

## **Appendices:**

- Appendix A Summary of Consultation Responses for Landlord Licensing
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## Appendix A: Summary of Consultation Responses for Landlord Licensing

Comments	Council Response
<b>Scheme objectives and conditions</b>	
There appear to be an increasing number of "garden buildings" used as separate accommodation ... This type of unregulated separate occupancy needs to be brought under control.	The Council is aware of the incidence of these types of outbuildings being used as rental accommodation and where such dwellings are identified they are investigated under the enforcement measures available to the Council. The introduction of a licensing scheme will enable more resources to target suspected problematic dwellings.
The scheme will need to be properly managed / enforced effectively including regular monitoring/inspections	If the licensing scheme is approved, the Council will carry out inspections under the new scheme to find unlicensed properties and will work with landlords to ensure that the properties comply with the standards required and are licensed. The licensing scheme proposals includes funding the required staff resources required to effectively manage the scheme.
Licensing schemes will encourage landlords to improve property standards, benefitting tenants and the local area	The Council recognise that many landlords provide good quality safe accommodation and where landlords' properties need to be improved to meet the conditions required under the licensing scheme the Council will work with them to ensure compliance. It is recognised that this work will ensure that landlords and tenants are aware of their rights and responsibilities.
Agree with additional licensing, HMOs need licensing	If licensing is approved all HMOs as defined within the Housing Act will either be covered by the additional licensing scheme in relation to HMOs not currently covered by the mandatory HMO licensing scheme, in the designated wards. Licensing regulations will continue to apply to all HMOs in the Borough, covered by the mandatory licensing requirements (those with 5 or more occupants from 2 or more households).
Agree with selective licensing / other privately rented properties need licensing	If the licensing scheme is approved, all privately rented properties, meeting the requirements for licensing would be covered by either the selective licensing or additional licensing scheme in relation to HMOs not currently covered by the mandatory HMO licensing scheme, in the designated wards. Licensing regulations will continue to be applied to HMOs covered by the mandatory licensing requirements (those with 5 or more occupants from 2 or more households).
Other Wards / The whole of the borough should be included	Based on the research evidence not all wards indicated significant levels of the issues that the licensing proposal is intended to address. Legislation governs under what conditions licensing in areas may be introduced.

<p>Small HMOs are causing problems e.g., parking, ASB, litter</p>	<p>The Council recognises that not all HMOs cause problems, and through additional licensing seeks to improve conditions, and address ASB issues, associated with poorly managed HMOs.</p>
<p>A licencing scheme will result in increased rent, with landlords passing the licence fee cost onto tenants.</p>	<p>The 2019 study – ‘<a href="#">Use and Effectiveness of Selective Licensing</a>’ - commissioned by the Minister for Housing Communities and Local Government (MHCLG) (now the Department for Levelling up Housing and Communities (DLUHC)) addressed the claim regularly made that licensing increases rents, as landlords passed on the licensing costs to their tenants. No real substantive evidence of this effect was seen during the review.</p> <p>As part of its equalities impact assessment for licensing, the Council reviewed data from the <a href="#">Private Rental Market Summary Statistics in England, published by the Office of National Statistics (ONS)</a> for the period April 2019 to September 2022.</p> <p>Data in relation to a sample of London Boroughs that had landlord licensing and Article 4 Directions did not indicate very significant increases in median rental prices across all categories of accommodation during the period, or a direct correlation between licensing scheme introduction and rent increases.</p>
<p>A licencing scheme will result in less availability for tenants, causing homelessness.</p>	<p>The 2019 study - ‘<a href="#">Use and Effectiveness of Selective Licensing</a>’ - commissioned by MHCLG (now DLUHC) did not show real substantive evidence of this effect during the review. If landlords sell their properties, these are likely to be bought by other landlords, and the supply would not be significantly affected.</p> <p>Data from the English Landlord Survey (2021) indicated that landlords who planned to decrease or sell all their rental property were planning to do so due to legislative changes (e.g., to benefits, tax relief and stamp duty), these being the most commonly cited reason. This was followed by forthcoming legislative changes (e.g., to section 21 evictions), or for personal reasons (e.g., approaching retirement age, other commitment etc.)</p> <p>There is no evidence that licensing results in significant rental increases. ONS data from the private rental market statistics. Where rents have increased in boroughs these are not able to be attributable solely to licensing, particularly given the limited annual equivalent cost of a licence.</p>
<p>A licencing scheme would make being a landlord unprofitable including forcing landlords to sell properties</p>	<p>It is recognised that landlords face a number of economic pressures resulting from the cost-of-living crisis, and potential costs arising from pending changes to EPC standards for example. However, as stated above, data from the Use and Effectiveness of Selective Licensing review, and the English Landlord Survey, do not support this assertion. It is also reasonable to believe that if some landlords sell their rental properties, these may be bought by other landlords, and the supply would not be significantly affected.</p>

Licensing won't solve the issues / problems	<p>Research carried out by the Chartered Institute of Environmental Health (CIEH) and Chartered Institute of Housing (CIH) found that selective licensing schemes were successful at improving housing conditions. The research cited evidence of inspections leading to high numbers of serious hazards and being identified and addressed in licensed areas, and reduction in antisocial behaviour (ASB).</p> <p>Recent research published in the British Medical Journal (BMJ) in 2022 reported on the impact evaluation of selective licensing schemes for private rented sector homes in London. The 5-year study found evidence of area-level reduction in anti-social behaviour, and positive impacts on mental health and wellbeing.</p>
Proposals are just a money-making scheme / tax	<p>Local authorities are not legally able to make a profit on licensing schemes, and income must be used to cover the cost of implementing and running the scheme. The Government's Regulatory Impact Assessment in relation to HMO and selective licensing (Licensing of Houses in Multiple Occupation (Prescribe Descriptions) (England) Order 2006 No. 371) makes the position clear that fees cannot be used to raise extra revenue for the local authority. Proposed fees have been calculated on the cost of setting up and operating the schemes.</p>
There is already sufficient regulation in place / creates unnecessary bureaucracy	<p>The Council currently exercises a range of powers and measures available to it in its work to regulate the private rented sector in line with current legislation. However, there are limitations in respect of what the current legislation will allow. For example, under Part 1 of the Housing Act 2004, landlords are not required to declare their rental properties themselves. There is no obligation for a landlord to be proactive in addressing or improving property conditions (including minor issues that may still pose a risk to tenants' health and safety).</p> <p>The 2021 English Housing Survey data indicated that a significant number of tenants do not complain about conditions in their properties for fear of losing their tenancy. This situation combined with absence of a landlord obligation to be proactive in dealing with property conditions highlights the need for additional measures to be considered by the Council, in addition to the current powers and measures available.</p> <p>Taking into account the enforcement action undertaken such as prosecutions, Civil Penalty Notices, and other interventions, and the ongoing extent of the issues presenting, the Council believes that none of the current measures either individually or collectively, is capable of achieving the objectives that it intends to deliver through the proposed licensing schemes.</p>
Similar schemes in other areas haven't worked	<p>The Council is aware that some schemes in other local authority areas have experienced difficulties. For example, some councils were overwhelmed by the numbers of applications at the commencement of schemes. Others experienced issues relating to insufficient staff to process applications and carry out inspections, which led to delays in issuing licences. Some councils found that a small but significant number of landlords did not apply for licences, resulting in more work to trace and identify the relevant properties. However, there is also evidence demonstrating that even schemes that experienced difficulties made an impact on identifying poor conditions and hazards in the sector and contributed to improvement of standards in the areas. Overall, the</p>

	<p>extensive evidence from research studies and local authority reviews of the operation of their schemes demonstrate that schemes do work and provide positive outcomes for both residents and tenants.</p> <p>The Council is also aware that some councils have been unsuccessful in securing government approval for their licensing schemes, where approval was required, due to concerns about the information provided to support applications or renewals of licensing schemes.</p> <p>The Council monitors developments in the sector and maintains contact with other local authorities, to share information and learning experiences, and maintain up to date awareness of the challenges of operating a licensing scheme.</p> <p>As part of the licensing work the enforcement team will utilise a range of data and proactive measures to identify potential unlicensed properties. The Council will publicise the scheme widely, ensuring that landlords, tenants and residents are aware of the legal requirement for private rented properties to be licensed. The Council will also continue to work with strategic partners, such as the Police and other agencies as part of the information gathering process.</p>
<p>Punishes good landlords. Leaves non-compliant landlords undetected.</p>	<p>The Council recognises that many landlords provide good quality well managed housing, and this housing provides much needed affordable housing in the Borough.</p> <p>The Council is committed to maintaining and building the valuable relationship with private landlords operating in the borough. Effective relationship management with the private landlord sector is based on balancing the business interests of responsible landlords that, provide good quality well managed housing and ensuring that the safety and welfare of tenants in less well managed accommodation is addressed through appropriate interventions where necessary.</p> <p>A licensing scheme if approved will enable the Council to increase proactive measures to identify non-compliant landlords. As part of the licensing work the enforcement team will utilise a range of data and proactive measures to identify potential unlicensed properties. The Council will publicise the scheme widely, ensuring that landlords, tenants and residents are aware of the legal requirement for private rented properties to be licensed. The Council will also continue to work with strategic partners, such as the Police and other agencies as part of the information gathering process.</p>
<p>Landlords shouldn't be responsible for tenants' ASB / tenants should be responsible</p>	<p>The Council believes that landlords have a responsibility to take reasonable steps to deal with ASB arising from their properties. The conditions to be applied to the proposed licensing scheme aims to make tenants and landlords aware of their rights and responsibilities. For example, the conditions will make tenants aware of the types of unacceptable behaviour and provide guidance on how to deal with issues. The licence holder will be required to set out for tenants how ASB will be dealt with. The licence holder will be expected to take reasonable steps to deal with any ASB resulting from the conduct of occupiers or visitors.</p>

	<p>Under the proposals the Council will produce additional level of information, training and other assistance to the landlord sector. Currently this takes place via the private landlord forum which aims to promote good practice in the private rented sector by providing information for landlords including legal and case law updates relating the private rented sector. The Council will also set up a dedicated web page providing a range of information and resources, in addition to the work of the forum.</p> <p>The Council will continue to develop its relationship with the landlord sector through increased and improved communication for example through the private landlords' forum and dedicated webpages on the Council's website, providing information and support to assist landlords with tenancy management issues, including dealing with occupiers presenting challenging behaviour.</p>
Standards / landlords are already high quality	<p>The Council recognises that many landlords provide good quality well managed housing, and this housing provides much needed affordable housing in the Borough. Unfortunately, there are landlords who fail to maintain properties safely or to the standards required as set out in the data and stressors report made available throughout the consultation.</p> <p>Recent government data such as the English Housing Survey 2021-22 indicates that level of non-decent homes in the private rented sector is around 23%, much higher than other tenures.</p>
Licensing could lead to landlords discriminating against tenants to avoid potential charges or losing their licence including vulnerable / immigrant tenants	<p>The Council recognises that some landlords may try to avoid letting to certain types of occupiers. There are laws in place that make discrimination on certain grounds unlawful, and this information will be available on the Council's licensing webpage as part of the general information provided if the licensing scheme is introduced.</p>
<p>Strongly object to: "The licence holder must demand references from persons who wish to occupy the property..."</p> <p>I would have been unable to meet the reference requirements due to no references available and bad credit</p>	<p>Reference checks are a mandatory requirement under legislation for a licensing scheme. The requirement is that a landlord must seek references and that when referencing, 'consideration' must be given to the tenant's history, credit and right to rent.</p> <p>Checks. The Council recognises that not all prospective occupiers will have a detailed renting history, and some may be seeking their first rental accommodation. In the absence of previous landlord references other references can be sought. It is for the landlord to decide what credit check information will be taken into account and what other information the tenant can provide regarding past circumstances.</p> <p>There is a legal obligation for a landlord to carry out a 'right to rent' check and guidance is provided in various government documents, particularly 'Landlord's guide to right to rent checks: 28 February 2023'.</p> <p>It is unlawful for landlords to discriminate against prospective tenants on the basis of protected characteristics, such as religion or race, and guidance is provided for landlords in the publication 'Code of practice for</p>

	landlords: avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector: 6 April 2022'.
<b>Fees &amp; Discounts Response</b>	
Further discounts to landlords and those with multiple stock.	The discounts have been reviewed in light of the consultation feedback and the Council is satisfied that the proposals are reasonable. The fee structure for the proposed scheme has been kept as low as possible to minimise cost to landlords whilst ensuring that the scheme remains cost neutral, so it is deemed to be fair and reasonable, over the five-year period. The proposed fee is also fully tax deductible for landlords.
"It doesn't seem very expensive ..."	Licence fees are required to be based on the cost of implementing and running the scheme and should not make a profit. The proposed fees have been calculated on the cost of setting up and operating the schemes and will reviewed annually to ensure that the scheme remains cost neutral.
Discounts should be offered to those who own multiple properties – as well as to those who decide to sell or discontinue as an HMO or obtain a new licence late during the five-year period.	The discounts have been reviewed in light of the consultation feedback and the Council is satisfied that the proposals are reasonable. The licence fees have been calculated on the cost of setting up and operating the schemes. The subsequent disposal of a property by a landlord during the licensing period does not reduce the scheme costs. If the scheme is approved further consideration will be given to the treatment of new licence applications towards the end of the current scheme.
Part B fees should be payable monthly	The Council has considered this option and has decided not to introduce this option as this would require additional system changes and staff resources required to enable the increased transaction processing, which would mean increasing the fees.
The Council should run such checks to prevent landlords from making false accreditation claims.	The Council recognises the usefulness of conducting annual checks, however, such a process would result in thousands of additional process transactions annually that would need to be resourced, increasing the cost of the licence fee. The Council has decided that under the circumstance the costs would not be justified. Consideration may be given to sampling audit checks.
Proposed licence fees should be higher / there shouldn't be any discounts	Licence fees are required to be based on the cost of implementing and running the scheme and should not make a profit. The proposed fees have been calculated on the cost of setting up and operating the schemes. The Council recognises that many landlords provide quality safe accommodation that is well managed, and that landlords accredited to a recognised scheme are more likely to provide well managed accommodation. Discounts recognise this situation may encourage other landlords to seek accreditation.

	<p>The Council seeks to reward landlords who apply for a licence promptly and those that are voluntarily accredited by offering a discount.</p> <p>The discounts have been reviewed in light of the consultation feedback and the Council is satisfied that the proposals are reasonable.</p>
<b>Other Comments (Summarised)</b>	
Duty of care to ensure that tenants on housing benefit are housed in appropriate accommodation.	<p>There is no legislation in place that enables the Council to monitor properties on the basis that housing benefit is being paid.</p> <p>The Housing Act 2004 enables the council to take enforcement action including management orders, prosecutions and issuing Civil Penalty Notices where breaches of legislation have occurred. These measures are expected to be used where engagement with the landlord to achieve compliance and the improvements required, have been unsuccessful.</p>
Fine landlords that run poorly managed properties or poorly maintained properties.	The Council will continue to work with landlords to deal with poorly managed properties, and where serious breaches of the legislation the legislation arise, the Council will continue to issue Civil Penalty Notices or prosecutions as is currently the case.
Withhold rent payment to HMOs that only accept housing benefit tenants if the property is poorly maintained. Shut the properties down.	<p>The Council does not have the power to withhold housing benefit for poorly managed properties.</p> <p>Legislation such as Anti-Social Behaviour Crime and Policing Act 2014 does enable the Police and local authority Council to obtain a closure order in relation to premises. However, action under this legislation would only be relevant in extreme and exceptional cases, where a range of measures had failed.</p>
Restrict the number of HMOs that one individual can own.	There is no legislation that would enable a council to restrict the number of HMOs an individual may own.
Properties that are rented out by estate agents are already vetted. The Council should focus on housing that are in poor conditions	The Council recognises that many landlords provide quality safe accommodation that is well managed. The proposed licensing scheme is a strategically focused measure as part of a number of other measures and is based on the evidence obtained in relation to the private rented sector. A licensing scheme is area based and the Council would be unable to decide on exemptions for certain landlords within the designated areas.
Good landlords will think twice to rent out properties with additional costs and administration. Therefore, good	<p>The Council has considered the potential impact on supply and the risk of increased homelessness.</p> <p>Taking into account a range of studies and ONS on market rent trends, and the fee levels proposed there is little evidence to indicate adverse impacts on supply and homelessness as a result of licensing.</p>



housing stock would be reduced.”	
Licensing should only target bad landlords including those with high numbers of complaints	The Council recognises that many landlords provide quality safe accommodation that is well managed. The proposed licensing scheme is a strategically focused measure as part of a number of other measures and is based on the evidence obtained in relation to the private rented sector. A licensing scheme is area based and the Council would be unable to decide on exemptions for certain landlords within the designated areas.
A robust system for reporting problem landlords needs to be in place	The proposed scheme has clear objectives in relation to improving conditions, reducing serious hazards, reducing ASB, and tackling the issue of poorly managed HMOs, which affect tenants and residents and the local area. The scheme will enable more pro-active work to identify and inspect properties to enable issues to be addressed. If the licensing scheme is approved website information will promote information relating to reporting problem landlords.
Invest money / resources into the policing of ASB and crime. ASB is better tackled by the police including more CCTV, streetlights, patrols	Recent research published in the British Medical Journal (BMJ) in December 2022 reported on the impact evaluation of selective licensing schemes for private rented sector homes in London. The 5-year study found evidence of area-level reduction in anti-social behaviour, and positive impacts on mental health and wellbeing.
The council should focus on problems with social housing e.g., housing association and Council.	The housing association sector has its own regulatory framework overseen by the Regulator of Social Housing. The Council is a non-stock owning authority and does not own social housing.
HMOs should be banned / number of HMOs should be restricted	The Council has no powers to ban HMOs. The Council has recently introduced and consulted on an immediate Article 4 Direction, which requires new small house and flat shares (small HMOs) to seek planning permission instead of being covered by Permitted Development (PD). HMOs of 7 or more people, from more than one household, already require planning permission. Relevant information may be obtained from the Council’s website.
Include rent control / caps	The Council has no powers to introduce rent controls or caps
Consultation is biased / flawed / misleading questions	The Council appointed ORS, an independent and highly respected social research consultancy with many years’ experience of devising and running public consultation projects, to lead the public consultation for the Council. In addition to the structured consultation questionnaire respondents had the opportunity to submit their views in a number of ways, enabling a wide range of comments and views to be expressed, in addition to providing free text comments.

<p>Whilst the Council would not enforce landlords to acquire an EPC rating of at least C, the conditions could encourage it as a means of improving health in the area.</p>	<p>Pending regulations will require landlords to meet EPC rating C by 2025. This information will be publicised by the Council as part of the information on licensing and as part of the public information work in relation to the private rented sector, and ongoing work with landlords, such as via the private landlord forum. Information on the availability of any government grants for example relating to energy efficiency improvements that could be bid for will be published.</p>
<p>An opportunity to just add to empower the tenants themselves as to awareness of their rights.</p>	<p>The conditions attached to licensing address the need to set out the rights and responsibilities of landlords and occupiers. For example, information on how to make a complaint about any issues will be required to be provided to the occupiers.</p>
<p>Bad landlords will move to other area / the problems will move with them</p>	<p>The Council recognises that this may happen in some cases, however, the Council will continue its enforcement work in areas outside of the licensing areas and will continue its work to identify and respond to evidence of poorly managed properties or poor conditions in the private rented sector. The Council will continue to operate the mandatory HMO licensing scheme which applies to those HMOs with six or more individual, is covered by mandatory licensing regulations and covers the whole of the Borough.</p>
<p>Issues with developments of HMOs in small residential properties, with little consideration for plumbing, drainage, parking, and storage of rubbish.</p>	<p>Issues in relation to licensing conditions would be dealt with under the licensing scheme if approved. Matters relating to the development of HMOs would be addressed by the Planning team, including in relation to the Article 4 Direction.</p>
<p>Poorly managed, often substandard, HMOs that may leave vulnerable people without support and at risk of themselves and other residents.</p>	<p>As part of publicising the scheme widely, if approved, information will be targeted at occupiers regarding their rights, and where to access advice and support services. The licence conditions will be publicised which will include information on how to raise issues of concern.</p>
<p>Consider partnerships with stakeholders such as Shelter, Law Centres, advice centres, and the Police to tackle antisocial behaviour in replacement of / in addition to its proposals for the PRS.</p>	<p>The Council will continue to work with strategic partners such as Safer Merton, Environmental Management teams, and the Police, to tackle ASB and improve housing conditions in the private rented sector. The Council will work with external agencies operating in the Borough such as Citizens Advice, and other agencies providing welfare and legal rights advice and assistance to the local community.</p>

Potential reduction of affordable housing - demand in Merton is already higher than the London average	The Council recognises the demand for affordable housing in the borough which is driven by market forces. Data from a number of studies and ONS data on market rent trends show there is little evidence to indicate adverse impacts on supply as a result of licensing.
The percentage of terraced houses in Merton is significantly higher than in the rest of London and England. Meeting licensing conditions could be particularly costly in older, terraced houses.	The Council recognises that meeting property standards in older properties may be more challenging for some landlords, however, the objective of licensing is to improve conditions and ensure that private rented properties meet the health and safety standards required.
Council to provide an annual summary of its outcomes	If the licensing scheme is approved, the Council will publish annual performance information relating to the scheme objectives and outcomes.
An alternative regulatory framework to educate landlords in improving the standards of their housing stock.	Alternative regulatory framework would be a matter for Government.
It is important that the government provides councils with adequate resources so that proactive enforcement becomes widespread.	Additional resourcing for councils would be a matter for Government
Length of licence should be shorter	A shorter licensing period would be likely to impact on the cost of operating a scheme and increase the fees charged. The Council may consider reducing the length of the licence if a particular landlord has a record of poor management or has not complied with certain licensing requirements.
Only one licence per landlord	The legal requirement in relation to property licensing is for a property to meet the conditions specified and to have a licence issued in relation to that property.

## Appendix B: Selective Licensing Conditions

1. If gas is supplied to the property, the Licence Holder must produce to the Council, annually or within 7 days of a written request, a Gas Safety Certificate obtained in respect of all gas appliances in the property within the last 12 months. The Gas Safety certificate must be issued by a registered Gas Safe contractor (as required by the Gas Safety (Installation and Use) Regulations 1998).
2. The Licence holder keep all electrical appliances in the property in a safe condition, in good repair and in a clean condition, and provide when requested by the Council a current Portable Electrical Equipment Test Report.
3. The Licence holder ensures that all fixed electrical installations are inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing and obtain a certificate from the tester specifying the results of the test provided when requested a current electrical test certificate.
4. The Licence holder agrees to ensure that all furniture and fittings comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
5. The licence holder must ensure that a smoke alarm is installed on each story of the house on which there is a room used wholly or partly as living accommodation and keep each alarm in proper working order. The licence holder must also supply the council, on demand, with a declaration by him as to the condition and positioning of the alarms.
6. The licence holder must ensure that the carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. The alarm must be kept in good working order and the licence holder must supply a declaration, on demand, to the council as to the condition and position of any alarms.
7. Supply to the occupants a tenancy agreement or occupancy agreements showing the terms upon which they occupy the property and provide copies to the Council upon request.
8. Tenancy or occupancy agreements to contain terms relating to date of commencement, rent, termination, security of tenure, grounds for possession, repairs, and occupant responsibilities in relation to pets, preventing anti-social behaviour, nuisance, harassment, and annoyance to third parties.
9. The licence holder must demand references from persons who wish to occupy the property. No new occupiers should be allowed to occupy the property if they are unable to provide a suitable reference. When referencing, consideration must be given to the tenant's history, credit and right to rent checks. The licence holder must provide evidence of such reference and checks carried out when requested by the Council within 14 days on demand.
10. The licence holder must protect any deposits taken from the occupiers under an assured short-hold tenancy agreement, by placing them in a statutory tenancy deposit scheme.

11. The licence holder must give information about the scheme being used to the occupier within the statutory time limit (currently 30 days) of the time the deposit is taken. When requested this information must be provided to the Council within 14 days on demand.
12. The license holder agrees to give information to the tenant prior to occupation about anti-social behaviour (ASB) and the standard of behaviour expected and what the results of ASB could be, namely that the police or local authority could become involved, that they may have to appear in Court or lose their tenancy.
13. The license holder must ensure that the responsibilities of occupiers, particularly in relation to ASB, nuisance and refuse, are provided in writing and that documents of occupiers' signed acceptance are retained for inspection by the Council if requested.
14. The Licence Holder must ensure that sufficient bins or other suitable receptacles are provided and are adequate for the requirements of each household in the property for the storage of refuse and litter pending their disposal, and that overflowing does not occur.
15. The Licence Holder must ensure that no appliances or other equipment, is stored or accumulates within the curtilage of the property. Where such accumulations are unavoidable, they shall be removed as soon as reasonably practicable.
16. License Holder must give instructions to tenants, at the beginning of their occupancy, regarding the storage and disposal and recycling arrangements in place in respect of refuse.
17. Evidence must be provided to the Council on application showing sufficient evidence that arrangements have been made for the collection, storage, and disposal of waste.
18. The Licence Holder must ensure that wherever possible waste arising from building works or improvements to the house, does not accumulate in the curtilage to the property. Where such accumulations are unavoidable, they shall be removed as soon as reasonably practicable.
19. The Licence Holder must ensure that the property is free from Category 1 Hazards and meets the Housing Health & Safety Rating System (HHSRS) standards as set out in the Council's Houses in Multiple Occupation (HMO) Requirements document.
20. When requested, the licence holder must provide an Annual Buildings Insurance Certificate on application and thereafter on request, to the Council.
21. The Licence Holder must provide an Energy Performance Certificate for the property on application, and thereafter on request, to the Council.
22. The licence holder must provide on application a BS5389 test reports relating to any fire detection system and thereafter when requested. They must also provide on application a BS5266 test reports relating to the emergency lighting (if applicable) and thereafter when requested.

23. The licence holder must ensure that they address hazards associated with lack of space within the dwelling for living, sleeping and normal family/household life, and comply with the space standards as set out in Schedule 4 of the Housing Act 2004 relating to:

- The maximum number of people allowed to occupy the property.
- The maximum permitted number of persons per room

## Appendix C: Additional Licensing Conditions

1. If gas is supplied to the property, the Licence Holder must produce to the Council, annually or within 7 days of a written request, a Gas Safety Certificate obtained in respect of all gas appliances in the property within the last 12 months. The Gas Safety certificate must be issued by a registered Gas Safe contractor (as required by the Gas Safety (installation and Use) Regulations 1998).
2. The Licence holder keep all electrical appliances in the property in a safe condition, in good repair and in a clean condition, and provide when requested by the Council a current Portable Electrical Equipment Test Report.
3. The Licence holder ensures that all fixed electrical installations are inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing and obtain a certificate from the tester specifying the results of the test. Provide when requested a current electrical test certificate.
4. The Licence holder agrees to ensure that all furniture and fittings comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
5. If gas is supplied to the property, the Licence Holder must produce to the Council, annually or within 7 days of a written request, a Gas Safety Certificate obtained in respect of all gas appliances in the property within the last 12 months. The Gas Safety certificate must be issued by a registered Gas Safe contractor (as required by the Gas Safety (installation and Use) Regulations 1998).
6. The Licence holder keep all electrical appliances in the property in a safe condition, in good repair and in a clean condition, and provide when requested by the Council a current Portable Electrical Equipment Test Report.
7. The licensee must ensure that all fixed electrical installations are inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing and obtain a certificate from the tester specifying the results of the test. Provide when requested a current electrical test certificate.
8. The Licence holder ensures that all fixed electrical installations are inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing and obtain a certificate from the tester specifying the results of the test. Provide when requested a current electrical test certificate.
9. The Licence holder agrees to ensure that all furniture and fittings comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
10. The licence holder must ensure that a smoke alarm is installed on each story of the house on which there is a room used wholly or partly as living accommodation and keep each alarm in proper working order. The licence holder must also supply the council, on demand, with a declaration by him as to the condition and positioning of the alarms.

11. The licence holder must ensure that the carbon monoxide alarm is installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker. The alarm must be kept in good working order and the licence holder must supply a declaration, on demand, to the council as to the condition and position of any alarms.
12. The licence holder must ensure that they address hazards associated with lack of space within the dwelling for living, sleeping and normal family/household life, and comply with the space standards as set out in Schedule 4 of the Housing Act 2004 relating to:
  - The maximum number of people allowed to occupy the property.
  - The maximum permitted number of persons per room
13. Supply to the occupants a tenancy agreement or occupancy agreements showing the terms upon which they occupy the property and provide copies to the Council upon request.
14. Tenancy or occupancy agreements to contain terms relating to date of commencement, rent, termination, security of tenure, grounds for possession, repairs, and occupant responsibilities in relation to pets, preventing anti-social behaviour, nuisance, harassment, and annoyance to third parties.
15. The licence holder must demand references from persons who wish to occupy the property. No new occupiers should be allowed to occupy the property if they are unable to provide a suitable reference. When referencing, consideration must be given to the tenant's history, credit and right to rent checks. The licence holder must provide evidence of such reference and checks carried out when requested by the Council within 14 days on demand.
16. The licence holder must protect any deposits taken from the occupiers under an assured short-hold tenancy agreement, by placing them in a statutory tenancy deposit scheme.
17. The licence holder must give information about the scheme being used to the occupier within the statutory time limit (currently 30 days) of the time the deposit is taken. When requested this information must be provided to the Council within 14 days on demand.
18. The license holder agrees to give information to the tenant prior to occupation about anti-social behaviour and the standard of behaviour expected and what the results of anti-social behaviour could be, namely that the police or local authority could become involved, that they may have to appear in Court or lose their tenancy.
19. The license holder must ensure that the responsibilities of occupiers, particularly in relation to ASB, nuisance and refuse, are provided in writing and that documents of occupiers' signed acceptance are retained for inspection by the Council if requested.
20. Notice boards in communal areas must display the requirements of occupiers to comply with the requirements in respect of avoiding ASB, nuisance and refuse management issues.



21. The Licence Holder must ensure that sufficient bins or other suitable receptacles are provided and are adequate for the requirements of each household in the property for the storage of refuse and litter pending their disposal, and that overflowing does not occur.
22. The Licence Holder must ensure that no appliances or other equipment, is stored or accumulates within the curtilage of the property. Where such accumulations are unavoidable, they shall be removed as soon as reasonably practicable.
23. License Holder must give instructions to tenants, at the beginning of their occupancy, regarding the storage and disposal and recycling arrangements in place in respect of refuse.
24. Evidence must be provided to the Council on application showing sufficient evidence that arrangements have been made for the collection, storage, and disposal of waste.
25. The Licence Holder must ensure that wherever possible waste arising from building works or improvements to the house, does not accumulate in the curtilage to the property. Where such accumulations are unavoidable, they shall be removed as soon as reasonably practicable.
26. The Licence Holder must ensure that the property is free from Category 1 Hazards and meets the Housing Health & Safety Rating System (HHSRS) standards as set out in the Council's Houses in Multiple Occupation (HMO) Requirements document.
27. When requested, the licence holder must provide an Annual Buildings Insurance Certificate on application and thereafter on request, to the Council.
28. The Licence Holder must provide an Energy Performance Certificate for the property on application, and thereafter on request, to the Council.
29. The licence holder must provide on application a BS5389 test reports relating to any fire detection system and thereafter when requested. They must also provide on application a BS5266 test reports relating to the emergency lighting (if applicable) and thereafter when requested.

# Appendix D: Schedule of Proposed Charges for Licensing

Licensing costs will be dependent on accreditation and time of application. Merton council will be offering an “Early Bird” discount of 10% to those who apply for a licence within the first two months of the scheme. A discount of 10% of the total fee will be applied to the part B payment, followed by the accreditation discount where applicable.

An applicant who is accredited under, or is a member of one of the following recognised schemes, may be entitled to a discount of £50.00:

- London Landlord Accreditation Scheme (LLAS)
- National Residential Landlords Association (NRLA)
- National Approved Lettings Scheme (NALS)
- UK Association of Lettings Agents (UKALA)
- Association of Residential Lettings Agents (ARLA)
- Royal Institution of Chartered Surveyors (RICS)

Applicants who are both accredited and apply within the Early Bird timeframe will receive a combined discount.

Discounts will be determined on submission and assessment of the full application and supporting documents. A discount will not apply where:

- a) The Council has made two or more consecutive requests for additional supporting documents or information.
- b) The Council has served a warning letter or notice for failure to license a property.

Licence fees are payable in two instalments. Part A fees are payable at the application stage. If the licence application is refused by the Council or withdrawn by the applicant, the Part A payment will not be refunded.

Payment in respect of the Part B instalment will be required to be paid once the application has been assessed and the decision made to grant a licence. This payment will be required to be made within 7 days.

The licensing fees, including available discounts, are presented in the following tables:

<b>Selective Licensing Fees</b>			
<b>Selective Licence</b>	<b>Part A</b>	<b>Part B</b>	<b>Total Fee</b>
<b>Standard Fee</b>	£247	£445	£692
<b>Early Bird</b>	£247	£376	£623
<b>Accredited Landlord</b>	£247	£395	£642
<b>Accredited Landlord &amp; Early Bird</b>	£247	£326	£573

### Additional Licensing Fees

Additional Licence number of bedrooms	Part A	Part B	Standard (no discount)
2	£247	£1,203	£1,450
3	£247	£1,253	£1,500
4	£247	£1,303	£1,550

Additional Licence number of bedrooms	Part A	Part B	Early Bird Licence Fee
2	£247	£1,058	£1,305
3	£247	£1,103	£1,350
4	£247	£1,148	£1,395

Additional Licence number of bedrooms	Part A	Part B	Accredited Landlord
2	£247	£1,153	£1,400
3	£247	£1,203	£1,450
4	£247	£1,253	£1,500

Additional Licence number of bedrooms	Part A	Part B	Early Bird & Accredited Landlord
2	£247	£1,008	£1,255
3	£247	£1,053	£1,300
4	£247	£1,098	£1,345

### Additional charges are as follows (these apply to both selective and additional licences)

Process	Fee
Revocation of Licence	None
Application following revocation of licence	New Application Fee
Application refused or rejected	Part A Fee
Application withdrawn by applicant	Part A Fee
Temporary Exemption Notice (TEN) made by the Council	None
Application received following expiry of a TEN made by the Council	New Application Fee

**Three examples of the application of the 10% discount are provided below:**

<b>Example of Application of Multi-Property Discount</b>	<b>Part A</b>	<b>Part B</b>	<b>Total Fee</b>
Standard Selective Licensing Fee (1 <sup>st</sup> property in a single block)	£247	£445	£692
10% Multiple dwelling discount on further properties within that block:  (10% of £692 full fee = £69 discount on part B)	£247	£376	£623

Early Bird Selective Licensing Fee (1 <sup>st</sup> property in a single block)	£247	£376	£623
10% Multiple dwelling discount on further properties within that block:  (10% of £692 full fee = £69 discount on part B)	£247	£376	£623

Accredited Landlord & Early Bird Selective Licensing Fee (1 <sup>st</sup> property in a single block)	£247	£326	£573
10% Multiple dwelling discount on further properties within that block:	£247	£257	£504