

# CONDITIONS FOR THE MANDATORY/ADDITIONAL HMO PROPERTY LICENSING SCHEME



London Borough of Brent  
Private Housing Services  
Brent Civic Centre  
Engineers Way  
Wembley  
HA9 0FJ

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The conditions in this booklet are attached to every Mandatory or Additional Property Licence issued by the London Borough of Brent under Part 2 of the Housing Act 2004.

It is the licence holder's responsibility to ensure that the licensed property complies with all the conditions set out in this booklet. Failure to do so may lead to prosecution for a breach of the licence conditions, a loss of the licence, and an unlimited fine per offence, or the imposition of a civil penalty charge with a maximum of £30,000 per offence.

The licence holder is responsible for ensuring that all licence conditions are complied with at all times whether or not a manager or another person is bound by the conditions.

The property licence must be displayed within a communal area of the property and a copy of the conditions should be made available to all the occupying tenants.

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# CONDITIONS OF THE LICENCE

## Permitted Occupation

### 1. Number of occupiers and households

The licence holder must ensure that the number of persons occupying the property and the maximum number of persons who may occupy each room does not exceed the maximum numbers stated on the licence.

1.1 The Licence Holder must ensure that the following minimum space standards are complied with:

- a. the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
- b. the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
- c. the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
- d. any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

1.2 The Licence Holder must ensure that -

- a. Where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;
- b. Where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is

not used as such by more than the maximum number of persons aged under 10 years specified in the licence;

- c. Where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.

1.3 The licence holder must take the necessary steps to rectify the breach within the specified period, where —

- a. any of the Licence conditions imposed above have been breached in relation to the HMO,
- b. the licence holder has not knowingly permitted the breach, and
- c. the local housing authority have notified the licence holder of the breach,

The specified period means the period, of not more than 18 months beginning with the date of the notification, which is specified in the notification.

In this section above;

- a. A reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.
- b. A room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.
- c. 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 for the purposes of this paragraph.

- d. This paragraph does not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which—
- (i) is a night shelter, or,
  - (ii) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder

## **2. Time for compliance with conditions**

Note: This applies if the first licence, concerning a HMO, is granted on or after 1st October 2018.

If the local housing authority has notified the Licence Holder, at the time the licence is granted, that the licence holder is not complying with one or more of the conditions imposed under 1.1 and 1.2 above, the licence holder is required to comply with the condition or conditions within the period specified. This period specified by the authority must not exceed 18 months from the date of the notification.

## **3. Amenity and space (size of rooms) standards**

The licence holder must ensure that the number of occupiers and households allowed to occupy the property will relate to the amenities that are provided within the property and the size and layout of the rooms available as decided by the Council at the time of licence approval.

[For further information on Brent Councils Amenity and Space Standards see Appendix 1].

## **Tenancy Management**

### **4. Terms of occupation**

The licence holder must supply to the occupiers of the HMO a written statement of the terms on which they occupy the property (this is usually a tenancy or licence agreement).

The licence holder must provide a copy to the Council within 14 days on demand.

### **5. Tenant references**

The licence holder must demand references from persons who wish to occupy the HMO.

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.

### **6. Rent payments**

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.

Information about the scheme being used must be given to the occupier at the time the deposit is taken. When requested this information must be provided to the Council within 14 days on demand.



## **7. Deposits**

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.

Information about the scheme being used must be given to the occupier within 30 days of the time the deposit is taken. When requested this information must be provided to the Council within 14 days on demand.

## **8. Complaints**

The Licence Holder must ensure that all tenants are given a suitable written complaints procedure at the start of their tenancy.

The procedure must include how complaints of the property conditions will be handled.

## **9. Anti-social behaviour (ASB)**

The licence holder must take reasonable and practical action to prevent or reduce anti-social behaviour by the occupiers of the property or their visitors.

The licence holder must ensure that the occupiers of the property receive written confirmation detailing the procedure in place to deal with anti-social behaviour at the start of their tenancy. Please refer to 12a and 12b below.

[For further information on what the Council considers to be anti-social behaviour see useful information below].

### **9a. Prevention**

To help prevent anti-social behaviour occurring the licence holder must:

I. Obtain tenant references prior to granting a tenancy as to their previous conduct, and be satisfied that they are not likely to cause any anti- social behaviour.

II. Ask anyone wishing to occupy the property to disclose unspent criminal convictions. If unspent criminal convictions are disclosed the licence holder must consider if those convictions indicate a risk that the person is likely to commit acts of anti-social behaviour, before granting a tenancy.

III. Respond to any reference requests received for a current or former tenant from another licence holder in writing within 21 days.

IV. When giving a reference state whether or not they are aware of any allegations of anti-social behaviour made against the tenant. If allegations have been made they must give details, to the best of their knowledge, of whether the allegations have been admitted or have been found proven in any court or tribunal.

V. Make, a minimum of quarterly inspections of the property to ensure that it is in a decent state of

VI. repair and that the occupiers are not in breach of tenancy terms and conditions.

VII. Ensure that all tenants are aware that if they or their visitors behave in a way that the licence holder, manager or Council considers to be anti- social they may face eviction.

## **9b. Action**

*This is a procedure to be followed if or when a landlord has been made aware of the occurrence of anti-social behaviour. For the purpose of transparency, this process should be made available to tenants at the start of their tenancy agreement.*

The licence holder must cooperate with the Council, the Police Service and any other agencies in resolving complaints of anti-social behaviour.

The licence holder should address problems of anti-social behaviour resulting from the occupiers or their visitors by following the procedure set out below:

I. If a complaint is received, or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed in writing of the allegations made against them and of the consequences of its continuation.

II. The licence holder shall monitor any allegations of anti-social behaviour for a period of 28 days, from the date the complaint was received.

III. If after 28 days it is found that the anti-social behaviour is still continuing, the licence holder must visit the premises within 7 days and provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.

IV. If after 14 days of giving a warning letter the tenant has not taken steps to address the anti-social behaviour and it is still continuing, the licence holder shall take action which may include legal eviction proceedings.

V. The licence holder must ensure that written notes are kept of any meetings, telephone conversations or investigations regarding anti-social behaviour for 3 years and if requested by the Council, provide this information within 28 days on demand.

VI. Any letters, relating to antisocial behaviour sent or received by the licence holder, must be kept for 3 years by the licence holder and if requested by the Council, provide copies of them within 28 days on demand.

VII. Where the licence holder or his agent has reason to believe

that the anti-social behaviour involves criminal activity, the licence holder shall inform the appropriate authorities.

## **Property Management**

### **10. Gas**

If gas is supplied to the HMO, the Licence Holder must produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the HMO within the last 12 months.

If gas is supplied to the property, the licence holder must ensure that the gas installation and appliances are tested annually by an approved Gas Safe engineer. Within 14 days of the licence holder being notified by the Council of any safety risk, a new Gas Safe certificate must be submitted to the Council.

The licence holder must provide to the Council, a current Gas Safe Certificate within 14 days on demand.

### **11. Electrical Appliances**

The licence holder is responsible for the maintenance and safety of all supplied electrical appliances and must ensure:

- a. Electrical appliances are safe and in good working order. A declaration as to their condition must be provided at the point of application.
- b. Test reports on the condition of the electrical appliances in the property must be provided to the Council within 14 days on demand.
- c. All electrical equipment supplied by the landlord must be safe to use. Portable Appliance Test (PAT) report must be provided to the Council within 14 days on demand.

## **12. Furniture and Furnishings**

The Licence holder must keep furniture made available by him in the HMO in a safe condition and comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

The Licence Holder must supply the authority, within 14 days on demand, with a declaration by him as to the safety of such furniture.

## **13. Heating and Insulation**

The Licence Holder must provide an adequate and efficient fixed heating system with adjustable controls, which is capable of maintaining an indoor temperature of at least 21°C in habitable rooms.

## **14. Security**

The Licence holder is responsible for the security of the property and must ensure:

- a. The access to the property such as locks, latches and entry systems are maintained and in good working order at all times.
- b. The front door of the property is fitted with a mortice lock (thumb turn) or equivalent, to a five- lever security level.
- c. Where window locks are fitted, the keys are provided to the relevant occupants.
- d. Where a burglar alarm is fitted to the property, the occupiers are informed in writing about the circumstances under which the code for the alarm can be changed, and are given details on how this can be arranged.
- e. Where previous occupants have not returned keys, the

relevant locks will be changed prior to new occupants moving in.

## **15. Common Parts (shared areas)**

The Licence holder must ensure that:

- a. The common parts in the premises are kept free from obstruction, in a clean condition and in good order and repair.
- b. Common areas, including shared living rooms, kitchens, and hallways are not used for sleeping by tenants or their guests.
- c. Smoking is not permitted in any common area and 'no smoking' signs are clearly displayed (Health Act 2006).

For the purposes of this condition "common parts" means—

- (i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO; and
- (ii) all such parts of the HMO as comprise staircases, lifts, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation.

## **16. External areas**

The licence holder must ensure that:

- a. The exterior of the property including the roof, walls, drainage, window and door elements are maintained in a reasonable decorative order and state of repair.
- b. Gardens, fencing, paths, etc., and other external elements are kept in a clean, clear and/or sound condition.
- c. Outbuildings such as garages, sheds are properly maintained

and are not used for sleeping purposes

## **17. Refuse and waste**

The Licence Holder must comply with the Councils policy on waste. In addition, the Licence holder must;

- a. Ensure that there are adequate arrangements for the storage and disposal of waste.
- b. Ensure that the occupiers of the HMO are given the information in writing about waste and recycling within 7 days of the start of their occupation:
- c. Ensure that a sufficient number of suitable external rubbish bins for the occupiers to dispose and recycle waste.
- d. Ensure that any kind of refuse which the Council will not ordinarily collect (e.g. large items of bedding, furniture, hazardous waste etc.) are disposed of responsibly and appropriately.
- e. Actively respond to complaints of poor waste practices associated with the property. The Licence holder must keep a record of the action taken and provide this to the Council within 14 days on demand.

Information on Recycling and waste can be found at

<https://www.brent.gov.uk/services-for-residents/recycling-and-waste/>

## **18. Repairs**

The Licence Holder must ensure that: -

- a. All occupants of the HMO receive written confirmation detailing arrangements in place to deal with repairs. If requested, this must be provided to the Council within 14 days on demand.
- b. Disrepair and/or defects identified to the landlord by the Council are investigated and adequately addressed within the specified timeframes as may be stipulated by the Council.
- c. All repairs to the property or any installations, facilities or equipment within it are carried out by competent and reputable persons.
- d. They respond positively and within the specified time period given to any mandatory housing related enforcement notices, issued by the Council.
- e. Whilst any works are in progress, the work is carried out to ensure the safety of all persons occupying or visiting the premises.
- f. On completion of any works, the property is left in a clean and tidy condition.

## **19. Compliance Works**

The Licence holder must ensure that any works found to be necessary by the Council to ensure that the property complies with the Council's standards for HMOs, are carried out within the specified time period given.

## **20. Pest Control**

The Licence holder is responsible for ensuring that the property, including external areas such as gardens, are free from pest



infestation e.g. rodents. Any pest infestations must be managed effectively and within a period of 7 days of being reported. Records of treatment and management must be kept and copies of these must be provided to the Council within 14 days on demand.

## **Fire Safety**

### **21. Smoke Alarms and Carbon Monoxide Alarms**

#### 24(1) Smoke alarms

The licence holder must ensure that;

- a. A smoke alarm is installed on each storey of the HMO on which there is a room used wholly or partly as living accommodation; and that,
- b. Each such alarm is kept in proper working order; and that,
- c. On demand, the Authority is supplied with a declaration by him or her as to the condition and positioning of any such alarms.

When considering what smoke alarm installation may be appropriate, hard wired mains operated smoke alarms with battery back-up to BS 5446 should be provided.

For the purpose of condition 24, a bathroom or lavatory is to be treated as a room used as living accommodation.

#### 24(2) Carbon Monoxide Alarms

The Licence Holder must ensure that:

A carbon monoxide alarm is installed in any room in the HMO which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and that,

Any such alarm is kept in proper working order; and that

The Authority is, on demand, supplied with a declaration by him or her as to the condition and positioning of any such alarm or alarms.

For the purpose of Condition 24 (2) “room” includes a hall or landing.

## **22. Fire precautions**

The licence holder must ensure that all fire precautions provided to the property, e.g. fire doors, automatic fire alarm and emergency lighting system(s), etc. are maintained in full working order at all times.

Where the HMO is of a type which falls under the remit of the Fire Safety Order, the licence holder must ensure that a fire risk assessment as required under The Regulatory Reform (Fire Safety) Order 2005 is carried out by a competent person.

## **23. Servicing and testing of systems and equipment**

The licence holder must ensure that all fire detection systems, means of escape and fire- fighting equipment installed in the property must be annually serviced by a registered qualified person and be maintained and tested in accordance with the manufacturer’s instructions. A new test/servicing report must be provided to the Council on demand within 14 days of any identified damage or Disrepair being notified to the landlord by the Council.

## **24. Electricity supplies and fire safety**

The licence holder must ensure that electricity supplies to fire detection and emergency lighting systems are not disconnected, or threatened with disconnection, due to non-payment of monies owed to the relevant provider.

## **25. Doors**

The licence holder must ensure that the main entrance/exit doors and all unit doors leading to common areas are openable from the inside without the use of a key.

## **26. Fire routine**

The licence holder should ensure that all residents are fully aware of the procedures to be followed in the event of a fire.

They should also ensure that the fire routine notice detailing action to be taken in the event of fire, is clearly worded and displayed in a central location e.g. next to the main entrance/exits.

## **27. Fire blankets**

The licence holder must ensure that a fire blanket conforming to current British standards is provided in each kitchen.

## **28. Means of escape**

The licence holder must ensure that all means of escape from fire are free from obstruction and fire precautions are maintained.

## **29. Compliance with fire safety guidance**

The licence holder must ensure that all means of escape from fire are free from obstruction and that adequate fire precautions are maintained.

In determining adequate fire precautions reference should be made to the LACoRS guidance: *HOUSING – FIRE SAFETY, Guidance on fire safety provisions for certain types of existing housing*

NB where the fire safety provisions in place are below the

LACORS recommended standard, the Council must be notified of any amendments/alterations.

[For further information on LACORS, see the 'Useful Information' section in this booklet].

### **30. Electrical Installations**

The Licence Holder must supply a current (i.e. within the previous 5 years) Domestic Electrical Installation Periodic Report for the whole of the electrical installations to the Council within 28 days of demand.

All recommendations for urgent attention and improvement (Codes 1 and 2) must be carried out within 28 days of the report.

### **General**

### **31. Consultation of Changes**

The licence holder must consult with the Council before making changes to the layout of the property, amenity provisions (such as adding or removing bathroom or kitchen facilities), fire precautions or occupation of the accommodation.

### **32. Notification of changes of circumstances**

The licence holder must inform the Council of:

- a. Details of any unspent convictions not previously disclosed to the Local Authority involving fraud or dishonesty, violence or drugs, any offence listed in Schedule 3 to the Sexual Offences Act 2003 or any other conviction relevant to the licence holder and/or the property managers fit and proper person status.
- b. Details of any finding by a court or tribunal against the licence holder and/or the manager that they have practiced unlawful

discrimination on the grounds of sex, colour, race, ethnic or national origin or disability.

- c. Details of any civil or criminal proceedings against the licence holder or manager, relating to housing, public health, environmental health or landlord and tenant law, resulting in a judgment or finding being made against them.
- d. Information about any property the licence holder or manager owns or manages or has owned or managed, that has been refused a licence by a local housing authority or has had a licence revoked due to the breaching of the licence conditions.
- e. Information about any property the licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Housing Act 2004.
- f. The property becoming empty for more than 3 months.
- g. Notification of repossession/foreclosure.
- h. Successful claims against the licence holder for default of tenancy deposits.
- i. A change in managing agent or the instruction of a managing agent.
- j. The undertaking of substantial works to the property, including conversions and modernisation or emergency problems relating to fire, flood or disaster.

### **33. Absence of the Licence Holder**

The licence holder is required to have in place suitable emergency management arrangements in the event of their absence. These details must be given to the occupiers and displayed in a prominent place in a common area, preferably near to the entrance door.

Should the Licence Holder be unable to fulfil the licence conditions he should appoint a person to manage the HMO during the period of the licence, he must:

- a. Obtain from the manager a signed declaration identifying the licence conditions by which he agrees to be bound, and that the he manager understands the consequences of failing to comply with the licence conditions;
- b. Provide the Council a copy of the signed declaration within 14 days of the said change of circumstance.

### **34. Compliance inspections**

The licence holder must arrange for access to be granted when requested by the Council at any reasonable time.

The Licence Holder must ensure that council officers are not obstructed from carrying out their statutory duties including inspecting and the surveying of the property to ensure compliance with licence conditions and relevant legislation.

### **35. Training**

The licence holder and/or manager may be required by the Council to attend an accredited management training course, in the event of significant and/or continuous deficiencies in the supervision and/or maintenance of a licensed HMO being identified by the Council.

[For contact details on Brent Councils approved course; London Landlord Accreditation Scheme, refer to the useful information section]

## **Documents to be displayed**

### **36. Within the property**

The following documents should be displayed in a prominent position in a common area, preferably near the entrance door:

- a. A copy of the licence (incorporating where the licence conditions can be viewed).
- b. A Copy of the current Gas Safety Certificate.
- c. The name, address and telephone number (including an emergency contact number, if different) of the Licensee and/or Manager of the premises.
- d. Energy Performance Certificate/s (EPC) carried out for new tenancies.

### **37. Licensing and Management Regulations**

All licensing conditions shall be read in conjunction with the relevant provisions of the:

- a. Management of Houses in Multiple Occupation (England) Regulations 2006
- b. Licensing and Management of Houses in Multiple Occupation and other houses (Miscellaneous Provisions) (England) Regulations 2006
- c. The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. **[END OF CONDITIONS]**

## USEFUL INFORMATION

### 1. Definition of terms

a) “*HMO or house*” refers to the building or such part of it as is licensed under Part 2 of the Housing Act 2004;

b) “*Licence Holder*” refers to: (a) the person to whom the Authority has granted this licence; and (b) from the date of his or her consent, any other person who agrees to comply with the licence restrictions and obligations that follow.

c) “*Mandatory Licence Conditions*” refers to conditions that the Authority is obliged to impose under any licence granted under Part 2 or Part 3 Housing Act 2004 by virtue of Schedule 4 of Housing Act 2004.

d) “common parts” means—

(i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO; and

(ii) all such parts of the HMO as comprise staircases, lifts, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation.

### 2. Anti-social behaviour

For the purposes of the Housing Act 2004, antisocial behaviour means conduct on the part of occupiers of, or visitors to, residential premises.



(a) Which or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or

(b) Which involves or is likely to involve the use of such premises for illegal purposes.

*Examples of include:*

*Crime:* tenants engaging in vandalism, criminal damage, burglary, robbery/ theft and car crime

*Nuisance neighbours:* Intimidation and harassment; noise, rowdy and nuisance behaviour; animal related problems; vehicle related nuisance. Tenants engaged in begging; antisocial drinking; street prostitution and kerb-crawling; street drugs market within the curtilage of the property.

*Enviro-crime:* tenants engaged in graffiti and fly-posting; fly-tipping; litter and waste; drugs paraphernalia; fireworks misuse in and around the curtilage of the property.

London Borough of Brent – Anti-social Behaviour Team. Tel: 020 8937 2000

### 3. The London Landlord Accreditation Scheme (LLAS) -

A partnership of landlord organisations, London Councils and university accommodation units who have worked together to set up a development programme which will provide you with the information necessary to improve your business. [www.londonlandlords.org.uk/accreditation](http://www.londonlandlords.org.uk/accreditation) Tel: 020 7974 1970

### 4. The Electrical Safety Council –

The Electrical Safety Council is an independent charity committed to reducing deaths and injuries through electrical accidents at home and at work. They are supported by all sectors of the electrical industry as well as local and central government and work to promote safety and good practice.

Web: <http://www.esc.org.uk> Tel: 0870 040 0561

5. Gas safety – The Health and Safety Executive website ([www.hse.gov.uk/gas/landlords/index.htm](http://www.hse.gov.uk/gas/landlords/index.htm)) provides guidance in

relation to gas safety. By law you must repair and maintain gas pipework, flues and appliances in safe condition, ensure an annual gas safety check on each appliance and flue, and keep a record of each safety check.

## 6. Tenants Deposit Protection

The Tenancy deposit must be placed in a government-backed tenancy deposit scheme (TDP) if you rent on an assured short hold tenancy that started after 6 April 2007. In England and Wales your deposits can be registered with:

- Deposit Protection Service
- MyDeposits, or
- Tenancy Deposit Scheme

<https://www.gov.uk/tenancy-deposit-protection>

Tel: 020 702 0003

## 7. MHCLG – The Ministry of Housing, Communities and Local Government.

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

## 8. LACORS (Local Authorities Coordinators of Regulatory Services) Fire Safety Guidance.

Website: [www.lacors.gov.uk](http://www.lacors.gov.uk)

## Appendix 1

**The Council HMO amenities and space standards are provided as guidance. These standards will be applied in deciding the suitability of the HMO at the time of the licence approval and its compliance.**

Advice regarding bedroom sizes

- i. Single occupancy; minimum of 6.5m<sup>2</sup> where provided with separate shared kitchen, minimum of 10.2m<sup>2</sup> where a room contains kitchen facilities.
- ii. Two persons' occupancy; minimum of 10.2m<sup>2</sup> where provided with separate shared kitchen, minimum of 13.9m<sup>2</sup> where a room contains kitchen facilities.
- iii. The standard is to be applied irrespective of the age of the occupants.
- iv. The floor area taken up by a solid chimneybreast should be discounted.
- v. All floor space taken up by en-suite bathroom/shower facilities should be discounted.
- vi. No account should be taken of entrance lobbies where the room door opens into a lobby/corridor which is less than 1200mm in width.
- vii. Single rooms should have a minimum width of 1.8m.
- viii. Rooms which are to accommodate two persons should have a minimum width of 2.3m.

- ix. Sharing of rooms shall be avoided unless the individuals concerned consent to share the room.
- x. No persons of the opposite sex who are aged 12 years or over shall share a room unless they are living together as partners.
- xi. Irrespective of the floor area, consideration shall be given to the shape and useable living space within the room to determine whether it is suitable for occupation and to what occupancy level.
- xii. All rooms must have a minimum floor to ceiling height of at least 2.14 metres over not less than 75% of the room area.
- xiii. Any floor area where the ceiling height is less than 1.53 metres shall be disregarded.
- xiv. No staircase or landing nor any room which has been appointed as a kitchen or bathroom shall be deemed suitable for sleeping accommodation.

## **Advice regarding kitchen facilities in HMOs**

### **Kitchens for Communal Use**

Where the Local Authority is satisfied that the provision of kitchen facilities for exclusive use is not practicable or appropriate, facilities may be provided on a ratio of one set of facilities to every three households or every five persons, normally whichever is the smaller and being irrespective of age.

The kitchen should be not more than one floor distance from any individual letting unless a suitable communal dining area is also provided (adjacent to kitchen).

There shall be no more than two sets of facilities in any one room.

EACH SET of facilities shall meet the following minimum standards:

Cooking Gas or electric cooker with four burners/hobs, oven and grill.

Sink: Stainless steel sink and integral drainer (minimum size 1000mm x 600mm), set on a base unit.

The sink is to be provided with a constant supply of hot and (potable) cold water and properly connected to the drainage system via a suitable trap.

A tiled splash back (minimum 300mm high) shall be provided to the sink and drainer.

[A wash hand basin is not a suitable alternative to a sink.]

Storage Lockable storage cupboards, minimum capacity 0.3m<sup>3</sup> e.g. 600mm wide x 720mm high x 600mm deep for each single bedroom and 0.4m<sup>3</sup> e.g. 1000mm wide x 720mm high x 600mm deep for a two-person household whose occupants use the kitchen.

[In calculating the required provision of storage cupboards, base unit cupboards below sinks/drainers should be discounted.]

Preparation A suitable worktop or table of smooth and impervious material of minimum size 1000mm x 600mm.

Two double outlet 13-amp electrical power sockets to be situated above the work surface at a convenient height and in a safe position.

These are in addition to any power outlets serving major appliances.

In addition, a refrigerator of minimum capacity  $0.15\text{m}^3$  should be provided within each occupancy.

### Other general requirements for kitchen facilities

All kitchens and kitchen areas are to be provided with an adequate provision for artificial lighting.

All kitchens and kitchen areas are to be provided with adequate ventilation.

This may be obtained by being ventilated directly to the external air by a window with an openable area of at least  $1/20^{\text{th}}$  of the floor area. However, where this is not practicable mechanical ventilation providing a minimum of one air change per hour shall be provided.

Such an installation shall be fitted with an over run device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

A kitchen containing one set of facilities should be a minimum floor area of  $5.5\text{m}^2$  and a kitchen containing two sets of kitchen facilities should be a minimum of  $11\text{m}^2$ .

Where two sets of cooking facilities are provided in a kitchen, the two sets of facilities (i.e. cooker, sink & worktop) shall be reasonably separate from each other to allow their safe and simultaneous use by two or more households.

Cookers should be located remote from doorways, and there

should be enough floor space for items to be retrieved from the oven and for the safe circulation of occupants generally.

Sinks, worktops and immediately adjacent walls and floors should be non-porous and reasonably smooth so as to facilitate cleaning.

[Kitchens must NOT be installed in any hallway, corridor or lobby and no bedroom should be accessed via a kitchen unless a suitable alternative means of escape (in case of fire) can be provided from that occupancy.]

Where separate communal living/dining room(s) provided, there should be a minimum floor area of – 11.0m<sup>2</sup> for 1 to 5 persons - 16.5m<sup>2</sup> for 6 to 10 persons.

### **Advice regarding sanitary facilities**

One water closet shall be provided and maintained for (a maximum of) every five persons or lesser number irrespective of age.

Each such water closet shall be in a separate room within the building and when shared by two or more households, be entered from a common passageway or hallway and shall not be more than one floor distance from any individual letting.

Each W.C. compartment shall also be provided with a suitable wash hand basin supplied with a constant supply of hot and cold water and a splash back.

Any bathroom, shower room or compartment containing a W.C. should be separated from any space used for the preparation of food.



Although an intervening lobby is not essential, the W.C. compartment should not open directly onto the area of a kitchen immediately adjacent to where food is prepared, especially in the case of shared amenities.

Not less than fifty percent of water closets shall be provided in separate compartments from the bath/shower facilities. These compartments should have minimum dimensions of 1300 mm x 800mm.

All bath/shower rooms are to be provided with an adequate provision for artificial lighting.

All bath/shower rooms are to be provided with adequate ventilation. This may be obtained by being ventilated directly to the external air by a window with an openable area of at least  $1/20^{\text{th}}$  of the floor area.

However, where this is not practicable mechanical ventilation providing a minimum of three air change per hour shall be provided. Such an installation shall be fitted with an over run device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

The surfaces any water closet compartment should be reasonably smooth, non- absorbent and capable of being readily cleansed.

The water closet compartment shall be constructed so as to afford privacy to the user

External water closets are not acceptable.

The HMO shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface

water.

## **Personal washing facilities**

Each occupancy shall be provided where practicable with a separate bath or shower. Where this is not practicable one bath or shower shall be provided and maintained for (maximum of) every five persons or lesser number irrespective of age.

Each washing facility shall be provided not more than one floor distance from any user.

Each bath shall be of minimum dimensions 1700mm x 700mm and each shower shall have minimum dimensions of 800mm x 800mm.

Each bath shall be situated in a separate bathroom of adequate size (minimum dimensions 1700mm x 1400mm).

Each shower shall be situated in a suitable shower room (minimum dimensions 1600mm x 900mm).

Each separate bath/shower room shall be provided with a suitable wash hand basin (minimum dimensions 500mm x 400mm), together with constant supplies of hot and cold running water. A tiled splash back (minimum 300mm high) is to be provided to each wash hand basin.

Each bath and shower shall be provided with a constant, freely available supply of hot and cold water. A tiled splash back (minimum 300mm high) shall be provided to all baths.

Any shower cubicles should have fully tiled walls or be complete self- standing cubicles.

Showers shall be provided with a suitable water resistant shower curtain or door to the cubicle.

The hot and cold water supplies to all washing facilities shall be adequate, constant and available.

The bath/shower shall be accessible at all times.

The surfaces of any bathroom or shower room should be reasonably smooth, non-absorbent and capable of being readily cleansed. In addition, flooring should be non-slip.

Shared amenities are to be accessible from a common area.

All bath/shower rooms are to be provided with an adequate provision for artificial lighting.

All bath/shower rooms are to be provided with adequate ventilation. This may be obtained by being ventilated directly to the external air by a window with an openable area of at least  $1/20^{\text{th}}$  of the floor area.

However, where this is not practicable mechanical ventilation providing a minimum of three air change per hour shall be provided.

Such an installation shall be fitted with an over run device for a minimum of 20 minutes and be connected to the lighting circuit of the room.