CONDITIONS OF THE MANDATORY / ADDITIONAL HMO PROPERTY LICENCE

London Borough of Brent
Private Housing Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
The conditions in this booklet are attached to every Mandatory or Additional Property Licence issued by the London Borough of Brent.

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 imposed fines of up to £5,000.

If the licence holder is not the manager of the property it is their responsibility to ensure that the manager complies with all the conditions of the licence.

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 does not exceed the maximum numbers stated on the licence.

2. Overcrowding

If the number of persons occupying the property exceeds the specified maximum levels at the time the licence is issued, the licence holder must ensure that these numbers are reduced at the earliest opportunity.

3. Amenity and space (size of rooms) standards

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. The licence holder must ensure that the house is compliant with both the Council’s adopted Amenity and Space Standards.

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

4. Terms of occupation

The occupiers of the property must be given a written statement of the terms (this is usually a tenancy agreement) on which they occupy the property, at the start of the tenancy. The licence holder must declare at the point of application that they provide these terms to the occupiers and provide a copy to the Council within 14 days on demand. Examples of tenancy agreements can be found at the Council’s Private Sector Housing Licensing Website.

5. Tenant references

The licence holder must collect and check references from anyone who would like to occupy the property. No new occupiers should be allowed to occupy the property if they are unable to provide a reference. The licence holder must provide evidence of reference checks carried out when requested by the Council within 14 days on demand. Examples of tenancy reference checks can be found at the Council’s Private Sector Housing Licensing Website.

6. Rent payments

All occupiers should be given a rent book or similar receipt for payments made, such as a rent statement, this should be provided to the occupiers at minimum of quarterly (3 months) intervals. The licence holder must also ensure that they record all
rent payments that they receive. This must be declared at the point of application and evidence provided to the Council within 14 days on demand.

7. Deposits

The licence holder must protect any deposits taken from the occupiers 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.

8. Complaints

All tenants should be given a suitable written complaints procedure at the start of their tenancy. An example of a complaints procedure can be found at the Council’s Private Sector Housing Licensing Website

9. Anti-social behaviour (ASB)

The licence holder must take reasonable and practical action to prevent or stop 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 9a and 9b below.
[For further information on what the Council considers to be anti-social behaviour see appendix 2].

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

VI. 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 property, the licence holder must ensure that the gas installation and appliances are tested annually by an approved Gas Safe engineer. The license holder must provide to the Council, a current Gas Safe Certificate at the point of application. 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.

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.

12. Furniture and Furnishings

The Licence Holder must ensure that furniture and furnishings supplied by them are safe and comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988. They must provide a declaration as to their safety at the point of application and if
requested by the Council within 14 days on demand.

Further advice may be sought from - London Borough of Brent, Trading Standards Service. Tel.0208 937 5555 5544

Email. trading.standards@brent.gov.uk.

13. Heating and Insulation

The License holder must provide a form of adequate and efficient fixed heating with adjustable controls, which is capable of maintaining an indoor temperature of at least 21ºC 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 should 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).

16. External areas

The licence holder must ensure that:

a. The exterior of the property is maintained in a reasonable decorative order and state of repair.

b. Gardens, fencing and other external elements are kept in a clean, clear and/or sound condition.

17. Refuse and waste

The licence holder should provide a sufficient number of external rubbish bins for the occupiers to
dispose of waste. They are also responsible for ensuring that any kind of refuse which the Council will not ordinarily collect (e.g. large items of furniture, hazardous waste etc.) are disposed of responsibly and appropriately.

18. Repairs

The Licence Holder must ensure that:-

a. All occupants of the property 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.

Fire Safety

21. Smoke Alarms

The licence holder must ensure that smoke alarms are installed in the property and are kept in proper working order. A declaration as to their condition and positioning must be made at the time of application and provided to the Council within 14 days upon demand.

If/when, the Council notifies the licence holder of any deficiencies, a new test/completion certificate must be submitted to the council within 14 days from the date of notification.
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.

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

All premises should be fully compliant with the current LACORS (Local Authorities Coordinators of Regulatory Services) Fire Safety Guidance)

NB where the fire safety provisions in place are below the LACORS recommended standard, the Council must be consulted before amendments/alterations are made to the said provisions as they may be acceptable on assessment.
[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

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 modernisations or emergency problems relating to fire, flood or disaster.

33. Absence

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.

34. Compliance inspections

The licence holder must arrange for access to be granted when requested by the Council within 14 days and must not obstruct council officers from carrying out statutory duties including the surveying of the property to ensure compliance with licence conditions and relevant legislation. Immediate, unannounced visits may also be made by duly authorised Council Officers, where deemed appropriate to a stated situation relating to these conditions.

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 copy of the licence (incorporating where the licence conditions can be viewed).
- A Copy of the current Gas Safety Certificate.
- The name, address and telephone number (including an emergency contact number, if different) of the Licensee and/or Manager of the premises.


37. Licensing and Management Regulations

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

- Management of Houses in Multiple Occupation (England) Regulations 2006
USEFUL INFORMATION

The London Landlord Accreditation Scheme (LLAS) - will provide you with the necessary skills to run a successful business. 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.

Web: www.londonlandlords.org.uk/accreditation

Tel: 020 7974 1970

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

Gas safety – The Health and Safety Executive have a very informative website (www.hse.gov.uk/gas/landlords/index.htm) that provides excellent guidance which you should view, because a landlord is legally responsible for the safety of any tenants 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

• Keep a record of each safety check
Deposit Protection Service - The Deposit Protection Service (The DPS) is open to all. It is the only service that is completely free to use and is run by Computershare, who has 8 years’ experience of running a similar scheme in Australia. Both landlords and tenants can manage their account 100% online or by using traditional postal methods, from registration to repayment. Plus, deposits are secure when using The DPS – thanks to Bank of Scotland’s Specialist Deposit Services team, who safeguard and administer all deposit funds.

Web: http://www.depositprotection.com  Tel: 0870 702 0003

DCLG – The Government Department for Communities and Local Government.


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

Website: www.lacors.gov.uk.
APPENDICES

Appendix 1

Advice regarding bedroom sizes

i. Single occupancy; minimum of 6.5m² where provided with separate shared kitchen, minimum of 10.2m² where a room contains kitchen facilities.

ii. Two persons occupancy; minimum of 10.2m² where provided with separate shared kitchen, minimum of 13.9m² 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 splashback (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 0.3m³ e.g. 600mm wide x 720mm high x 600mm deep for each single bedroom and 0.4m³ 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 0.15m³ 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 1/20th 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 5.5m² and a kitchen containing two sets of kitchen facilities should be a minimum of 11m².

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 – 11.0m² for 1 to 5 persons - 16.5m² 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 splashback.

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 1/20th 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 house 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 splashback (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 splashback (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 $1/20^{th}$ 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 overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.
Appendix 2

What is anti-social behaviour?

To behave in a way that is considered to be anti-social can include:

- Causing nuisance or annoyance to other occupiers or neighbours.
- Using abusive or threatening language or behaviour to other occupiers or neighbours.
- Failing to store or dispose of waste properly.
- Causing damage to fixtures, fittings, fire prevention or alarm equipment or installations.
- Causing damage to the property.
- Failing to give access to the landlord or his agent for the purpose of maintaining communal areas.
- Failing to give access to the landlord/manager, having received reasonable notice, to inspect or undertake works within their accommodation.

[If you need further advice or assistance regarding anti-social behaviour please contact: London Borough of Brent – Anti-social Behaviour Team. Tel: 020 8937 2959.]

Email: asb@bhphousing.co.uk]