

<b>APPENDIX A</b> <b>Standards for houses in multiple occupation</b>
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**A Introduction**

- A1 This document gives advice to anyone involved with letting out a house in multiple occupation (HMO). All HMOs with five or more tenants, belonging to two or more households, require a licence.
- A2 This guidance is likely to form the basis of conditions attached to a licence.
- A3 This document sets out the legal framework and the standards required for living space, amenities, fire safety and management adopted by North Hertfordshire District Council.
- A4 This document does not constitute legal advice on the interpretation of the legislative requirements. If this is needed, you should seek legal advice or refer to the specific part of legislation.

**B Definitions and categories of property**

B1

House	‘House’ is not conclusively defined in legislation but includes flats, blocks of flats, and the grounds, outbuildings, and boundaries.
Household	<p>Each of these is a single household:</p> <ul style="list-style-type: none"> <li>• a single person</li> <li>• co-habiting couples whether married or not, including those in same-sex relationships</li> <li>• a family of related people (includes blood relatives such as parents / children / nieces / nephews / cousins / siblings and grandparents as well as stepchildren and those adopted or fostered).</li> </ul>
House in Multiple Occupation	A rented house (or flat) that is let to three or more unrelated tenants in two or more households who share a kitchen, bathroom, or toilet.
Licensable HMO	<p>An HMO that is</p> <ul style="list-style-type: none"> <li>• occupied by 5 or more people, <b>and</b></li> <li>• occupied by people as their only or main home.</li> </ul>

**C Further advice and information**

- C1 If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, please contact the Licensing Team using [licensing@north-herts.gov.uk](mailto:licensing@north-herts.gov.uk) or 01462 474000

## **C2 Planning permission**

C2.1 Planning permission may be required if an owner is considering:

- using their property as a large HMO for seven or more tenants
- major conversions or extensions

C2.2 The Council has not introduced an 'Article 4 Direction' to remove permitted development rights to change the use from a single-family home to a small HMO with six or fewer occupiers.

C2.3 For planning advice, please contact the Council's planning team:

Development and Conservation  
North Hertfordshire District Council  
PO Box 10613  
Nottingham  
NG6 6DW

01462 474000 (Duty Planning Officer service 9am-12 noon Monday to Friday.)  
[Planning.control@north-herts.gov.uk](mailto:Planning.control@north-herts.gov.uk)

## **C3 Building regulation permission**

C3.1 Building regulation approval may be required if an owner is considering:

- conversion  
for example, converting a garage into a bedroom
- adaption
- structural alterations

C3.2 If you are buying a property that has already had work done of this type, you are always advised to ensure that this has building regulation approval prior to purchase.

C3.3 Hertfordshire Building Control Ltd is responsible for building control services for North Hertfordshire District Council. For enquiries please contact:

Hertfordshire Building Control Ltd  
A1 Area Team  
4th Floor  
Campus West  
Welwyn Garden City  
Hertfordshire  
AL8 6BX

The office is open Mon–Fri 8am–5.30pm

Tel: 01438 879 990

Email: [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk)

C4 The Council has considered local needs before adopting these standards for use.

C5 For ease of use, the document is structured as follows:

C5.1 **Legal requirements as given in Schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006<sup>1</sup> as amended by The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007<sup>2</sup> and other relevant legislation are set out in bold type and enclosed in a text box.**

C5.2 Adopted standards which give greater explanation of what is required, are set out following each legal requirement.

## **STANDARDS**

### **S1 Heating**

S1.1 **Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.**

S1.2 Fixed heating shall be provided in every bedroom, lounge, and hallway. Where reasonably practical, fixed heating shall be provided in kitchens and bathrooms. The means of heating shall be capable of maintaining the following internal temperatures when the outside temperature is -1°C.

- Living room 21°C
- Bedrooms 18°C
- Kitchen 18°C
- Bathroom 22°C
- Hall/passageway 18°C

S1.3 The provision of insulation can assist in meeting this standard.

#### S1.4 Gas central heating

S1.4.1 Central heating controls should be located in a communal area and be easily accessible to all tenants.

S1.4.2 Radiators should ideally be provided with thermostatic radiator valves (TRVs) but as a minimum, the property should have a room thermostat and each radiator should have a control valve.

#### S1.5 Fixed electric heating

S1.5.1 An electric wall socket/fused spur should be provided for the exclusive use of each heater.

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<sup>1</sup> [The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006](#)

<sup>2</sup> [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#)

- S1.5.2 The installation must be capable of using 'off peak' electricity e.g., Economy 7 as the primary energy input.
- S1.5.3 If storage heaters are used, they must have a built in 'boost' convector heater function in order to ensure that additional heat can be provided where necessary.
- S1.6 Wherever practicable, heaters (including radiators) should be fixed to an existing chimney breast or be positioned so as to direct heat towards the centre of the room, such as under a window.
- S1.7 The heating appliances must be capable of being safely used at any time and be suitably guarded. All such appliances shall be installed and maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the [Gas Safety \(Installation & Use\) Regulations 1998](#) as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018.
- S1.8 The use of portable paraffin, electric fan, or liquefied petroleum gas (LPG) (bottled gas) heaters is unacceptable under any circumstances, whether provided by the landlord or the tenant. If an additional source of heating is required by a tenant this can be provided by an oil filled radiator where necessary.
- S1.9 A carbon monoxide detector should be installed in any bedroom or living room where there is a combustion appliance e.g., a boiler and must be installed in any room, hall, or landing in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. For the purposes of this condition, bathrooms or lavatories are to be treated as rooms used as living accommodation. Any such alarm must be maintained in proper working order and the licence holder must supply the authority, on demand, a declaration by him/her as to the condition and positioning of any such alarm.

**S2 Washing facilities and sanitary conveniences (shared)**

S2.1 **Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:**

(a) **there must be an adequate number of bathrooms, toilets, and wash-hand basins, suitable for personal washing, for the number of persons sharing those facilities**

S2.2 Washing facilities

S2.2.1

Number of Occupiers Sharing	Washing Facilities
Up to 5 people	One bathroom with wash basin and bath or shower
6 to 10 people	Two bathrooms each with wash basin and bath or shower
10 or more people	An additional bathroom for each additional 5 persons each with wash basin and bath or shower

S2.3 Wash basins

S2.3.1 Wash basins shall be supplied in each shared bath/shower room serving a maximum of five occupiers. The wash basins shall be:

- a standard sized wash hand basin (approx. 550mm x 400mm)
- provided with a 300mm high waterproof splashback at least equal to the width of the wash basin with all joints adequately sealed
- provided with a plug
- connected to the drainage system via a suitable trap
- provided with a constant supply of hot and cold running water

S2.3.2 In licensed HMOs, wash basins as described above are required (where reasonably practicable) in all bedrooms other than a unit in which a sink has been provided.

S2.4 Bath and shower facilities

S2.4.1 Where practicable, each unit of accommodation shall be provided with a bath or shower, located in a separate room. Otherwise, a readily accessible standard sized bath in a bathroom, or a standard sized shower, together with adequate drying and changing space, shall be provided.

S2.4.2 A 300mm waterproof splashback to the bath is to be provided.

S2.4.3 In the case of a shower (whether it is over a bath or in its own compartment):

- the splashback shall be 150mm above the shower head and at least to the edge of a fixed shower screen
- where a shower curtain is used, the splashback should extend 300mm beyond the shower curtain
- all joints shall be adequately sealed

S2.5 Toilet facilities

S2.5.1

<b>Number of Occupiers Sharing</b>	<b>Toilet Facilities Required</b>
1 to 4 occupiers	- 1 toilet - can be sited within the bathroom
5 occupiers	- 1 toilet separate from the bathroom but can be sited within a second bathroom
6 to 8 occupiers	- 2 toilets - can be sited within separate bathrooms
9 to 10 occupiers	- 2 toilets - 1 of which must be separate from any bathrooms

11 to 16 occupiers	<ul style="list-style-type: none"> <li>- 3 toilets</li> <li>- 1 of which must be separate from any bathrooms</li> </ul>
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S2.5.2 Where there is sufficient space to install this, each separate toilet compartment shall be provided with a suitable wash basin with constant hot and cold water and a 300mm tiled splash back. Any toilet compartment not provided with a wash basin will not be counted for the number of toilets required.

S2.5.3 Externally located toilets should be ignored for the purpose of this standard.

S2.6 **(b) Where reasonably there must be a wash hand basin with appropriate splashback in each unit other than a unit in which a sink has been provided, having regard to the age and character of the HMO, the size and layout of each unit, and the existing provision for wash hand basins, toilets, and bathrooms.**

S2.7 The splashback to a wash hand basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be adequately sealed. This requirement applies to bedrooms in all licensable HMOs.

S2.8 If a property is to be licensed for the first time, the Council strongly advises discussion with officers over the location of wash hand basins in bedrooms before these are installed.

S2.9 **All baths, showers, and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.**  
**All bathrooms in an HMO must be suitably and adequately heated and ventilated.**

S2.10 Heating provisions are detailed previously in section S1 above and the ventilation provisions are detailed in section S7 below.

S2.11 **All bathrooms and toilets in an HMO must be of an adequate size and layout.**  
**All baths, toilets, and wash hand basins in an HMO must be fit for the purpose.**

S2.12 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being readily cleansed.

S2.13 All bathroom furniture must be of non-absorbent material and capable of being easily cleaned.

S2.14 All bathroom furniture must be located at an appropriate height and with sufficient free user space to facilitate use.

S2.15 **All bathrooms and toilets in an HMO must be suitably located in, or in relation to, the living accommodation in the HMO**

S2.16 A bathroom shall be no more than one floor distant in relation to the bedroom, where practicable.

S2.17 A toilet shall be no more than one floor distant from living rooms and bedrooms.

### S3 Shared kitchens

S3.1 **Where all, or some, of the units of accommodation within the HMO do not contain any facilities for the cooking of food:**

- (a) **there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size, and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare, and cook food**
- (b) **the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in sufficient quantity for the number of those sharing the facilities**

#### S3.2 Sinks with draining boards

S3.2.1 A metal or ceramic sink and drainer in good condition and of minimum dimensions of 500mm x 600mm, set on a stable base or support shall be supplied at the ratio of one sink for every 5 occupiers.

S3.2.2 Where a house is occupied by 6 occupiers, either the provision of a double bowled sink, or a dishwasher in addition to a single sink, may be treated as meeting this standard where the Council considers that such a provision adequately meets the occupiers' needs.

S3.2.3 A wash basin shall not be used in place of a sink.

S3.3 An adequate supply of cold water and constant hot water must be supplied to each sink.

#### S3.4 Electrical sockets

S3.4.1 There should be a minimum of six power outlets per five occupiers sharing the kitchen and sited above the worktops. In addition, one power outlet for each major appliance set at a convenient height and safe position.

S3.4.2 Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.

S3.4.3 Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.

S3.4.4 Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.

#### S3.5 Installations, or equipment, for the cooking of food

S3.5.1 The requirements for kitchen facilities within an HMO are for a full set of facilities for every five occupants. The kitchen must be sited no more than one floor distant from the bedroom or living/dining room where practicable. The Council has discretion to allow certain alternatives of facilities for properties occupied by six tenants.



S3.5.2 The table below outlines the minimum requirements based on different numbers of occupants:

Number of Occupants	Minimum Facilities Required
1 to 5 occupants	<ul style="list-style-type: none"> <li>• 1 full sized cooker (comprising a minimum of 4 ring burners, a standard sized oven and a grill)</li> <li>• 1 sink (min 500mm X 600mm) with drainer unit</li> <li>• 1 fridge/freezer</li> </ul>
6 occupants	<p>As for 1 – 5 occupants, plus:</p> <ul style="list-style-type: none"> <li>• 1 combination microwave oven</li> <li>• 1 full size dishwasher or double bowled sink</li> </ul>
7 to 10 occupants	<ul style="list-style-type: none"> <li>• 2 full sized cookers positioned away from each other (each comprising a minimum of 4 ring burners, a standard sized oven and a grill)</li> <li>• 2 separate sinks with drainer units</li> <li>• 2 fridge/freezers <u>or</u> 2 fridges and 2 freezers</li> </ul>
<p>All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be installed and maintained by a gas safe engineer. All electrical works must be installed by a qualified electrician.</p>	

### S3.6 Worktops for the preparation of food

S3.6.1 A fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500mm length per occupier must be provided.

S3.6.2 It should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit or cooker.

### S3.7 Cupboards for the storage of food and kitchen or cooking utensils

S3.7.1 Each household shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One standard size wall cupboard or base unit (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.

S3.7.2 If located in a communal kitchen, the dry goods storage may need to be lockable or otherwise secure.

S3.7.3 The space in a sink unit below the sink will not be accepted for the above purposes.

### S3.8 Refrigerators with an adequate freezer compartment (or where the freezer compartment is not adequate, sufficient separate freezers

S3.8.1 Where possible, separate fridges should be provided per household.

S3.8.2 Each separate household shall be provided with refrigerator space either within the kitchen, or in an adjacent and readily accessible position.

S3.8.3 Adequate freezer space should be provided for all occupants.

S3.9 Appropriate refuse disposal facilities

S3.9.1 Refuse disposal facilities are detailed in section S9 below

S3.10 Appropriate extractor fans, fire blankets, and fire doors

S3.10.1 Fire precautions are detailed in section S5 below

S3.10.2 All kitchens must be ventilated by means of a suitably sited extractor fan, that expels moisture to the external air and is compliant with Part F of the Building Regulations.

#### **S4 Units of living accommodation without shared basic amenities**

S4.1 **Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with:**

S4.2 Adequate appliances and equipment for the cooking of food

S4.2.1 The minimum requirements are:

- four rings/hot plates; and
- minimum 28 litre oven and a grill

S4.2.2 All appliances must be properly connected to the gas or electricity supply and must be working correctly.

S4.2.3 All gas appliances must be maintained by a competent person.

S4.3 A sink with an adequate supply of cold and constant hot water

S4.3.1 The minimum requirements are:

- a metal or ceramic sink and drainer in good condition, with minimum dimensions of 500mm x 600mm, set on a stable base or support
- a waterproof splashback should be provided to the sink and a draining board
- all joints shall be adequately sealed
- the sink shall be connected to the drainage system via a suitable trap and provided with a plug

S4.3.2 A wash basin is not acceptable to be used in place of a sink.

S4.4 A worktop for the preparation of food

S4.4.1 A fixed worktop must be provided made of smooth, impervious material.

- S4.4.2 The worktop must be a minimum size of 600mm depth x 500mm length per occupier.
- S4.4.3 The worktop should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit, or cooker.
- S4.5 Sufficient electrical sockets
- S4.5.1 A minimum of four power sockets, in addition to any serving major appliances, must be set at a convenient height and safe position above the work surface.
- S4.5.2 Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.
- S4.5 A cupboard for the storage of kitchen utensils and crockery
- S4.5.1 Each separate unit shall be provided with dry goods storage space either within its kitchen or in an adjacent and readily accessible position.
- S4.5.2 One standard size wall cupboard or base unit cupboard (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.
- S4.5.3 Where the room is occupied by more than one individual it will require additional space.
- S4.5.4 The space in a sink unit below the sink will not be accepted for the purpose of this standard.
- S4.6 A refrigerator
- S4.6.1 Each separate unit shall be provided with refrigerator space either within its kitchen or in an adjacent and readily accessible position.
- S4.6.2 Adequate freezer space must also be provided for each occupant.
- S4.7 **The standards referred to in S4.2 to S4.6 shall not apply where the landlord is not contractually bound to provide such appliances or equipment, the occupier of the unit is entitled to remove such appliances or equipment, or the appliances or equipment are otherwise outside the control of the landlord.**
- S4.8 **Where there are no adequate shared washing facilities provided for a unit of living accommodation, an enclosed and adequately laid out and ventilated room with a toilet, and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit, either:**
- (a) within the living accommodation; or**
- (b) within reasonable proximity to the living accommodation**
- S4.9 *Reasonable proximity to the living accommodation* shall mean no more than one floor away from the living accommodation.
- S4.10 Any unit of accommodation without access to shared facilities shall be provided with a separate bathroom or shower room, to include:

- a readily accessible standard size bath or standard size shower in a suitable room with adequate drying and changing space
  - a 300mm waterproof splashback to the bath
  - in the case of a shower, whether it is over a bath or in its own compartment, the splashback shall be 150mm above the shower head and up to at least the edge of a fixed shower screen
  - where a shower curtain is used, the splashback should extend at least 300mm beyond the shower curtain
  - all joints shall be adequately sealed
  - any shower shall have fully tiled walls or a complete self-standing cubicle
- S4.11 One standard size wash basin (approx. 550mm x 400mm) with a 300mm waterproof splashback, with constant hot and cold water, shall be supplied in the bath/shower room.
- S4.12 The bath/shower shall be provided with an adequate supply of constant hot and cold water at all times.
- S4.13 The walls and floor of any toilet, bathroom, or shower room must be smooth and made of non-absorbent materials that are readily cleansable.
- S4.14 All bathroom furniture must be made of non-absorbent material and be capable of being easily cleansed.
- S4.15 Each separate toilet compartment shall be provided with a suitable wash hand basin with constant hot and cold water, and a minimum 300mm tiled splashback.
- S4.16 Externally located toilets should be ignored for the purpose of this standard.
- S5 Fire precautionary facilities**
- S5.1 **Appropriate fire precaution facilities and equipment must be provided of such type, number, and location as is considered necessary.**
- S5.2 All HMOs require additional fire precautions above and beyond those required for single occupancy dwellings; this is because HMOs are known to present a higher risk of fire.
- S5.3 The manager of an HMO has responsibility for ensuring appropriate fire precautions are in place. This responsibility is placed on the manager by Regulation 4 of the Management of Houses in Multiple Occupation (England) Regulations 2006.<sup>3</sup>
- S5.4 Part 1 of the Housing Act 2004 is used to assess the risk of fire hazards in HMOs under Hazard 24 of the Housing Health and Safety Rating System. This will identify deficiencies in relation to fire precautions and, if necessary, an improvement notice will be served to ensure that these hazards are removed or reduced.
- S5.5 All HMOs shall be provided with an adequate protected means of escape from fire, together with other fire precautions including (so far as necessary), a fire detection and

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<sup>3</sup> [Management of Houses in Multiple Occupation \(England\) Regulations 2006, Regulation 4](#)

warning system, fire exit signs and emergency lighting (if the routes are long or complex), to the satisfaction of the inspecting officer.

- S5.6 There must be self-closing fire doors that provide 30 minutes fire and smoke protection (FD30S) on all bedrooms, kitchens and living rooms.
- the gaps between the frame and the door shall be no more than 3mm
  - all fire doors should have combined cold smoke seals and intumescent strips
  - all bedroom fire doors and final exit doors (front and back door) must have locks that are capable of being opened from the inside without the use of a key (e.g., Yale type or thumb turn locks). All locks are to comply with BS 3621 or BS 1303 for cylinder locks.
- S5.7 A fire blanket to BS 1869:1997 (or equivalent) must be provided in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door away from the cooking facility.
- S5.8 All glazing panels that are above doors that open on to the fire escape route or are in walls in the escape route should be upgraded to provide at least 30 minutes fire resistance. This can either be done by replacing existing glazing with fire resistant glazing or over boarding with suitable fire-resistant material such as a double layer of plasterboard.
- S5.9 The use of fire extinguishers is not recommended in HMOs however if they are provided, they must be:
- checked and serviced annually with records kept
  - all tenants must be trained in how to use them properly and safely, with records kept demonstrating this
- S5.10 **All HMOS must have automatic fire alarm systems installed**
- S5.11 The requirements are different for two storey HMOs and for three (or more) storey HMOs. The requirements are given below, and further technical guidance is available in a separate document compiled by the Hertfordshire Fire and Rescue Service entitled 'Guide to Fire Safety in Houses in Multiple Occupation – Guide for Owners, Agents, and Managers of HMOs' available at Appendix B.
- S5.12 All automatic fire alarm systems (AFD) must be checked annually by a qualified person and an inspection and test certificate obtained. The AFD system and sounders should be checked monthly to ensure they are in good working order and records kept of these checks.
- S5.13 Two storey HMO
- S5.13.1 A Fire Alarm System to include smoke detectors must be provided in every bedroom, throughout the escape route and in communal living rooms.
- S5.13.2 Storage cupboards on the means of escape may also need detection installed.
- S5.13.3 A heat detector should be installed in the kitchen.

- S5.13.4 The detectors must be hard wired to the mains and interlinked with integral battery back-up.
- S5.13.5 The system must comply with the current British Standard 5839 part 6: **Grade D1**, LD2 (or equivalent).
- S5.13.6 On completion, a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard must be submitted to the Council.
- S5.14 Three storey (or more) HMO
- S5.14.1 A Fire Alarm System to include smoke detectors must be provided in every bedroom, throughout the escape route and in communal living rooms.
- S5.13.2 Storage cupboards on the means of escape may also need detection installed.
- S5.13.3 A heat detector should be installed in the kitchen.
- S5.13.4 The detectors must be hard wired to the mains and interlinked with a control panel containing battery back-up.
- S5.13.5 The system must comply with the current British Standard 5839 part 6: **Grade A** LD2 (or equivalent).
- S5.13.6 On completion, a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard must be submitted to the Council.
- S5.15 Emergency lighting
- S5.15.1 Where required by this policy, the property owner shall arrange for the installation of suitable and sufficient emergency lighting to provide adequate coverage to the protected fire escape route.
- S5.15.2 The number and position of any luminaries should be determined by the property owner's fire risk assessment.
- S5.15.3 On completion, a certificate to confirm that the arrangements comply with BS 5266 should be submitted to the Council.
- S5.16 Pre-payment meters
- S5.16.1 It is not acceptable to provide power to the fire precautions via pre-payment or coin operated electric meters.
- S5.16.2 The manager is required to maintain the electric supply to the fire precaution system.
- S5.16.3 Ideally this should be achieved by the installation of a dedicated electric meter that is under the control of the manager. Alternatively, the contract to supply electricity should be under the control of the manager or owner of the property.

**The following matters are not covered specifically in The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 but must be considered in regard to the Housing Health and Safety Rating System (HHSRS).**

**S6 Natural and artificial lighting**

S6.1 All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window, or combined windows and/or door(s). The glazed area is to be equivalent to at least  $\frac{1}{10}^{\text{th}}$  (10%) of the floor area and to extend normally to a point 1.75m above floor level. The window shall be positioned so that the light from the window is able to illuminate most of the room.

S6.2 Windows to bathrooms and toilets are to be glazed with obscured glass.

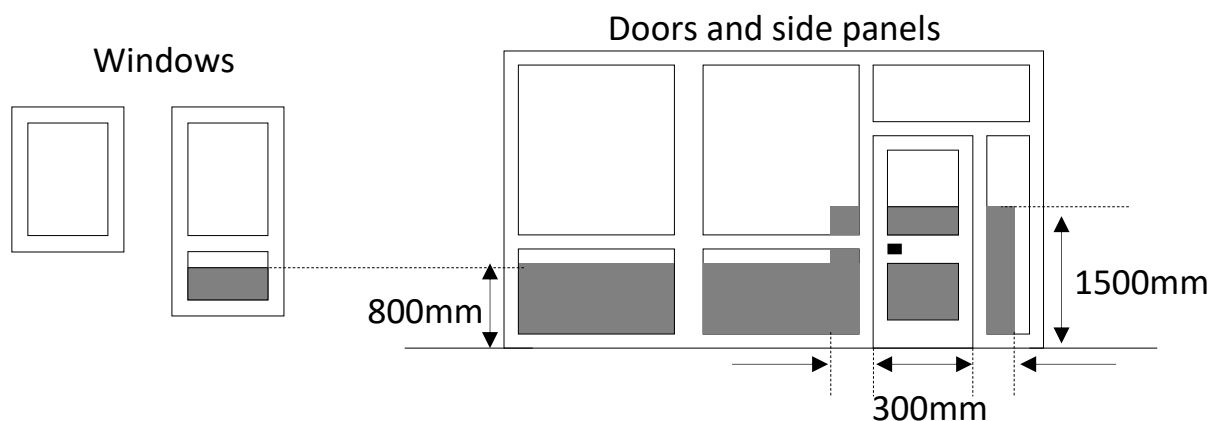
S6.3 Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms, and toilets. The manager is responsible for ensuring lighting is functioning in all communal areas of the HMO and this should be checked as part of the monthly inspection.

S6.4 Glazing in critical locations (i.e., where there is a danger of falling through or of lacerations) should meet both fire resistance and safety standards i.e., the use of fire resisting safety glazing complying with current British Standard 6206: 1981 and Part N of the Building Regulations (or equivalent). See diagram in section S6.6 below for critical locations of safety glazing. Glazing directly adjacent to staircases must also meet this standard.

S6.5 Windows from the first floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows.

**S6.6 Safety glazing diagram**

S6.6.1 Critical locations of glazing in internal and external walls



**S7 Ventilation**

S7.1 All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than  $\frac{1}{20}^{\text{th}}$  (5%) of the floor area of that room.

S7.2 All bathrooms and toilet compartments shall have mechanical ventilation compliant with Part F of the Building Regulations. Such an installation shall be fitted with an adequate overrun device. In the case of bathrooms, this can be connected to the lighting circuit of the room; however, the Council recommends humidistat style fans in order to reduce the chances of tenants turning extractor fans off due to noise disturbance.

S7.3 A kitchen shall have extract ventilation compliant with Part F of the Building Regulations.

S7.4 Ground floor bedrooms

S7.4.1 Many ground floor rooms which are used as bedrooms were originally designed as a living room and as such, the only ventilation is by a sliding patio door.

S7.4.2 This arrangement is not suitable for a ground floor bedroom because it does not provide suitable ventilation as it cannot be effectively secured against entry. It would therefore not be possible for a tenant to satisfactorily ventilate the room at night in a secure way.

S7.4.3 There are two options available in these circumstances:

Either

- replace the patio door with a suitable double-glazed unit which provides a secure way of ventilating the room. This could be by means of a door and window combination, the glazed area should be equivalent to at least  $\frac{1}{10\text{th}}$  of the floor area with a window that has an openable area not less than  $\frac{1}{20\text{th}}$  of the floor area.

Or

- revert the use of the ground floor room back to a communal living area as originally designed.

It is recommended that a proposal is submitted to the Council for agreement prior to carrying out such works.

**S8 Drainage**

S8.1 All new drainage shall comply with current Building Regulations.

S8.2 The whole house shall be provided with an effective system, both above and below ground, for the drainage of foul, waste, and surface water.

S8.3 The Council recommends that gutters are checked each Spring and accumulated debris cleared, as poorly maintained gutters can lead to damp within the property.

**S9 Refuse, storage, and disposal**

S9.1 **The licence holder must comply with any scheme which is provided by the local housing authority to the licence holder, and which related to the storage and disposal of household waste at the HMO pending collection**



- S9.2 Refuse and recycling bins or containers shall be provided in sufficient numbers to meet the needs of the house and an acceptable means of disposal provided to comply with the Council's storage and waste disposal scheme.
- S9.3 All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positioned so that they do not cause obstruction of footways and access ways and do not obscure natural lighting from windows below bin height.
- S9.4 Tenants should be provided with information on how to use their bins correctly.
- S9.5 Where an HMO has five or more residents and they are recycling correctly, the landlord may be eligible for a larger rubbish bin.

## **S10 Electricity supply**

- S10.1 The Management of Houses in Multiple Occupation (England) Regulations 2006 previously put specific duties on landlords around electrical safety. Part of this requirement has now been repealed, and HMOs are now covered by the new Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020<sup>4</sup>.
- S10.2 The Regulations came into force on 1 June 2020, they apply to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021.
- S10.3 These new Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants, and to the Council if requested.

- S10.4 **The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4(4) & 6(4) state:**
- **the manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO**
  - **the manager must not unreasonably cause the gas or electric supply that is used by any occupier within the HMO to be interrupted**

- S10.5 **the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, Regulation 3 states:**
- **duties of private landlords in relation to electrical installations: ensure every electrical installation in the residential premises is inspected and tested at regular intervals by a qualified person**

- S10.6 Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as shown in the table below. If evidence of multiple interconnected extension leads and/or overloading of sockets is found additional sockets should be provided.

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<sup>4</sup> [Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)

<b>Location</b>	<b>Number of Sockets</b>
Living room	4 sockets
Bedroom/study	4 sockets
Bedroom within a letting, comprising more than one room	4 sockets
Bedsits containing cooking facilities	4 sockets in kitchen area, plus 4 elsewhere

- S10.7 Where there is no communal living room in a property, it may be necessary to install additional sockets as tenants are likely to have more electrical devices in their bedroom.
- S10.8 In the kitchen area of a bedsit, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- S10.9 All socket outlets shall be located in positions which permit safe, convenient and proper use at all times, having regard to the room layout. They shall not be positioned where the appliance cables are likely to pose a safety hazard.
- S10.10 All new electrical installations shall comply with current Building Regulations and be suitably certified.
- S10.11 Installations must be checked at a minimum of 5-yearly intervals by a qualified electrician, and an electrical safety certificate, known as an Electrical Installation Condition Report (EICR), obtained. Where the certificate shows Code 1 or 2 faults these must be addressed immediately. If the certificate advises a re-inspection is needed in less than 5 years this advice should be followed. Visual checks should be carried out during routine visits.
- S10.12 Portable Appliance Testing (PAT) must be carried out annually; a PAT certificate should be obtained. Ensure vacuum cleaners are remembered when carrying out testing. For portable electrical appliances less than one year old, receipts should be kept.

## **S11 Gas safety**

- S11.1 **The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4(4) & 6(4) state:**
- **the manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO**
  - **the manager must not unreasonably cause the gas or electric supply that is used by any occupier within the HMO to be interrupted**

S11.2 **The Gas Safety (Installation and Use) Regulations 1998, Regulation 36 (2 & 3) states:**

- every landlord shall ensure that there is maintained in a safe condition:
  - (a) any relevant gas fitting; and
  - (b) any flue which serves any relevant gas fitting, so as to prevent the risk of injury to any person in lawful occupation of relevant premises
- a landlord shall ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety (whether such check was made pursuant to these Regulations or not)

S11.3 Landlords are required to ensure that gas appliances, fittings and flues provided for tenants' use are safe.

S11.4 An annual safety check must be carried out and records kept for 2 years.

S11.5 A copy of the Gas Safety Certificate must be provided to each tenant at the start of the tenancy.

## **S12 Furniture safety**

S12.1 The Furniture and Furnishings (Fire) (Safety) Regulations 1988 <sup>5</sup>(as amended) set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require that certain furniture included in rented accommodation complies with the fire safety requirements detailed in the Regulations.

S12.2 Any relevant furniture supplied as part of the letting will need to comply.

S12.3 For licensable HMOs, the furniture safety requirements form part of the licence conditions.

## **S13 Personal safety and security**

S13.1 Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and bedrooms to prevent unauthorised access but permit safe egress in case of fire (see section S5 above).

S13.2 Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire.

S13.3 Windows from the first floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows.

S13.4 Appropriate arrangements must be in place to control the issue and return of house keys on changes of tenancy, or the changing of locks. Any advice on crime prevention measures provided by the Crime Reduction Officer, contactable on the Police Non-Emergency number 101, must be acted on.

S13.5 Simple locks must be provided to communal bathrooms and toilets to provide privacy.

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<sup>5</sup> [The Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#)

S13.6 Where necessary, the installation of external security lights is recommended. This can be by means of a sensor or by using a dawn till dusk light.

**S14 Thermal efficiency**

S14.1 Where possible, every property should have cavity wall insulation and loft insulation installed to current standards. At the time of adopting this Policy, the minimum depth of loft insulation is 270mm.

S14.2 Heating should be professionally installed. The controls should be in the communal area and easily accessible by each occupant.

S14.3 There should be means of providing low level background ventilation without excessive heat loss or draughts. This can be by the installation of trickle vents or lockable ventilation latches on the window.

S14.4 Properties with an EPC of F or below must not be let unless measures have been taken to improve the energy performance to E or above or the property has a registered exemption. Where the property has an exemption, you should contact the Licensing Team as improvements may still be required before the property is let.

**S15 Asbestos**

S15.1 Landlords have a duty to identify and manage any asbestos containing materials in their property.

S15.2 Management of asbestos containing material involves identifying its location and condition, ensuring it is effectively sealed or making it inaccessible to prevent damage, labeling it and keeping a record of its location in the building.

S15.3 If the material is in good condition and not liable to damage or disruption (for example during work or alteration) then it is normally appropriate to leave it alone. Where the asbestos is already damaged or is likely to be damaged or disturbed, an assessment needs to be made and action taken to repair, seal, enclose or remove it with professional advice.

S15.4 Where a property owner is aware of any asbestos containing materials, the manager should keep a record of the location and type of material and confirm that it is in a sound condition. It should be checked every 6 months to see there has been no damage and the record should be dated and signed by the person undertaking the check.

S15.5 Any contractors must be advised of the location of possible asbestos containing materials before commencing work.

S15.6 There are specific requirements for working with asbestos material and you should seek further advice from a qualified asbestos surveyor if you suspect asbestos is present in your property. Information is also available on the [Health and Safety Executive website](#).

**S16 Space standards****S16.1 General requirements**

S16.1.1 Rooms used for sleeping are not suitable for occupation by more than two people. No persons should share a room unless:

- they are married or living together as if married.
- they are a parent or close relative and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if opposite sex).
- they are related children of the same family and are both of the same sex, e.g., two brothers (if under 10 years of age, opposite sexes can share a room).
- the room meets the minimum size as given below

S16.1.2 The number of people sharing includes babies and children. Everyone must have their own allocation of space. Close relative means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, or cousin.

S16.1.3 All rooms, including kitchens, bathrooms, and toilet compartments, shall have a minimum floor to ceiling height of 2.13m. In the case of rooms with sloping ceilings, there shall be a minimum height of 2.13m over half of the floor area of the room. Measurements shall be taken on a plane, 1.5m above the floor. Any floor area where the ceiling height is less than 1.5m high shall be disregarded.

S16.1.4 The room sizes outlined in the tables below are minimum sizes.

- only usable space may count towards the room size
- if a room is of an unusual shape, it has a sloped ceiling or a ceiling height of less than 1.5m some of the floor area may not be counted
- the space directly behind the door may not be counted
- a staircase, landing, or any room which is used as a kitchen or bathroom, shall not be used as sleeping accommodation.

**Bedroom sizes**

S16.2 Statutory requirements for the minimum floor area for sleeping accommodation were introduced in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018<sup>6</sup>. The minimum sizes are given in the box below.

S16.3 All rooms used as bedrooms must be of a minimum size as outlined in the table below.

Legal Minimum Bedroom Size		
1 Adult	2 Adults	1 Child under 10 years
6.51m <sup>2</sup>	10.22m <sup>2</sup>	4.64m <sup>2</sup>

S16.4 Any room in an HMO with a floor area of less than 4.64 square metres must not be used as sleeping accommodation.

<sup>6</sup> [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#)

S16.5 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.

S16.6 Bedrooms must be occupied by a maximum of two people as outlined in the general space standard requirements.

S16.7 In order for a bedroom of the legal minimum size (6.51m<sup>2</sup>) to be accepted, a member of the Licensing Team must determine that suitable communal space is available to tenants.

S16.8 One person units of accommodation

S16.8.1 One room units:

including kitchen facilities in the room	<b>11m<sup>2</sup></b>
separate individual or shared kitchen	<b>8m<sup>2</sup></b>

S16.8.2 One room unit sizes can be reduced by up to 1.49m<sup>2</sup> down to a minimum of 6.51m<sup>2</sup> at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

S16.8.3 Two or More room units:

each living kitchen/diner	<b>10m<sup>2</sup></b>
each living room	<b>8.5m<sup>2</sup></b>
each bedroom	<b>6.5m<sup>2</sup></b>

S16.8.4 A trade-off between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 14.5m<sup>2</sup>.

S16.9 Two person units of accommodation

S16.9.1 One room units:

including kitchen facilities in the room	<b>16m<sup>2</sup></b>
separate individual or shared kitchen	<b>13m<sup>2</sup></b>

S16.9.2 One room unit sizes can be reduced by up to 2.78m<sup>2</sup> down to a minimum of 10.22m<sup>2</sup> at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

S16.9.3 Two or More room units:

each kitchen/diner	<b>10m<sup>2</sup></b>
each living room	<b>8.5m<sup>2</sup></b>
each bedroom	<b>11m<sup>2</sup></b>

S16.9.4 A trade-off between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 19.5m<sup>2</sup>.

#### S16.10 Communal rooms

##### S16.10.1

Numbers sharing	Minimum Floor Area
<b>Kitchens</b>	
Used by 1 – 5 occupiers	<b>6m<sup>2</sup></b>
Used by 6 – 10 occupiers	<b>11m<sup>2</sup></b>
A kitchen must be sited no more than one floor distant from the bedroom or living/dining room	
<b>Kitchen/Diners</b>	
Used by 1 – 5 occupiers	<b>8.5m<sup>2</sup></b>
Used by 6 – 10 occupiers	<b>12.5m<sup>2</sup></b>
<b>Living Rooms</b>	
Used by 1 – 5 occupiers	<b>8.5m<sup>2</sup></b>
Used by 6 – 10 occupiers	<b>12.5m<sup>2</sup></b>

S16.10.2 The above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the room for the number of users.

S16.10.3 It is unlikely that communal rooms intended for use by more than 10 people will be accepted.

## S17 **Management**

### S17.1 General

S17.1.1 The manager of an HMO must comply with The Management of Houses in Multiple Occupation (England) Regulations 2006<sup>7</sup>.

S17.1.2 The manager is the owner, or lessee of the property, who receives rent from the residents, either directly or through an agent or trustee. The manager is legally responsible for maintaining the standards within an HMO. There may be more than one person who falls under the definition of manager.

S17.1.3 If you are unsure as to who has responsibility under the management regulations, please contact the Licensing Team to discuss the property in question.

S17.1.4 In order to fulfil their duties, managers must undertake regular inspections of the property either personally or via a representative; to ensure standards are maintained and where necessary, improved. Tenants must be given at least 24 hours' notice of a visit and should

<sup>7</sup> [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)

be advised of the reason for the visit. In the event of an emergency, 24 hours' notice may not be possible, e.g., in the event of a fire, gas leak or flood.

S17.1.5 Management checks should be carried out monthly. Written records of the checks carried out and any action taken must be kept and should be available on request.

S17.1.6 All landlords and managers should maintain a good standard of management. In particular, managers have a duty to:

- provide information to occupiers.
- take safety measures.
- maintain water supply and drainage.
- supply and maintain gas and electricity.
- maintain common parts, fixtures, fittings, and appliances.
- maintain living accommodation.
- provide waste disposal facilities.

S17.2 Certification

S17.2.1 There are a number of safety checks and certificates which must be provided for houses rented out as HMOs. The certificates which are required and the regularity at which they are required are outlined in the table.

**For all HMOs**

Type of Certificate	How Often it is Needed
Fire Alarm Test Certificate	Annual
Emergency Lighting Test Certificate	Annual
Gas Safety Certificate	Annual
Portable Appliance Test Certificate (PAT)	Annual
Electrical Installation Condition Report (EICR)	5 yearly

S17.2.2 Where there is an earlier date or time period specified on a current certificate, this must be complied with.

S17.2.3 For licensable HMOs, the Regulatory Reform (Fire Safety) Order 2005 places an obligation on the landlord to undertake and record a fire risk assessment and to update the assessment as necessary. It should be reviewed annually or at change of tenancy, whichever is soonest.

S17.2.4 There is a risk of Legionnaire's Disease in any residential property and managers of rented properties must assess this as part of their duty of care to their tenants. A Legionella Risk Assessment is required for all licensed properties.



### S17.3 Deposits

S17.3.1 Where deposits are taken, they must be placed in a government backed tenancy deposit scheme within 30 days. The tenants must be provided with certain information as to where their deposit is held and how to get it back at the end of the tenancy period. The specific details will vary dependant on which scheme is used.

S17.3.2 In the setting of deposits and any other fees or charges the landlord must take into account the restrictions in the Tenant Fees Act 2019<sup>8</sup>.

#### **Priority of repairs**

### S17.4 Priority 1: emergency repairs (within 24 hours of report)

S17.4.1 These include any repairs required in order to avoid a danger to health, risk to the safety of residents or serious damage to buildings or internal contents.

S17.4.2 In circumstances where this is not practicable, managers must make best temporary arrangements until the repairs are completed at the earliest practicable opportunity.

S17.4.3 Examples include, but are not limited to:

- damage that puts people or building at serious risk.
- fire alarm system not working.
- fire precautions not in good working order.
- obstructed escape route.
- total loss of heating in winter months.
- total loss of gas supply.
- total loss of electrical power.
- loss of water supply or a burst water main.
- serious water leaks/flooding.
- insecure outside doors or windows.
- blocked or leaking foul drain or soil stack.
- blocked or non-flushing toilet (if the only toilet in the property).

### S17.5 Priority 2: urgent repairs (within 3 working days of report)

S17.5.1 These include repairs to defects, which materially affect the comfort or convenience of the residents.

S17.5.2 Examples include, but are not limited to:

- blocked drains, sinks, basins and toilets (where there is another one working in the property).
- total loss of hot water in summer months (except vulnerable households).
- minor plumbing leaks.
- minor electrical faults.
- defective flooring or stair treads if causing trip hazard.

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<sup>8</sup> [Tenant Fees Act 2019](#)

S17.6. Priority 3: non-urgent day-to-day repairs (within 30 working days of report)

S17.6.1 These include reactive repairs not falling within the above categories.

S17.6.2 Examples include, but are not limited to:

- General joinery repairs.
- Non-urgent electrical work not listed above.

S17.5 Enforcement

S17.5.1 The Council endeavours to work closely with owners and managers to ensure they are able to comply with their legal obligations by providing information, advice, and support.

S17.5.2 If owners or managers are unwilling to meet their obligations or where failures are significant, the Council may undertake more formal enforcement action in accordance with their enforcement policy to protect the health, safety and well-being of occupiers and others affected.

S17.5.3 Where necessary, the Council will seek to:

- prosecute owners or managers who fail to comply with the Housing Act 2004 or any of the associated regulations, in particular the Management of Houses in Multiple Occupation (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006
- serve an Improvement Notice under Part 1 of the Housing Act 2004
- serve a Prohibition Order under Part 1 of the Housing Act 2004
- take emergency action under Part 1 of the Housing Act 2004
- impose a Financial Penalty

S17.5.4 The Housing and Planning Act 2016 also enables Local Authorities to impose Civil Penalties as an alternative to prosecution for certain offences under that Act or the Housing Act 2004. The amount of penalty is set by the local authority but can be up to a maximum of £30,000 per offence.

S17.5.5 Where formal enforcement action is taken, it would be taken into account and may affect future decisions as to whether someone associated with a licence or property is a 'fit and proper person'.