convictions you only need to declare this if you already know of any.

Q. Have you, or anyone associated to you, or mentioned on this form, been found by a court or tribunal to have been involved with any unlawful discrimination on grounds of

- Sex
- Colour
- Race
- Disability
- Ethnic or nation origins

You do not need to ask any of the associated persons if they have been involved with any unlawful discrimination, you only need to declare this if you already know of any.

Q. Have you, or anyone associated to you, or mentioned on this form, had a judgement made against you or them by a court or tribunal relating to Housing, Public Health, Environmental Health or Landlord and Tenant Law?

You do not need to ask any of the associated persons if they have any judgements made against them you only need to declare this if you already know of any.

Q. Has any person named on this form previously held or do they currently hold a licence for any other property subject to licensing?

This can be anywhere inside or outside the London Borough of Newham?

If you are a portfolio landlord you can submit a list of your licensable properties to the property licensing team quoting your 'My Newham' account reference number and your name. This can be sent to propertylicensing@newham.gov.uk. You can then enter 'list supplied separately' in this box to save having to enter your property addresses for each application.

Q. Does the proposed licence holder belong to an association of landlords? Such as:

- Association of Residential Letting Agents
- National Landlords Association
- Residential Landlords Association
- Southern Landlord Association
- Other similar type organisation.

Q. Is the property visited to check its condition and for any antisocial activities of the tenants?

The landlord should have good knowledge of their property and the behaviour of their tenants.

Q. Are there funds to deal with uninsured damage/insurance and maintenance to the property?

The landlord must have adequate funds and/or insurance cover to repair the property promptly and replace any defective items.

Screen 7 - Other Licences

Q. Have you or anyone associated with you within the last 5 years, been in control of a property that was subject to a control order?

A Control Order is defined under S379 of the Housing Act 1985.

Q. Have you or anyone associated with you within the last 5 years, been in control of a property that was subject to a Management Order?

A management order is either an interim, final management order or a special interim management order under the Housing Act 2004 sections 102, 103 and 113.

Q. Have you or anyone associated with you within the last 5 years, been in control of a property that has been refused a licence or breached conditions of a licence?

If you were refused a licence you would have been sent notices to that effect, usually under either Section 64(1) (b) or Section 88(1) (b) of the Housing Act 2004. Any breaches would have also been conveyed to you in written form and would have been in contravention of section 72 or section 95.

Screen 8 - Health and Safety

Q. How many smoke alarms are there in the common parts?

The common parts means in the stairwells, hallways and landings of all property types (both single family households and HMO's).

Q. Does the property have fire doors fitted to the kitchens?

A fire door is one where its construction and installation provide at least a 30minute barrier to fire. If you are unsure then select no.

Q. Does the property have fire blankets in all kitchens?

Fire Blankets should be compliant with British Standard BS EN 1869:1997. They should be located in the kitchen in a position away from the cooker or source of flame.

Q. Does the property have fire extinguishers in the common stairways?

Fire extinguishers should be compliant with British Standard BS EN3. They should be maintained in accordance with British Standard BS5306-3, which requires a basic annual service. Also they should if located in a position not to obstruct the mean of escape.

Q. Does the property have a fire detection system?

A fire detection system is where a property may have a higher level of smoke detection that just battery operated smoke alarms. For instance if you have interlinked smoke/heat detectors or a system which links smoke/heat detectors and call points to a control box.

Q. Do you provide details of escape routes and other fire safety information to occupiers?

. This could be in written form with the tenancy agreement or a sign behind their bedroom door. A landlord should carry out a fire risk assessment on their property. See this website for more information, <http://www.communities.gov.uk/fire/firesafety/firesafetylaw/> . If so then you will need to provide details

Q. Does the furniture you provide within the property comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (amended 1989 & 1993 & 2010)?

These regulations set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. You will normally know if a piece of furniture complies by looking at its label. If there is any doubt on compliance you should remove and properly dispose of the item. If the property is provided unfurnished then please tick not applicable

Q. Is there a Gas Supply to the property?

If yes, you will have to confirm that all gas appliances are safe. If you have gas appliances you should have them checked every 12 months by a qualified 'Gas Safe' qualified gas engineer. He will give a Gas Safety certificate. This should be retained as we may request a copy be sent to us in the future.

Note: Information provided here will not affect your licence application but it will affect the conditions bound to your licence. You do not need to carry out any additional works to your property to make this application.

Screen 9 - Property Information

Age of property?

Select from the drop down menu the age band your property falls into.

Screen 10. Bedrooms

For each bedroom click on the blue "Add bedroom" button.

Q. Bedroom Number

Detail the name of the bedroom. For instance, "room 1".

Q. Location

Detail the location where in the property the room is located as if you were standing outside the front door looking at the property. For instance, ground floor rear right room or First Floor Front Left Room.

Q. Room Size

Please enter the room size in metres squared. You will have to measure the length and width of the room. Enter the actual figure with no text.

Q. Shared or Exclusive

Exclusive use is where facilities are in sole use by 1 household. If it is exclusively used, another box will appear and you will also have to enter the name of the tenant who has exclusive use of this room. If the room is not occupied you can enter 'vacant' or 'not known'.

Click the blue "add additional bedroom" box for all other bedrooms.

Screen 11. External Structures

Are there any external structures, outbuildings or sheds used as part of the living accommodation?

Please tick either yes or no.

Screen 12. Living Rooms

For each living room or communal area which isn't a bathroom or kitchen click on the blue "Add communal area" button. Communal areas in a single family house include living and dining rooms.

- Q. Location
- Q. Room Size

See Screen 10 above for these explanations.

Q. Shared or Exclusive

A shared communal area is one that is shared by 2 or more separate households.

Q. Smoke Alarm.

Tick if one is located in this room.

Q. Room Category

Please select Dining Room, Living Room or other communal space.

Q. Wash Hand Basins

Tick if one is located in this room.

Please remember to press the pick "next" button to proceed not the "remove" button.

Screen 13 – Kitchens

For each kitchen press the blue “add kitchen” button.

- Q. Location
- Q. Room Size

See Screen 10 above for these explanations.

Q. Shared or Exclusive

A shared/communal kitchen is one that is shared by 2 or more separate households.

Q. Smoke Alarm.

Tick if one is located in this room

Q. Indicate the number of facilities available in the kitchen

- Ovens
- Hobs
- Sinks
- Fridges
- Freezers

Just type the actual number of each of the facilities above in to the corresponding box. If a freezer compartment is contained within the fridge please enter '1'

If the property is provided unfurnished and tenants provide the kitchen facilities you will need to know what facilities are in the kitchen. This can be done by asking the tenants or visiting the property.

Screen 14. Bathrooms

For each bathroom press the blue “add bathroom” button.

Q. Location

Q. Shared or Exclusive

See Screen 10 above for these explanations.

Complete “Name of Tenant” if they have exclusive use of the bathroom.

Q Indicate the number of facilities available in the Bathroom

- Wash Hand Basin
- Toilet
- Bath/Shower

Enter the actual number of each of the facilities above in to the

corresponding box.

Please remember to press the pick “next” button to proceed not the “remove” button

Screen 15 - Licence Type Confirmation

From the answers you have given the online application determines the type of licence you are applying for.

If you think this is incorrect. You should go back using the “previous” or the ‘Navigate’ option and check your answers are correct.

Screen 16 - Applicant/Licence holder Declarations

Please read the declaration in full. This section is to be completed by the Applicant and Proposed Licence Holder

It is a criminal offence to knowingly supply information, which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. If we subsequently discover something which is relevant and which you should have disclosed, or which has been incorrectly stated or described, your licence may be cancelled or other action taken.

Tick the box to indicate you have read and understood the above declaration, then print your name and enter today’s date.

Screen 17 - Property Licence Register

The Housing Act 2004 requires every local authority to maintain a public register of properties licensed under the act. Together with any Temporary Exemption Notices served or any Interim/Final Management Orders.

The register is updated as we continue to issue property licences. An electronic online register is available on our website to view.

Screen 18 - Payment Code

If you have a payment arrangement agreed with the property licensing team please enter your payment bypass code below. To pay online with a credit or debit card, leave the field blank and continue

Screen 19 - Rented Property Licence Application Summary

This screen gives you an overview of the licence details and shows the cost of the licence. If you think this is incorrect you should go back using the “previous” or ‘Navigate’ option and check your answers are correct.

If all details are correct then select the pink “submit and pay”.

If you select to ‘submit and pay later’ your application will be held in your My Newham account as ‘Awaiting Payment’ until a time you wish to make the required payment for your application. Please note that upon progressing to the payment screen the payment will be re-calculated to the fees applicable at the time of making that payment. For full information on fees and charges please see section 13.

Screen 20 - Payments Screen

You will need either your credit card or debit card available. You need to enter your details. There are specific help windows in the payments screen to assist you.

When you come to the final screen press the “process now” button only once. It will then ask you to wait. Your application will then be submitted to be processed by the Property Licence Team.

Please note that any online forms received without payment, or where incorrect or deficient information is supplied, do not constitute a valid application.

Failure to provide full payment (i.e. received and cleared) and supply the required information by the agreed date will mean that no valid application has been submitted and an offence of failure to licence is being committed.

Appendix 2

A guide to Licensing Property Standards

KITCHEN FACILITIES

The kitchen should be of satisfactory layout and have adequate provision for hygienic storage, preparation and cooking of food, so preventing the risk of infection to occupants.

The occupants should not be exposed by reason of layout, size, design or other feature to risk from hot surfaces or risk from burns or scalds caused by contact with flames or hot liquids.

Kitchen units and appliances should be free from defects and in good working order. In general, kitchen facilities should be less than 20 years old.

Kitchen facilities used by a **single household** should comprise:

- a cooker (4 cooking rings), oven and grill (suitably restrained and located);
- a sink with integral drainer set on a 1000mm base unit;
- constant hot and cold water supplies to the sink;
- a fixed impervious and readily cleansable work surface, minimum 2000 x 500mm;
- an adequate tiled splash-back to a height of at least 300mm above any sink or work surface;
- a direct drainage connection to the sink with a suitable water trap;
- adequate storage cupboard units, minimum 0.3 cubic metres;
- a suitable sized refrigerator;
- a minimum of 2 double electrical sockets above work surfaces (excluding appliance sockets).

In **Houses of Multiple Occupation** kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens apply:

Number of sharers	Room size
Up to 3	5.5 sq m
4 – 5	7.5 sq m
6- 7	9.5 sq m
8 – 10	11.5 sq m

SPACE STANDARDS

Occupants should not be exposed to health risks caused by lack of space within the dwelling for living, sleeping and normal family life.

The following tables will be used to calculate the permitted number of occupants for the dwelling.

Maximum number of occupiers per room based on floor space in single household dwellings	
4.6 to 6.49 sq m (approx 50 to 69 sq ft)	1 person (under the age 10 years old)
6.5 to 10.19 sq m (approx 70 to 110 sq ft)	1 person (of any age)
10.2 sq m or more (approx 111 sq ft or more)	2 persons (see note below)

NOTE:

- Communal space, hallways, corridors, landings, kitchens, W.C's or bathrooms cannot be used as sleeping accommodation.
- Only persons under the age of 10 years old of the opposite sex may sleep in the same room, unless those persons are over 16 years old and are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex)

Maximum number of occupiers per room based on floor space in Houses in Multiple Occupation with shared kitchen facilities in a separate room

4.64 to 6.5 sq m (approx 50 to 69 sq ft)	1 person (under the age 10 years old)
6.51 to 10.21 sq m (approx 70 to 110 sq ft)	1 person (over the age of ten years old)
10.22 sq m or more (approx 111 sq ft or more)	2 persons (over the age of ten years old) (see note below)

Maximum number of occupiers per room based on floor space in Houses in Multiple Occupation with exclusive kitchen facilities within the room and self-contained studio bedsits/flats with kitchen facilities within the room

13 sq m to 17.99 sq m (Approx 140 to 193.6 sq ft)	1 Person (1 household) (of any age)
18 sq m or more. (Approx 193.8 sq ft or more)	2 Persons (1 household)

NOTE:

- Lounges, communal space, hallways, corridors, landings, kitchens, W.C's or bathrooms cannot be used as sleeping accommodation.
- Only persons under the age of 10 years old of the opposite sex may sleep in the same room, unless those persons are over 16 years old and are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex).
- For every 5 persons sharing there will need to be 1 set of bathing and kitchen facilities.
- 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 taken into account in determining the floor area of that room.
- *Communal space is either a separate unlocked room at least 4.6sqm with seating or a kitchen with at least an additional 4.6sqm dedicated to a table and seating.

Appendix 3

Standard Property Licence Conditions

The following standard licence conditions will be applied to all licences that are issued. There will also be unique licence conditions applied to licences which will be dependent on the information supplied at the time of application and the property use i.e. is it a single household (selective licence) or a HMO (additional licence).

Permitted Occupation

- 1) The Licence Holder must not allow a new resident to occupy the property or any part of the property if that occupation:
 - a) Exceeds the maximum permitted number of persons for the property as detailed in the schedule of permitted occupation below.
 - b) Exceeds the maximum permitted number of households for the property as detailed in the schedule of permitted occupation below.
 - c) Exceeds the maximum number of persons per room as detailed in the schedule of permitted occupation below.
 - d) Exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation below.

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

Occupancy and Maximum Permitted Person per Letting

2) Maximum numbers allowed in a dwelling and maximum numbers of persons per room.

Letting	Location	Area (Sq m)	Max Permitted Number per Room
Room 1	First Floor Front	-	-
Room 2	First Floor Rear	-	-

Total Maximum Permitted Number of Person for the House

Total Maximum Permitted Number of Households

	-
	-

Notification of Changes

- 3) The Licence Holder shall inform the Council’s Property Licensing Team directly, in writing or by email, of the following within 28 days of the change occurring:
 - a) Any change in the ownership or management of the property.
 - b) Any change in address, email or telephone number for the licence holder and/or agent.

- 4) 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 by the Council’s Property Licensing Team on the Licence Holder. It is the Licence Holder’s responsibility to ensure that they take all reasonable steps to receive and act upon any letter, notice or other document sent to that address.

- 5) The Licence Holder must advise the Council’s Property Licensing Team directly, in writing or by email, if they create or remove any rooms, bathrooms, W.Cs or kitchens in the property, at least 28 days before starting works.

Tenancy Management

- 6) The Licence Holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property, 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.
- 7) **Not Used**
- 8) 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 2016to have control or management of the property, or to carry out or arrange any repair, improvement or other building works at the property.
- 9) 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. No new occupiers shall be allowed to occupy the property if they are unable to provide suitable references.

(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.
- 10) 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.

11) The Licence Holder shall protect any deposit taken under an assured shorthold tenancy by placing it in an authorised tenancy deposit scheme. The tenant must be given the prescribed information about the scheme. The Licence Holder must comply 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 Council within 28 days on demand.

12) The Licence Holder must provide to the Council, in writing, details of the tenancy management arrangements that have been, or are to be, made to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Evidence of these must be provided to the Council within 28 days on demand and amongst other things shall include the following:

- a) Notification of an emergency 24hr contact number (including out of hours response arrangements)
- b) Notification of arrangements for the disposal of rubbish and bulky waste
- c) Written records of property inspections for management and repair issues

13) **Not Used.**

14) The Licence Holder shall ensure that inspections of the property are carried out at least every six (6) months to identify any problems relating to the condition and management of the property. *The Council may increase the frequency of such inspections if it has good reason to be concerned about the condition or management of the property.* 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 Council within 28 days on demand. *Sample inspection template forms are available online at www.newham.gov.uk/propertylicensing.*

Responsibility for Anti-Social Behaviour (ASB)

15) The Licence Holder shall take prompt action to address problems of antisocial behaviour (ASB) resulting from the conduct of occupiers of, or visitors to, the property and must comply with the requirements of paragraphs (a) to (h) below (If the Licence Holder has an agent it is still the Licence Holder's responsibility to ensure their agent acts on their behalf in compliance of the conditions):

- a) If the Licence Holder receives a complaint from any person or organisation (including the Council) regarding antisocial behaviour involving the occupiers of or visitors to the property, the Licence Holder must contact the occupiers within 14 days of receiving the complaint. The Licence Holder must inform the occupiers in writing of the allegations of the ASB and of the consequences of its continuation.
- b) If the Licence Holder is informed by the Council, Police or other organisation that any occupiers have entered into a Community Resolution; or have been issued with an Acceptable Behaviour Contract; or a civil injunction has been obtained against the occupiers; or if the occupiers have been prosecuted in relation to ASB, the Licence Holder must visit the property within 7 days of being notified.
- c) During the visit the Licence Holder must provide the occupiers with a warning letter advising them (amongst other things) that their behaviour is not acceptable, that they are responsible for the conduct of their visitors, the impact on the victims and local community, and of the consequences of its continuation.
- d) 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.
- e) Where the Licence Holder has reasonable grounds to suspect that the ASB involves criminal activity the Licence Holder shall ensure that the appropriate authorities are informed.
- f) The Licence Holder shall co-operate with the Police and Council in resolving ASB in any licensed property under their control. Such co-operation includes attending or being represented at any case conferences or multiagency meetings and providing information to the Police or the Council when requested.
- g) Any correspondence, letters and records referred to in conditions 15(a) to (e) must be provided by the Licence Holder to the Council within 28 days on demand.

16) Not Used

17) **Not Used**

18) **Not Used**

19) **Not Used**

Property Management and Safety

20) The Licence Holder shall ensure that, if they are informed, in writing, by email or other form or communication, a complaint of disrepair or pest infestation in the property from the occupiers or the Council, they take action to remedy the disrepair and/or infestation. The Licence Holder shall respond in writing to any such complaint, within 14 days, stating what action they have or are taking.

21) Copies of any such written complaint (including by email) and the Licence Holder's response referred to in condition 14 must be provided by the Licence Holder to the Council within 28 days on demand.

22) The Licence Holder shall ensure that any repairs, improvement works or treatments at the property are carried out by competent person(s) who is employed directly by the Licence Holder or an agent/employee of the Licence Holder. Copies of receipts and/or invoices for any such works must be provided to the Council within 28 days upon demand.

23) If gas is supplied at the property, the Licence Holder shall take all reasonably practicable steps to ensure that all gas installations and appliances are in a safe condition. The Licence Holder must keep a current valid gas safety certificate obtained within the last 12 months by a Gas Safe registered Engineer or, if the boiler was installed less than 12 months ago, a Gas Safe Installation Certificate. A copy must be provided to the Council within 28 days on demand. Copies of this certificate must also be provided to all occupiers at the start of their occupation.

24) The Licence Holder shall take all reasonably practicable steps to ensure that all electrical appliances provided at the property are in a safe condition. The Licence Holder must obtain an electrical appliance test report in respect of all electrical appliances that are provided by the landlord and provide a copy to the Council within 28 days of demand.

25) **Not Used**

- 26) 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 (see <https://my.newham.gov.uk/Maps/>)
 - Details on what they can and can't recycle (www.newham.gov.uk/Recycling)
 - How they can dispose of bulky waste. (www.newham.gov.uk/bulkywaste)
 - General waste guidance from the Council's website: www.newham.gov.uk/wasteguidance.) 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.
- 27) 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.
- 28) 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.
- 29) The Licence Holder must not leave old furniture, bedding, rubbish or refuse from the property on the immediately outside the property or private land.
- 30) 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.
- 31) 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.

32) The Licence Holder shall carry out regular checks and ensure that the property is free from pest infestation. Where the Licence Holder becomes aware of a pest problem or infestation at the property 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 Council within 28 days on demand.

Fire Safety

33) The Licence Holder shall ensure that a smoke alarm is installed on each storey of the property on which there is a room used wholly or partly as living accommodation. (A bathroom or lavatory is to be treated as a room used as living accommodation).

34) The Licence Holder shall ensure each smoke alarm installed in the property shall be kept in proper working order and shall submit to the Council, on demand, a declaration by him as to the condition and positioning of any such smoke alarm.

35) The Licence Holder shall ensure that a carbon monoxide alarm is installed in any room in the property which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. ("Room" includes a hall or landing. A bathroom or lavatory is to be treated as a room used as living accommodation.)

36) The Licence Holder shall ensure each any carbon monoxide alarm installed in any room in the house shall be kept in proper working order.

37) The Licence Holder must submit to the Council, on demand, a declaration by him as to the condition and positioning of any such carbon monoxide alarm.

38) Not Used

39) The Licence Holder shall ensure that furniture made available in the property is in a safe condition. All upholstered 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.

Please Note: Compliance with these conditions does not automatically mean your property is free from the hazard of fire. Subsequent enforcement action may have to be taken to reduce the hazard. More information can be found here: www.newham.gov.uk/propertylicensing

Financial Management

40) **Not Used**

41) When rent or licence fees are collected or received 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 Council within 28 days on demand.

42) **Not Used**

43) **Not Used**

44) **Not Used**

45) **Not Used**

General Conditions

46) The Licence Holder must arrange for access, to be granted to Council officers when requested, at any reasonable time. They must not impede Council officers in carrying out their statutory duties including inspecting, surveying and investigating the property to ensure compliance with licence conditions and any other relevant legislation.

47) The Licence Holder shall provide the Council, within 28 days of receiving a written notice, with such of the following particulars as may be specified in the notice with respect to the occupancy of the property:

- a) The names and numbers of individuals and households in occupation specifying the rooms they occupy within the property.
- b) The names and number of individuals in each household.

48) The Licence Holder shall ensure that if any alteration or construction works are in progress, works are carried out at the property are carried out in such a manner as to ensure the safety of all persons occupying or visiting the property in compliance with Health and Safety legislation.

49) The Licence Holder shall ensure that on completion of any works, the property is left in a clean and tidy condition and free from builders' debris.

Limitations of Licence

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

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

WARNING

PENALTY FOR BREACH OF LICENCE CONDITIONS- Failure to comply with any of the above licence conditions may result in enforcement action and/or prosecution.

The fine for a breach of these licence conditions is now UNLIMITED for each offence.

Other Statutory and Legal Requirements

PLANNING PERMISSION - This licence does **NOT** grant any planning approvals, consents or permissions under the Town and Country Planning Act 1990 or any related planning legislation, retrospectively or otherwise. If the property is being used as a House in Multiple Occupation (HMO) this may constitute a breach of planning control and you should check the Council's website to ensure the correct planning permissions are in place. www.newham.gov.uk/planning. This licence does not offer any protection against enforcement action taken by the Planning Department. If you are unclear on the matters outlined above you should seek professional planning advice.

BUILDING CONTROL- This licence does **NOT** grant any Building Control (Development Control) approvals, consents or permissions, retrospectively or otherwise. This licence does not offer any protection or excuse against enforcement action taken by the Building Control (Development Control) Department.

PROPERTY CONDITION - This licence is **NOT** evidence that the property is safe or free from hazards and defects. The licence does not offer any protection against criminal or civil legal action being taken against the Licence Holder, or anyone else with an interest in the property, in respect of any hazards, nuisances or any other problems discovered in relation to the condition of the property.

CONSUMER RIGHTS & UNFAIR PRACTICES - The Licence Holder's attention is drawn to Office of Fair Trading's (OFT) guidance on unfair contracts in relation to their tenancies or licences. The Licence Holder must negotiate its agreements in good faith and must not carry out misleading or aggressive commercial practices. Full information should be supplied to any prospective occupier including details of this licence. Further advice can be found here:

<https://www.gov.uk/government/publications/unfair-contract-terms-cma37>

and <https://www.gov.uk/government/publications/unfair-terms-in-tenancy-agreements--2>.

It is not the responsibility of the Council's Property Licensing Team to ensure the Licence Holder has complied with the above statutory requirements. If you are unclear on any of the matters outlined above, you should seek professional advice

PROSECUTION/ CONTRAVENTIONS CONSEQUENCES- Please note that any prosecutions or enforcement action or legal action taken against the licence holder or anyone associated with licence holder, or the management of the property, may affect the licence holder's 'fit and proper' status. The Council can revoke or vary the licence at any time, giving proper statutory notice.