

# Newham Private Rented Property Licensing Frequently Asked Questions:

## Q.1 **My Selective licence is expiring between the 28<sup>th</sup> February 2023 and 31<sup>st</sup> May 2023 what do I need to do?**

The current Selective Licensing designation scheme is ending on the 28<sup>th</sup> February 2023. After Cabinet approval, a selective licensing confirmation application was made on 25<sup>th</sup> July to the Department for Levelling Up Housing and Communities. The Designation has now been approved on housing conditions, significant and persistent anti-social behaviour and high levels of deprivation. The date the new Selective licensing designation scheme starts is the 1<sup>st</sup> June 2023.

[Property licensing consultation – Newham Council](#)

This will therefore mean there will be a short break in the Selective licensing requirement in Newham. Landlords who rent out or let residential accommodation that is not a Mandatory or Additional HMO (House in multiple occupation) in the borough (except for Stratford Olympic Park & Royal Victoria wards) will not be required to apply for a Selective licence from the council during this period.

Due to essential maintenance of the My Newham portal, the Selective Property Licensing application form will not be available between the 1<sup>st</sup> May 2023 and the 14<sup>th</sup> May 2023.

We will be accepting early bird Selective Licence applications from the **15<sup>th</sup> May 2023**.

[Apply for a property licence – Rented property licensing – Newham Council](#)

## Q.2 **How much does a Selective Licence cost?**

A Selective Licence costs £750, for up to 5 years. However, there will be discounts available including an early bird discount reducing the fee to £400, for those licence holders who successfully apply online from the 15<sup>th</sup> May 2023 and before the 14<sup>th</sup> July 2023. Being a certified member of a landlord accreditation organisation and having a warmer home rated EPC of A+, A, B or C could reduce the online application fee down to £300 for the licence. More information on Licence fees, discount eligibility and the documentation you will need for your application can be located [here](#).

**Q.3 I am a Licence Holder and my property Licence is still valid until after the 1<sup>st</sup> June 2023 and is therefore not due to expire, what do I need to do?**

If your property licence is still valid, you do not need to apply for a new licence. Your licence remains in force and you will only need to apply nearer to the time of your current licence expiry.

**Q.4 I want to apply for a Selective Licence for the first time as I am renting my property between the 28<sup>th</sup> February and the 31<sup>st</sup> May 2023, what do I need to do?**

The date the new Selective licensing designation scheme starts is the 1<sup>st</sup> June 2023.

There will be a short break in the Selective licensing requirement in Newham. Landlords who rent out or let residential accommodation that is not a Mandatory or Additional HMO (House in multiple occupation) in the borough (except for Stratford Olympic Park & Royal Victoria wards) will not be required to apply for a Selective licence from the council during this period.

Due to essential maintenance of the My Newham portal, the Selective Property Licensing application form will not be available between the 1<sup>st</sup> May 2023 and the 14<sup>th</sup> May 2023.

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[Apply for a property licence – Rented property licensing – Newham Council](#)

**Q.5 I cannot access My Newham, what should I do?**

Unfortunately, the Property Licensing Group are unable to help you with access to your My Newham account, as we only hold an Application form on the site. For help you must use the online help form here [My Newham Enquiry · Customer Self-Service](#)

If you do not receive a response within a timely manner please contact Newham's switchboard on 0208 430 2000 for further advice.

**Q.6 Will I need a licence for each property I own or manage?**

Yes, each property will need a licence.

**Q.7 I have a single person living in my property, do I need a licence?**

Yes, if the property is occupied by a single person, or a single family on a non – exempt tenancy it will need a selective licence.

**Q.8 I have two people sharing a rented property, does it need a licence?**

Yes, if the property is occupied by two people on non – exempt tenancies it will need a selective licence.

**Q.9 I have a house in multiple occupation (HMO) licence, do I need a selective licence as well?**

No. A property needs either a HMO licence or a selective licence.

**Q.10 How do I work out the number of households in my 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 as cohabiting couples (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

**Q.11 I am a resident landlord and share my home with two lodgers, do I need a licence?**

No, if you share basic amenities with your lodger in your home, where you are the owner, you do not need a licence. Please inform us of your lodger arrangement so we can hold a record of this property exemption information accordingly.

A third lodger means the house is a HMO and it must be licensed.

**Q.12 I am required to live away for my employment. I rent my house out while away. Do I need a licence?**

Yes, where the property is let on a tenancy then a licence is required. It makes no difference why you decided to rent the house out.

**Q.13 I rent out an annexe / self-contained flat which is part of my house. I am an owner-occupier. Do I need a licence for the annexe / flat?**

Yes. If you do not share basic amenities (kitchen or bathroom) or living accommodation (living / dining room) with the tenant it would not be classed as a lodger and a licence is needed.

**Q.14 Does having a single tenancy for sharers exempt me from Property Licensing?**

No. There is no legal difference between single and joint tenancies for the purpose of HMO Licensing.

**Q.15 How do I apply for a property licence?**

You can apply for a licence by visiting the Council's website at [www.newham.gov.uk/propertylicensing](http://www.newham.gov.uk/propertylicensing)

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 form on our webpages.

Please note we will be accepting early bird Selective Licence applications from the 1 May 2023. You can apply from this date using the link above.

#### **Q.16 How long will it take to process my application?**

We aim to process applications within 3 months of a receipt of a valid application including required fees.

If there are any delays, you can view the progress of the application by logging into your My Newham account. We will also try to keep you informed if there are any delays in processing your application or if any additional information is required.

#### **Q.17 Can I let my property before receiving the Property Licence?**

Yes, as long as you have submitted a valid application you can legally let the property.

Any Property Licensing Application forms received without payment (or where incorrect or deficient information is supplied) will not constitute a valid application.

#### **Q.18 The application is asking for certificates that I do not have?**

All applications will require an electrical installation condition report (EICR) and a gas safety certificate (if there is gas in the property). It is only a requirement to provide fire alarm and emergency lighting certificates if systems are already provided in the property. A fire alarm certificate will normally be required for HMO's that have a system that requires professional servicing.

Documentation is also requested when you have stated that you belong to an accredited Landlord association or you have stated that your property has an energy efficiency rating of C or above. If you are unable to provide such evidence, you will not be considered for this discount. Discounts cannot be claimed after an application has been made.

#### **Q.19 What is the difference between the licence holder and the Landlord?**

Normally the landlord is the licence holder but in some cases, a managing agent or someone else may be the most appropriate person to hold the licence. The licence holder is legally responsible for complying with the conditions of the licence. 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.

Anyone can apply for a 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.

#### **Q.20 Can a non-resident UK person (overseas Landlord) hold a licence?**

This may be possible depending on the management arrangements. The licence holder must be fit and proper and demonstrate satisfactory management arrangements exist.

The proposed licence holder must have an address in the UK at which they can receive legal notices and correspondence and must have an email address to accept electronic service of documents.

If the Landlord employs a UK managing agent (preferably a reasonable distance from Newham) who has full management control then we advise the agent applies for the licence on your behalf.

If Landlords do not have a UK management agent, with full control, then the Landlord must still make an application and explain their management arrangements so that we can consider them.

As part of the application, we require a statement to explain how the non-resident Landlord will manage the property. Where there is a managing agent, we have developed an overseas Landlord declaration for both the landlord and agent to sign and upload with the application. If a Landlord does not use a managing agent, then we recommend you read the declaration and write a statement to explain how you undertake the actions that the managing agent is expected to do.

A senior officer will decide all overseas Landlord applications on a case-by-case basis.

#### **Q.21 What is the criteria for granting a Property Licence?**

It is the responsibility of the person who has control of the property (usually the person who receives the rent for the property) to apply to the Council for a licence. This can be the owner or manager.

The Council must issue a licence if we are satisfied that the:

- proposed licence holder is the most appropriate person to hold the licence
- proposed management arrangements are satisfactory
- the people involved in the management of the house are competent
- proposed licence holder and proposed manager (if there is one) is a 'fit and proper person'

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.

If the Council is not satisfied with the above, then we may decide to refuse the licence, reduce the term of the licence and/or impose extra conditions on the licence holder.

#### **Q.22 How long will the licence last?**

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 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.

#### **Q.23 What happens if I fail to apply for a licence?**

Landlords will be given reasonable time to license their properties, including by applying using the early bird discount available from the 1 May 2023 to the 30 June 2023 however the council will pursue those landlords who do not apply for a licence and do not comply with the law.

It is your responsibility to ensure you have made a full and valid licence application. In Newham, it is a criminal offence to rent a property out that is required to be licensed without applying for a licence by 1 June 2023 for Selective Licences (or by 1 January 2023 for Additional HMOs). The Council can take a number of enforcement actions against you for not licensing your property, including:

- Issuing a financial (civil) penalty notice of up to £30,000.
- Prosecuting you where the Courts can issue an unlimited fine and find you guilty of a criminal offence.

If a Landlord or managing agent are found guilty and receive a conviction for failing to licence a property then the Council can apply to the First-Tier Tribunal for a Banning Order against them.

If awarded, the Banning Order would prohibit them from:

- Letting housing in England;
- Engaging in English letting agency work;

- Engaging in English property management work; or
- Doing two or more of those things

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 issue a section 21 'Notice to Quit' on their tenants.

For any period where an unlicensed property is being privately rented, an application can be made by the tenants (or by the Council if Housing Benefit or Universal Credit is being paid) to the Residential Property Tribunal for a Rent Repayment Order (RRO).

If awarded, 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.

#### **Q.24 Can I complete a paper application form?**

The application process for a Property Licensing is online. Our online functionality allows necessary follow-up questions to automatically generate as an applicant progresses through the application (which is otherwise not practical with paper forms). The questions generated for applicants to answer will of course differ from property to property, and this is essentially guidance by the information entered for each question. You can start and return to an application at any time.

If you should require a paper application as you are unable to complete online this will incur a paper application administration cost of £100.00 (application fee also required)

If you do not have access to a computer, you are welcome to use any of Newham's libraries for this purpose. Additionally there are a number of agencies and management companies specialising in Property Licensing services that can complete the application on your behalf.

#### **Q.25 I am a responsible Landlord, why should I be penalised?**

Responsible landlords will benefit from a reduced licence fee as well as a full 5-year licence period. Rogue landlords will have a reduced licence period of a year and will be monitored to ensure they improve the management of their tenancies and properties and will have to renew their licences at more regular intervals.

Licensing continues to help identify those landlords who flout the law and will allow Newham to tackle associated issues. This will in turn improve the rental market across Newham whilst also supporting responsible landlords with tenancy disputes and anti-social tenants by offering guidance and advice.

**Q.26 I am a tenant in the private sector. Will my rent go up as a result of licensing?**

Licensing should not affect your current rent. It is contractually agreed between you and your landlord through the terms and conditions of your tenancy agreement.

Licensing will deliver management improvements to the property you rent as well as ensuring you have a legally binding tenancy agreement and that your rights and responsibilities are recognised and upheld.

**Q.27 My Landlord said they would evict me and sell my home if he is required to get a licence what should I do?**

It is illegal for your landlord to use the section 21 Notice for Possession procedure to evict you if they have not applied to licence a property that requires one. Additionally, if you have an assured shorthold tenancy agreement then your landlord must follow the correct legal procedure before evicting you.

You can contact Newham Council's Private Housing service if you want more details, telephone 0203 373 1950. You should contact the Housing Options Centre, telephone 0208 430 2000 immediately, if you are subjected to any threatening behaviour to evict you. Alternatively, in an emergency, you can also contact the police on 101 or 999

**Q.28 How do Landlords benefit from licensing?**

Licensing will help identify rogue landlords who impact negatively on the reputation of private landlords. It will improve the rental market across Newham by raising standards, whilst also supporting responsible landlords with tenancy disputes and troublesome and anti-social tenants. Landlords will benefit from a more professional and robust market and more sustainable tenancies.

**Q.29 How do tenants benefit from licensing?**

Licensing will help identify and penalise rogue landlords who are responsible for creating poor housing conditions and limiting the rental choices available to Newham residents.

It will improve the rental market across Newham by raising housing and management standards in properties and by supporting tenants.

**Q.30 Are there any exemptions from Property Licensing?**

There are a number of statutory exemptions from Licensing. These exemptions are dependent on the property licence type. Examples of some of the exempt tenancies or licences are listed below; please note this is not an exhaustive list, for the full information please view our webpages. If you think



that, your property is exempt from the requirement of licensing please contact us.

- 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

### **Q.31 My rented property is situated in an excluded ward, what does this mean?**

The two wards excluded from Newham's Selective and Additional Licensing Designations are; Royal Victoria and Stratford Olympic Park. If your property is situated within these wards, you are not required to hold a Selective or Additional licence.

Mandatory Houses in Multiple Occupation occupied by five or more persons living in two or more households however are still required to be licensed.

If you operate a Mandatory HMO property, you should apply for a licence.

### **Q.32 I made an application in error, as my property is in an exempt ward (Royal Victoria / Stratford Olympic Park) what will happen?**

Selective or Additional Licence applications that have been made in error will be reviewed by our team and if the property is exempt from licensing then the application will be withdrawn and a full refund will be given.

### **Q.33 Am I required to licence my property if I have a Regulated or Assured Tenancy?**

Regardless of the nuances of tenancies arising under the Rent Act 1977, the aims, scope and licensing provisions of the Housing Act 2004 apply fully to those regulated and assured tenancies. It may be that tenants can enjoy the protections of the Rent

Act 1977 and subsequent Housing legislation (lower than market rents, rights to reasonable repairs etc.) but such tenancies do not fall under any of the statutory exemptions of the scheme and these tenants are not classed as long leaseholders.

**Q.34 My property is used for Nightly Paid Spot Booked Temporary Accommodation for homeless households, do I require a Property Licence?**

Yes, you will require a property licence. The scheme includes licensing for Nightly Paid Spot booked Temporary Accommodation for homeless households. All properties operated within the Property Licensing boundary map used as 'Nightly let' accommodation will be required to be licensed.

The exemption for accommodation procured for temporary accommodation under a private sector leasing arrangement, remains unaffected.

**Q.35 Holiday lets exemption – what is meant by a holiday let?**

A holiday let is a short let, where the duration of the let is less than 90 days per year. Please note, there are also restrictions on planning use with holiday / short lets as well. Please seek further Planning Enforcement advice.

**Q.36 I am a Landlord. How can I be held responsible for the behaviour of my tenants, why do you not target those responsible directly?**

There is a strong correlation between badly managed, poor quality rental properties and anti-social behaviour.

You are not responsible for the behaviour of your tenants but landlords must manage their tenancies and ensure that anti-social tenants are given warnings about their conduct and where necessary terminate tenancies for persistent ASB issues.

**Q.37 Will my rented property be inspected before I am granted a Licence?**

Property inspections will take place over the course of the five-year period. This can either happen before or after the licence is granted. During the five-year period of any scheme, the council will also respond to any complaints about the property and use its existing enforcement powers to deal with any issues that are not covered under the Property Licensing conditions.

**Q.38 My Freeholder, mortgage company or management company advises I cannot operate a HMO?**

If the property is already occupied, you must apply for a licence, resolve any contractual dispute later. Legally you can't evict tenants if you do not hold a licence. In addition, the tenants may be able to obtain a Rent Repayment Order for the time the property was unlicensed.

You may want to seek legal advice in relation to any restrictions on your lease, and whether these are enforceable. You may also want to check that your mortgage

permits multiple occupation. Different criteria may apply to smaller HMOs with less than five people.

If you wish to operate a house as an HMO, it must have the correct class of planning use. You may need to apply for planning permission to change it from C3 (dwelling house) to C4 (house in multiple occupation).

There is no guarantee that your planning application will be approved, but if you rent out your property you must have a property licence. If you are refused planning permission for an HMO, we cannot refund your licensing fee.

**Q.39 The licence fee is split into two parts (part A & part B), when will the part B payment be taken?**

Part B will be taken once the Council has determined to grant a licence and will cover the administration, management, and enforcement of the licensing functions for the scheme.

Part B payments can only be made via your My Newham application; you cannot contact our service directly to make payments over the telephone.

Failure by a landlord to pay the part B fee following requests to do so will result in the application being refused and the fee for Part A being retained by the council.

Any Property Licensing Application forms received without payment (or where incorrect or deficient information is supplied) will not constitute a valid application.

**Q.40 I have rooms under the permitted space standard size, what should I do?**

Please submit your application detailing all rooms sizes. You do not need to take any action until we have assessed your application and permitted occupation.

**Q.41 Will I have to evict my tenants if my property is unsuitable?**

If the property is unsuitable for the number of tenants currently accommodated landlords will be issued a licence stating the number for which it is suitable. If this is, more than currently accommodated, then landlords may keep their existing tenants until the expiry of the current tenancy and then not re-let the undersized room or rooms. No new occupiers should be admitted until occupiers match the number permitted on the licence.

**Q.42 What happens if I don't comply with the conditions of my licence?**

You could receive a criminal conviction upon prosecution and/or an unlimited fine per breach or a civil penalty of up to £30,000 per offence. A conviction and/or multiple civil penalties could lead to you being placed on the London or National Rogue Landlord database.

**Q.43 I am a managing agent with over 50 properties to licence. Will my clients be penalised if their application is not submitted on time?**

We are aware that some agents will have multiple clients and will need additional time to formally apply for a licence for each property. We are encouraging managing agents and large portfolio holders with over 50 properties to discuss with us their portfolios and agree a manageable period for the submission of applications. Only where there is a deliberate attempt to evade licensing or a property has significant hazards will the council instigate formal action.

**Q.44 I have received a letter regarding a Licensing Compliance inspection to be carried out in my property, what do I need to do?**

The Council is currently undertaking extensive compliance survey work in order to check that all Licence Holders are continuing to meet the obligations of their Property Licence.

During the term of your licence, you may be selected for a Licensing Compliance inspection.

If we are not able to gain access to your property whilst in the area we will leave contact details for the landlord/licence holders or tenants to contact us to arrange a suitable alternative appointment. You are not required to contact our service initially to arrange this appointment.

**Q.45 Will I be entitled to a refund if I sell my rented property?**

No, if the property was licensable at the time you paid for your licence application, you would not be entitled to a refund if you sell the property. Please see our fees and charges webpages [Licence Fees and Charges – Rented property licensing – Newham Council](#)

**Q.46 Would a licence transfer to a new owner if I sold my rented property?**

No, property licences cannot be transferred from one person to another. If you sold a property during a licensing scheme, you must contact the council so that the existing licence can be revoked. The purchaser would need to apply for their own licence if they still want to rent out the property.

**Q.47 The current Licence holder has passed away, what should I do?**

A property licence may not be transferred to another person. If the licence holder dies while the licence is in force, the licence is terminated. The personal representatives of the licence holder should contact us as soon as is possible. During the initial period of 3 months beginning with the date of the licence holder's death, a temporary exemption notice is automatically applied to the house/HMO.

If notification is received from the personal representatives within 6 months of the death of a licence holder, then the licence can be applied for by the next of kin or person in control of the inherited property and the licence will be valid for the remainder of the original licence term.