



Housing Conditions and Supply Team

## **Houses in Multiple Occupation Policy**

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## Document Location

This document is held by Tamworth Borough Council, and the document owner is Rob Barnes.

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## Revision History

Revision Date	Version Control	Summary of changes
	1	This is a reviewed policy drafted in line with the provisions of The Housing Act 2004 and Housing and Planning Act 2016

## Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

## Distribution

The document will be available on the Intranet and the website

## Contents

1	Introduction	5
2	Background	8
3	Our Approach	9
4	Mandatory Licensing in Tamworth	10
5	Other information	17
6	Licensing Enforcement Tools	18
7	Powers of Entry	21
8	Appeals to the 1 <sup>st</sup> Tier Tribunal Service	22
9	Tamworth Borough Council required standards for Houses in Multiple Occupation	23
10	Policy Revision	23
11	Complaints	24
12	Further information	24
13	Appendix 1	24

## **1. Introduction**

This Policy is a reviewed policy made in accordance with the provisions of the Housing Act 2004 (“The Act”). The Act came into force in April 2006 and overhauled the powers available to Local Housing Authorities, in particular, housing enforcement officers. The Act introduced an inspection regime referred to as the Housing Health and Safety Rating System (HHSRS) which enables officers to assess hazards in residential premises that may affect the health and safety of the occupants. The Act also redefined the classification for Houses in Multiple Occupation (HMO) and introduced mandatory licensing of certain categories of HMOs.

The introduction of a new definition of an HMO clarified previous confusion of what constituted an HMO. A dwelling is considered to be in multiple occupation if it contains occupants who do not form a single household, share one or more amenity and is the occupant’s main or only place of residence. The definition includes houses containing bedsits, hostels, shared houses and flats. The exact definition is described by standard tests detailed in Section 254 of the Act.

Tamworth Borough Council aims to maximise the availability of private rented accommodation in Tamworth and ensure that it is of a decent standard to protect the health, safety and welfare of tenants. The availability of good quality HMOs helps sustain the availability of affordable housing, particularly for vulnerable residents who access the Housing Solutions Team and partner agencies.

The risk to health and risk of death and injury from fire is greatly increased in this type of dwelling and persons who live in such properties tend to be more vulnerable than persons in other types of accommodation. There is also a body of evidence around the negative effects on mental health around living in unsatisfactory shared housing. The Government introduced a mandatory licensing scheme for certain types of HMO and also introduced standards specific to these properties over and above those expected of normal rented dwellings.

This policy has been produced by the Tamworth Borough Council Private Sector Housing Team. The policy also considers guidance issued by Local Authorities Co-ordinators of Regulatory Services (Lacors) and Homestamp (a partnership consortium with an interest in private sector housing comprising of Local Authorities, the Private Rented Sector, Universities, West Midlands Police and West Midlands Fire Service). The purpose of the policy is to ensure that Tamworth Borough Council carry out the requirements of the Act in relation to HMOs. It is also intended to provide a local area standard to ensure that a consistent approach is taken throughout the Council and to assist in a pro-active program designed to eliminate poor housing standards in this type of accommodation.

### **1.1 General Obligations**

The 2004 Act imposed certain general obligations on the Council, including:

- The Local Housing Authority must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under parts 1 and 2 of the Act, this includes;
- To make such arrangements as are necessary to secure the effective implementation in their district of a mandatory HMO licensing regime.
- To ensure that all applications for a licence and other issues to be determined by them under this Part are determined within a reasonable time; and
- To satisfy themselves, as soon as is reasonably practicable, that there are no Part 1 functions (HHSRS) that ought to be exercised by them in relation to the premises in respect of which such applications are made.

Part 1 of the Act focuses on the HHSRS.

If the LHA considers that it would be appropriate to inspect residential premises to establish whether or not there is a category 1 or category 2 hazard, the authority must arrange for an inspection to be carried out.

Section 5 of Part 1 of the act imposes a general duty on LHAs to take appropriate enforcement action where there is a category 1 hazard.

The system seeks to provide proper enforcement of the HHSRS in the highest risk HMOs. This Policy is therefore written in the context of Tamworth Borough Council's

Private Sector Housing Enforcement Policy and the Regulators Code, updated April 2014.

In addition to physical property standards the Act allows LHA's to consider the management competency and 'fitness' of those managing or providing HMO accommodation. Licensing aims to ensure that the HMOs presenting the most significant health and safety risks, come to the attention of the Council placing a more direct obligation on landlords to provide acceptable standards.

## **1.2 Definition of an HMO**

The definition of a "House in Multiple Occupation" is contained in section 254 of the Act.

The definition is quite long and detailed in its entirety therefore, the following is a summary of the main points.

A House in Multiple Occupation (HMO), is a building, or part of a building, (such as a flat) that is occupied by more than one household and;

- Shares or lacks an amenity, such as a bathroom, toilet or kitchen
- Is a converted building which may contain, but is not entirely, made up of self-contained flats, eg floor-by-floor lets, (whether or not some amenities are shared or lacking)
- Is converted into self-contained flats, but does not meet as a minimum standard the requirements of the 1991 Building Regulations, and at least one third of the flats are occupied under short tenancies.
- The living accommodation is occupied by persons as their only or main residence, and whether the occupation constitutes a 'significant use' of that accommodation (section 255(2)).

## **1.3 Definition of 'a Household'**

The definition of a "household" is contained in section 258 of the Housing Act 2004 as follows:

(2) Persons are to be regarded as not forming a single household unless -

(a) they are all members of the same family,

(3) For the purposes of subsection (2) (a) a person is a member of the same family as another person if -

(a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);

(b) one of them is a relative of the other, or

(c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple

## **2. Background**

There has been significant growth in the number of HMOs in the Borough since the original policy was written back in 2010. Factors contributing to this growth include growing demand from people moving into the area for work at local industrial and distribution parks, changes in benefit rules for younger people and the level of profit to be made in comparison to renting out properties as single family dwellings.

Our recent stock condition survey undertaken by BRE concludes that 10% of the housing stock here in Tamworth is now privately rented, 17% of these properties contain a category 1 hazard.

This report does not state the numbers of HMOs specifically but recent council tax figures suggest there are in the region of 103. This is thought to be an underestimation as intelligence from other sources such as members of the public and local letting agents are informing around the numbers and locations of suspected HMOS. More work is needed to gather accurate knowledge of numbers. The numbers could be as high as double the current official figs.

Under the current mandatory Licensing regime there are 32 licensed HMOs in the Borough. When the new provisions under the Housing and Planning Act 2016 come into force (October 17) many more will require a mandatory licence. (See policy on the Housing and Planning Act 2016).

### **3. Our Approach**

Tamworth Borough Council will investigate all reports regarding properties being used as potential HMOs and take appropriate action based on this policy and the Enforcement Policy.

Tamworth Borough Council aims to ensure that the occupiers of HMOs live in safe and healthy homes by providing advice, education and where appropriate enforcing the relevant provisions of the Act. Consequently, Tamworth Borough Council aim, where resources allow, is to take a proactive approach by actively identifying and inspecting HMOs in the borough. We will continue to implement the mandatory HMO Licensing regime and adopt the new extended provisions of the Housing and Planning Act 2016.

We will work to ensure that the standards in **all** HMO properties are also good and safe. This includes dealing with disrepair and Management Regulation breaches. Wherever possible we will, in line with our general enforcement policy take a graduated enforcement approach. When necessary we will take formal action. This will include using where necessary a range of enforcement notices available under the Housing Act 2004 e.g. improvement notices / emergency works.

There are currently no plans to implement any scheme around additional licencing of HMOs.

#### **3.1 Identifying HMOs in Tamworth**

The Council will utilise a range of information sources to identify HMOs within the borough. The Private Housing Team will liaise with internal departments and external organisations as follows:

- Housing Benefit and Council Tax – in accordance with the Act, Section 237, information sharing agreement.
- Environmental Health – will inform the Private Housing Enforcement Team of any action taken in relation to an HMO whilst carrying out their duties.
- Town Planning Service – will inform and consult with the Private Housing Enforcement Team on all HMOs that are subject to planning permission.
- Housing Solutions Team – will notify the Private Housing Team of housing register applicants that declare they live in shared accommodation.
- Police Service – will inform and work together with Private Housing Team on dealing with problem HMOs.
- Street Wardens – will alert the Private Housing Enforcement Team of any anti-social behaviour that they encounter at a house in multiple occupation.
- Fire Service – The Staffordshire Fire and Rescue Service have a duty to consult with the Private Housing Enforcement Team on the issue of fire safety standards in HMOs within the Borough.
- Social Services – will alert the Private Housing Enforcement Team where any of their clients are living in an HMO.

#### **4. Mandatory Licensing in Tamworth**

The Act places a duty on Tamworth Borough Council to implement the mandatory licensing regime in their district.

The aim of HMO licensing is to ensure the highest risk and lowest quality properties in the private rented sector meet the legal standards and are properly managed.

##### **4.1 Definition of HMOs requiring a licence**

Under the 2004 Act, a HMO will require a licence if:

- It is three or more storeys high;
- It has five or more people in more than two households; and

- The occupants share amenities such as bathrooms, toilets or cooking facilities.

The Housing and Planning Act 2016 will extend this definition to include all HMOs where there are five people in more than one households irrespective of the number of storeys and will include properties above and below business premises.

Tamworth Borough Council has developed a mandatory licensing procedure to ensure that all requirements as prescribed by the national authority are met.

Licences will be granted where:

- The house is deemed reasonably suitable for occupation as an HMO
- The management arrangements are satisfactory, and
- The licensee and manager are deemed 'fit and proper' persons.

The licensee must be the most appropriate person to hold the licence.

#### **4.2 Encouraging Applications**

Tamworth Borough Council will encourage landlords to apply for a licence using a variety of methods, including:

- Discussions through the Private Landlords' Forum.
- Periodically publicise the need to licence HMOs using local newspaper and newsletter advertising.
- Publicising the extended requirements under the Housing and Planning Act 2016.
- Provide electronic and paper application forms.
- Provide Landlord Information Packs detailing general guidance on the landlord's role and responsibilities when renting a property.
- Offer a service assisting applicants with completion of forms and measuring rooms, where resources permit.

- Send information letters, reminders to landlords and letters of warning of prosecution, where necessary.
- Involve landlords and letting agents through information sessions and forums.

### **4.3 Licensing Fee**

The fee for each application will be £574.80 with an additional £37.79 for each bed space above five. If a landlord approaches the Council with a view to licensing an HMO they will be entitled to a 20% discount if a full application (including all necessary enclosures and fee) is received by the Council within 28 days of sending the application pack. The discount will be applied after the application has been verified by the Private Housing Team, Senior Officer who will deal with the application, and a refund will be given. The availability of decent HMO properties is an important resource in order to sustain affordable housing within Tamworth and the fee level has been set to cover the Council's reasonable costs of setting up and administering the application process.

### **4.4 'Fit and Proper' Persons**

Tamworth Borough Council is required to assess whether the applicant, and/or any manager, and any person associated with them or formerly associated with them, are 'fit and proper' people to own or manage a HMO.

A person will be considered 'fit and proper' if Tamworth Borough Council is satisfied that:

- They have no unspent convictions relating to:
  - i. Offences involving fraud, dishonesty, violence or drugs, or sexual offences.
  - ii. Unlawful discrimination on grounds of sex, race, or disability.
  - iii. Housing or Landlord and Tenant law.
  - iv. Breaches of planning, compulsory purchase, environmental protection or other legislation enforced by the Council.
- They have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the

approved code of practice under Section 197 of the Act within the last five years.

- They have not been in control of a property subject to a HMO Control Order, an Interim Management Order (IMO) or Final Management Order (FMO) or had works in default carried out by a Local Authority.

#### **4.5 Licence Period**

A licence will be valid for up to 5 years, unless revoked, and will specify the maximum number of occupiers and households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities. Each licence will represent a single property and is not transferable upon change of owner or person in control of the HMO.

#### **4.6 Licence Conditions**

A licence must include mandatory conditions as prescribed by the Act and the associated regulations. Additionally Tamworth Borough Council may include discretionary conditions for the purpose of improving the management, and occupation of the house.

The following mandatory and discretionary conditions will be applied to all licences:

The following mandatory conditions will be applied to all licences:

- Provide copies of gas safety certificates annually.
- Ensure electrical appliances and furniture is in a safe condition.
- Ensure the smoke detection system is in working order.
- Provide tenants with a written tenancy agreement.

The following discretionary conditions will be applied to all licences:

### **Licence Conditions section 67(1) and (3):**

- The licensed premises will comply with all statutory requirements including Management Regulations as outlined in the Management of Houses in Multiple Occupation (England) Regulations 2006.
- Anti-social behaviour within the premises will be dealt with under the terms of the Tenancy.
- Anti-social behaviour outside the building is notified to the Council and the Police by the Licence holder or Manager who will work with them to eliminate anti-social behaviour.
- Maintenance reports must be supplied to the Council annually with regards to emergency lighting, fire detection and alarm systems.
- The following documents must be clearly displayed within the common parts:
  - i) Copy of the Licence
  - ii) Copy of the current Gas Safety Certificate
  - iii) Name, address, telephone number and emergency contact of the Licence Holder or Manager of the property.
- The Licence Holder or Manager will provide, to any Authorised Officer of the Council, access into the licensed premises as and when required to do so.
- To undertake all works contained in any Schedule of Works issued by the Council within **Six Months**, unless otherwise stated, notwithstanding any rights of appeal.
- The Licence Holder must inform the Council of any changes in circumstances relating to ownership, usage, layout or increase in the number of occupants

which will result in exceeding the number of permitted occupants for the licensed premises.

- **Gas Supply and Appliances** - To provide to the Council annually a gas safety certificate obtained in respect of the property within the last 12 months carried out on the gas supply and all gas appliances by a Gas Safe Registered gas engineer. To ensure that all recommendations outlined in the landlord Gas Safety Record are complied with.
- **Electrical Installations** - To ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing and must provide to the Council, on demand, a current periodic electrical inspection certificate for the premises in accordance with British Standard 7671. All recommendations for urgent attention and improvement (codes 1 and 2) should be carried out within a reasonable period of time and in any case not less than 3 months.
- **Electrical Appliances** - To keep all electrical appliances provided within the property by the licence holder (or on his/her behalf) in a safe condition. To provide to the local housing authority, on demand, a declaration as to the safety of such electrical appliances.
- **Furniture** - Keep all furniture provided within the property by the licence holder (or on his/her behalf) in a safe condition. To this extent all such furnishings should comply with the Furnishings (Fire Safety) Regulations 1988. To provide to the local housing authority, on demand, a declaration as to the safety of such furniture.
- **Provision of Standard Amenities** - The premises must be provided with sufficient and adequate standard amenities for use by the maximum number of occupants (as specified in the licence) according to the type of accommodation offered in accordance with the Council's amenity standards and 'The Licensing and Management of Houses in Multiple Occupation and Other Houses

(Miscellaneous Provisions) (England) Regulations 2006'. All standard amenities and equipment provided for use by the occupiers of the premises are maintained in good repair and proper working order.

- **Provision and Maintenance of Heating** - Each unit of accommodation within the premises plus all bathrooms, whether shared or for exclusive use are adequately heated and capable of maintaining an indoor temperature of at least 18 degrees Celsius in habitable rooms when the outdoor temperature is -1 degree Celsius. Heating should be controllable by the tenants and safely and properly installed and maintained. Where the system is centrally controlled, the tenants should be provided with thermostatic controls within their individual unit. Where this condition is not met at the time of issuing the licence, this condition must be met within 3 months of the licence issue date.
  
- **Fire Precautions** - To adopt the Homestamp 'A Guide to Fire Protection in Multi-Occupied Residential Properties' standard within the property. To ensure that smoke alarms are installed in the house and kept in proper working order. To provide the local authority, on demand, a declaration as to the position and condition of the smoke alarms. This information may be provided either in written form or in detailed plan (not to scale).
  
- **Information to Tenants** - To supply to the occupiers of the house a written statement of the terms of their tenancy/occupancy agreement.
  - i) To have a written complaints procedure – available on request.
  - ii) To supply the tenant with receipt on payment of rent.
  
- **Deposits** - If a deposit is taken, to register said deposits with either scheme outlined by the Government under the Act, informing the tenant of which scheme is being used.

## **5. Other Information**

All valid applications will be logged onto a HMO database. This database is compatible with Central Government's mandatory monitoring requirements.

There is also a public register of all licensed HMOs, accessible via the Tamworth Borough Council website.

On receipt of a valid application form a notice of intention to grant a licence must be served on all interested parties allowing at least fourteen days for representations before granting the actual licence.

The Private Housing Team aims to serve notice of intentions within 21 days of a full valid application. Any representations received within that time will be reviewed and investigated where appropriate.

### **5.1 Temporary Exemption Notice**

A Temporary Exemption Notice (TEN) will be served where an owner of an HMO requiring a licence states in writing that he/she is taking steps to make a HMO non-licensable. The TEN exempts that property from being licensed for a period of 3 months (from the date the Notice is served). In exceptional circumstances, Tamworth Borough Council may serve a second TEN that lasts a further 3 months and that takes effect when the first TEN ends. No further TENs can be served after the expiry of the second TEN.

The Private Housing Team will not use these notices routinely, and therefore, a second notice will only be used in exceptional and unforeseen circumstances agreed by the Assistant Director of Housing.

### **5.2 HMO Declaration**

Where it is unclear whether the households are occupying the building as their only or main residence, Tamworth Borough Council can declare the building to be a HMO to remove any doubt. Tamworth Borough Council must serve a Notice on the person

managing or controlling the property within 7 days of deciding to make the declaration stating:

- The date of the Council's decision to serve the Notice
- The date on which the Notice will come into force (which must not be less than 28 days from the date the Notice is served.)
- The recipient's right to appeal to the Residential Property Tribunal within 28 days of the Council's decision.

If no appeal is made to the residential property tribunal within 28 days, the Notice comes into force on the date stated in the Notice and the person managing or controlling the premises will have to apply for a licence if the dwelling is of the type where a mandatory licence is required.

### **5.3 Regulatory Reform (Fire Safety) Order 2005**

The Staffordshire Fire & Rescue Service has powers under the Regulatory Reform (Fire Safety) Order 2005 to ensure the common areas in HMOs, purpose built flats and workplace accommodation are safe in terms of fire. The Order does not apply to private single family dwellings.

## **6. Licensing Enforcement Tools**

The following highlight the enforcement tools that Tamworth Borough Council can utilise where conditions are such that an application for a licence has been refused.

### **6.1 Management orders**

Any decision to seek a management Order would need the approval and 'sign off' of the Corporate Director.

Where there is no prospect of an HMO being licensed, the Act requires under section 102 and 113 that the Council use their interim management powers if it is satisfied that:

- There is no reasonable prospect of the property being licensed in the near future; or
- The health and safety condition applies.

The health and safety condition applies when an Interim Management Order (IMO) is necessary to protect the health, safety and welfare of the occupiers of the property and/or residents and/or owners of properties in the vicinity.

An IMO is in force for 12 months and the Council must:

- Take immediate steps to protect health, safety and welfare (if appropriate) and;
- Take steps to manage the property pending the grant of a licence, the making of a Final Management Order or the ending of the IMO.

The IMO allows Tamworth Borough Council to manage the property with all rights of a landlord and to collect rent and expend it on works to the property. Any residual balance must be paid to the landlord. However, Tamworth Borough Council cannot create any interests (e.g. grant tenancies) without the written permission of the owner. The IMO must contain the date upon which it ceases to be in force (being no more than 12 months from its creation) and there are provisions to vary, revoke and appeal against an IMO.

The IMO ceases to have effect if a licence is granted within its duration. Before such action can be taken, Tamworth Borough Council needs to put in place arrangements to manage HMOs subject to management orders. Tamworth Borough Council operate a Private Sector Leasing Scheme, any HMO subject to a management order will be operated under the conditions of this property management scheme.

Tamworth Borough Council also has the discretion under section 102 of the Act to apply to the 1<sup>st</sup> Tier Tribunal Service for an IMO in other circumstances. The power is available if the property concerned is an HMO, which does not come within the mandatory licensing regime. The tribunal can only grant this IMO if it is satisfied that

the health and safety condition applies and must take into account any past compliance on the part of the landlord with any codes of practice (the Management Regulations).

The conditions in which discretionary IMO's will be available can be used to tackle isolated problems of anti-social behaviour. The aim is to allow Tamworth Borough Council to tackle individual problems without having to draw up a full Additional Licensing Scheme.

## **6.2 Final Management Order**

In extreme cases under section 113 of the Act, management orders can be extended to five years, with Tamworth Borough Council also having the power to grant tenancies. Final Management Orders (FMO) are designed to secure the proper management of a house in the longer term and as a replacement for the short term IMO. In order to do this Tamworth Borough Council must put in place a management scheme.

## **6.3 Prosecution action**

Section 72 of the Housing Act 2004 deals with offences related to HMO licensing.

A person commits an offence if:

- They are the person having control of or managing an HMO required to be licensed but it is not so licensed.
- The person having control permits more persons than is authorised by the licence to occupy the HMO.
- Failure to comply with the conditions of the licence.

Tamworth Borough Council will investigate and take the appropriate action in accordance with the Private Housing Team's Enforcement Policy when dealing with offences committed under this section.

The Housing and Planning Act 2016 has introduced the power to issue a civil penalty as an alternative to prosecution. Please see the Housing and Planning Act 2016 Policy for full details.

#### **6.4 Rent Repayment Orders**

A tenant living in an HMO that should have been licensed, but was not, can apply to the Tribunal Service to claim back any rent they have paid during the unlicensed period (up to a limit of 12 months). The Tribunal must make such an order if the landlord has been found guilty of the offence of failing to obtain a licence.

Where a landlord is convicted for failure to licence and the rent is paid as Housing Benefit, Tamworth Borough Council will apply to the RPT for a Rent Repayment Order requiring that up to 12 months' rent is repaid to Tamworth Borough Council.

Tamworth Borough Council will advise tenants of landlords convicted of failure to licence their HMO of how to apply for a rent repayment order.

#### **6.5 Management Regulations**

Section 234 of the Housing Act 2004 details the regulations in respect of all HMOs.

The Management of Houses in Multiple Occupation (England) Regulations 2006 must be adhered to by managers of HMOs at all times. A person commits an offence if they fail to comply with a regulation under this section. If convicted of an offence they are liable to a fine not exceeding level 5 on the standard scale.

Tamworth Borough Council will investigate breaches of these regulations and take the appropriate action in accordance with the Private Housing Team's Enforcement Policy.

### **7. Powers of Entry**

Under Section 239 of the Act a person authorised by Tamworth Borough Council may enter an HMO at any reasonable time and without giving any prior notice if it

considers that any premises need to be entered for the purpose of ascertaining whether any of the following offences have been committed:

- Failing to comply with a regulation under the Management of Houses in Multiple Occupation (England) Regulations 2006.
- If a person having control of or managing an HMO which is required to be licensed but is not so licensed.
- If a person having control of or managing an HMO knowingly permits another person to occupy the house, and;
- If a person having control of or managing an HMO fails to comply with any condition of the licence.

The power of entry will be used where an officer suspects that any of the above offences are being committed. However, in most cases the person having control or managing the HMO will be contacted for the purpose of inspection of the premises. The Council is also able to apply for a warrant to access a property if they suspect an offence is being committed and to give prior notice of entry would defeat the objective of the visit.

Where the council have identified an HMO that requires a licence they will invite the owner to apply in accordance with the Tamworth Borough Council licensing procedures. However, if an offence has already been committed under the licensing provisions, the Corporate Director and legal services will be consulted regarding prosecution proceedings or issuing of a civil penalty.

## **8. Appeals to the 1<sup>ST</sup> Tier Tribunal Service**

A landlord may appeal to the 1<sup>st</sup> Tier Tribunal in certain cases, such as:

- Where it is believed a legal Notice has been served on them incorrectly or where they believed that works were over specified or;
- Where it is believed that a licence has been refused without adequate justification.

- Where they disagree with the civil penalty imposed.

The 1<sup>st</sup> Tier Tribunal Service (property chamber) is an independent body, and appeal panels consist of three people, a legal expert, a technical expert and a lay member. The function of the Tribunal is to consider the appeal and it may accept the appeal, dismiss the appeal or vary the requirements of a Notice or Order.

The Tribunal is also responsible for authorising Rent Repayment Orders on behalf of the Council, and where an application is made, authorising Interim and Final Management Orders.

### **9. Tamworth Borough Council required Standards for Houses in Multiple Occupation.**

Tamworth Borough Council has set a local minimum standard for HMOs. Setting a local minimum standard for HMOs will enable officers to provide a consistent approach across the borough when dealing with such accommodation. It will also allow officers to easily advise landlords regarding the requirements the council expect to find at their properties. The standards will address such issues as room sizes and the bathroom and kitchen facilities that are acceptable for the number of occupants.

The local area standards (reviewed and adopted 2016) for HMOs in Tamworth are appended as **Appendix 1 of this policy**.

### **10. Policy Revision**

The Policy will be reviewed regularly and will take account of any changes to Legislation, Guidance and Procedure. Minor changes to policy delivery may be required from time to time, and will be undertaken with the agreement of the Corporate Director of Communities, Partnerships and Housing.

## **11. Complaints**

Tamworth Borough Council has an established corporate complaints procedure for dealing with complaints. Information on how to make a complaint is outlined in a complaints leaflet that is available at all Tamworth Borough Council Offices and on the website. (The 'tell us system')

## **12. Further information**

If you would like further information about this policy, please contact Tamworth Borough Councils Housing Conditions and Supply Team

In writing

Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ

By telephone

01827 709 486/ 286

By email

housingconditions@tamworth.gov.uk

## **Appendix 1**

### **1.1 INTRODUCTION**

The Housing Act 2004 introduced mandatory licencing of certain higher risk houses in multiple occupation (HMO's) and a new system of assessing housing conditions, this is known as the Housing Health and Safety Rating System (HHSRS). This system replaces the former housing fitness standard and covers a wider variety of issues which may pose a threat to the health and safety of the occupiers or visitors.

For detailed guidance on those HMO's that require a licence see the 'Licencing Guide for Landlords in Staffordshire'. Essentially a HMO must be licenced if it meets the following criteria:

- Has three or more storeys and

- Has five or more tenants living as two or more households and
- Share facilities such as a kitchen, bathroom and toilet

All of the above criteria must apply for the HMO to require licencing. A copy of the Council's HMO Licence Application form and details of the licence fee can be found on the Council website [www.tamworth.gov.uk/housing](http://www.tamworth.gov.uk/housing) or by telephoning the Private Sector Housing Team on 01827 709486. The Management of Houses in Multiple Occupation (England) Regulations 2006 also apply to all non-licencable HMO's and must be complied with at all times, the requirements of these Regulations are discussed in Section 3.8.

This document is a revised version of the previous document 'Required Standards for Houses in Multiple Occupation' and includes the most commonly encountered arrangements found within Tamworth. This booklet provides basic information on the standards required within the types of HMO's most commonly found in Tamworth and defines what a house in multiple occupation is.

Whilst general standards are detailed in this guidance fire safety precautions are not included and are contained within the National Guidance document published by LACORS entitled "Guidance on Fire Safety Provisions for Certain Types of Existing Housing". This can be downloaded free of charge from the LACORS website [www.lacors.gov.uk](http://www.lacors.gov.uk) It includes guidance on fire safety measures for various types of property, including different types of HMO's and provides worked examples. Regard should be made to this guidance when determining what fire safety measures will be appropriate.

## **1.2 WHAT IS A HOUSE IN MULTIPLE OCCUPATION?**

Under the Housing Act 2004, if you let a property which is one of the following types, it will be classed as a house in multiple occupation:

- An entire house or flat let to 3 or more tenants who form 2 or more households whilst sharing a kitchen, bathroom or toilet.

- A house converted entirely into bedsits or non-self-contained accommodation and let to 3 or more tenants who form 2 or more households whilst sharing a kitchen, bathroom or toilet.
- A converted house containing 1 or more flats which are not self-contained (i.e. do not contain kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form 2 or more households.
- A building which is converted entirely into self-contained flats and the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

A property with a live-in resident landlord who has three or more lodgers will also be deemed to be a HMO. These types of HMO's can also require licencing if the property has three or more storeys, is occupied by five or more persons and there is sharing of facilities.

### **1.3 DEFINITION OF HOUSEHOLD**

A household as defined under the Housing Act 2004:

- Couples married to each other or living together as husband and wife and couples in same sex relationships.
- Relatives living together, including parents, grandparents, children and step children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins.

Domestic staff are also to be treated as forming part of the household if they are living rent free in accommodation provided by their employer.

Three unrelated friends living together would be deemed to be three households, whether occupying the property on a single tenancy or not and as such would meet the definition of a HMO. However two unrelated single persons occupying a

property are exempt from the definition and therefore this would not be classed as a HMO.

## **CATEGORIES OF HMOs**

The most common arrangements are described however there will always be circumstances which do not exactly match those given. If this is the case then it is advisable to contact the Private Sector Housing Team for guidance.

### **Category A (Bedsit Type)**

Houses occupied by a number of unrelated persons living as more than one household where each occupant lives independently of all others. Within this category there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom, toilet and/or kitchen). There will often be no communal living or dining room. This category can be divided into two groups, those with cooking in lets and those with a shared kitchen and both are considered in this guidance.

### **Category B (Shared houses and flats)**

Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults under a single tenancy. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.

### **Category C (Lodgings)**

These are properties with a resident live-in landlord who will often provide a service such as cleaning, laundry and will provide meals.

### **Category D (Hostels / Bed & Breakfast)**

Generally referred to as 'hostels', 'guest houses' and will provide accommodation to those with no other permanent home elsewhere.

### **Category F (Self-contained flats)**

Houses converted completely into self-contained flats with living, cooking, bathroom and sleeping facilities within the flat.

## **Section 2: Property Standards**

### **2.1 CATEGORY A HMO'S (BEDSIT TYPE)**

Houses occupied as individual rooms, where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of others. There is typically no shared living room.

The principles below should be considered to be the general principles of occupation for all Category A (bedsit type) HMO's.

- In no case shall any room be occupied by more than two persons
- Persons of the opposite sex over the age of 10 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related nor living as a married couple or partners shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for

occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

- A single bed/sitting room containing cooking facilities is not suitable for accommodating a child below the age of 5 years.

Where dimensions and areas are specified below they shall, unless the context requires otherwise, be regarded as the minimum. Irrespective of such recommendations however, consideration should be given to the shape and usable living space of any room in determining whether and by how many people it is suitable for occupation. This is a matter of functionality; whether given its shape and size the particular room is reasonably capable of performing the role assigned to it for the number of persons who need to use it.

## MINIMUM ROOM SIZES

### 2.2 BEDSITS WITH COOKING IN LETS

#### (a) One person units of accommodation

##### (i) One room units

- A single room containing kitchen facilities 13 m<sup>2</sup>
- A bed / sitting room with a separate shared kitchen 10 m<sup>2</sup>

##### (ii) Two or more roomed units

- Each combined living room/kitchen 11 m<sup>2</sup>
- Each living room (without kitchen facilities) 9 m<sup>2</sup>
- Each bedroom 6.5 m<sup>2</sup>
- Each separate kitchen 3.5 m<sup>2</sup>

#### (b) Two or more person units of Accommodation

##### (i) One room units

- A bed / sitting room including kitchen facilities  
for two persons 20 m<sup>2</sup>
  - A bed / sitting room for two persons  
with separate kitchen facilities 15 m<sup>2</sup>
- (ii) Two or more roomed units
- Each combined living room / kitchen 15 m<sup>2</sup>
  - Each living room 12 m<sup>2</sup>
  - Each bed / sitting room 15 m<sup>2</sup>
  - Each single bedroom 6.5 m<sup>2</sup>
  - Each double bedroom 10 m<sup>2</sup>
  - Each separate kitchen for exclusive use of up  
to three occupants, living as one household 4.5 m<sup>2</sup>

### 2.3 BEDSITS WITH COMMUNAL KITCHEN

Separate kitchens, whether shared or for exclusive use shall be of sufficient size for their purpose. As a general guide the sizes below should be met for communal kitchens however minor variations will be permitted provided there are suitable facilities:

- Kitchens for 2 to 5 persons 7 m<sup>2</sup>
- Kitchens for 6 to 10 persons 10 m<sup>2</sup>
- Kitchens for 11 to 15 persons 13.5 m<sup>2</sup>

(a) One person units of accommodation

- Each bedroom / study where all occupants of the  
house have access to a separate communal living room 6.5 m<sup>2</sup>

- Each bedroom with no access to a separate communal living room 10 m<sup>2</sup>

(b) Two or more person units of Accommodation

- Each bedroom where all occupants have access to a separate communal living room 11 m<sup>2</sup>
- Each bedroom where all occupants do not have access to a separate communal living room 15 m<sup>2</sup>

## 2.4 KITCHEN FACILITIES (BEDSITS)

Each occupancy shall have adequate facilities for the storage, preparation and cooking of food and the disposal of waste water. Where possible this should be located within the unit of accommodation. Where this is not practicable, the kitchen must be located not more than one floor distant from the accommodation.

The kitchen facilities appropriate for any of the circumstances mentioned above are:-

(a) Bedsitting room with combined kitchen (cooking in lets)

The facilities must comprise as a minimum:

- Cooking  
Single person - a gas or electric cooker with a minimum of two burners/hobs, an oven and grill.  
  
Two persons - a gas or electric cooker with a minimum of four burners/hobs, an oven and grill.

Alternatively a combination microwave oven may be substituted for one (in single) or two (in double) of the burners/hobs respectively or in place of a conventional oven.

- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water. The sink shall be connected to the drainage system via a suitable trap. A wash-hand basin shall not be used in place of a sink.
- Sufficient fixed smooth, impervious work surface to enable each user to prepare food safely and hygienically. A minimum of 500 mm clear run of work surface will be required for a single person bedsit and 1000 mm for a double room.
- A suitable refrigerator of sufficient size to store an average persons dietary requirements on a day to day basis. A freezer compartment is desirable but not essential in a single person bedsit.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery (e.g. 500mm wide wall or base unit per occupier).
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

Additional requirements specific to kitchen areas within bed sitting rooms:-

- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker i.e. they

must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

### **(b) Separate Kitchen Directly Off the Bedsitting Room**

The kitchen must be of sufficient size and layout to enable food to be prepared safely and hygienically. A minimum floor area of 3.5 m<sup>2</sup> for a single person letting and 4.5 m<sup>2</sup> for a two person letting is normally required for this purpose. The facilities to be provided are as those for kitchens within the bedsitting room.

### **(c) Bedsits with Communal Kitchen**

A shared kitchen should ideally be not more than one floor distant from any unit of accommodation having use of it. It is however, acceptable for a kitchen to be a maximum of two floors distant where there is a communal room adjacent to the kitchen suitable for dining purposes or where the kitchen is of sufficient size to serve as a kitchen / dining room.

Each shared kitchen shall comprise as a minimum:

#### **Cooking**

The kitchen must be provided with sufficient cooking appliances suitably located to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:

- For every five persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.

- For up to and including 7 persons a combination microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.
- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

### Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 persons a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

### Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. A 0.5 metre run of work surface for each user will generally be sufficient although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.
- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.

- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

### Food Storage

Shared kitchens within bedsit type accommodation should not generally be used for communal food storage purposes (either refrigerated or dry food storage) where this leads to conflict between residents.

Lockable food cupboards (a minimum 500mm wide wall or base unit per person) and refrigerators ( $0.075\text{m}^3$  (one shelf)) can be considered although providing them in each unit of accommodation will be preferable if there is space to do so where problems do arise.

Any refrigerator within the individual unit of accommodation must be of sufficient size to store an average person's dietary requirements on a day to day basis. A freezer compartment is desirable but not essential within a single person bedsit room.

### Ventilation

- All shared kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres / second flow rate.

## **2.5 PERSONAL WASHING AND BATHING FACILITIES (BEDSITS)**

### **(a) Baths and showers**

For bedsit type accommodation where all or some of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located bathroom to enable those facilities to be used on a shared basis. Either a

bath or shower is suitable for this purpose. Any shower must be provided with thermostatically controlled hot water.

Facilities must be provided not more than one floor distant from users and should be accessible from a common area. There must be a shower or bath on a ratio of one bath or shower to every 5 persons sharing.

**(b) Wash hand basins**

Where some or all of the units of accommodation do not contain wash hand basins for the exclusive use of the individual unit there must be an adequate number of wash hand basins to a ratio of one for every four persons sharing.

Shared wash hand basins may be located within shared bathrooms, WC's or other suitable room however all rooms containing a WC must also be provided with a wash hand basin.

**2.6 TOILET FACILITIES (BEDSITS)**

Toilet facilities should be provided not more than one floor distant from any user on a ratio of at least:

- One WC per five persons sharing where the WC is separate from the bathroom (and is accessible from a communal area without going through the bathroom)
- One WC per four persons sharing where the WC is located within the bathroom

**Examples of acceptable minimum combinations of WCs and bathrooms are given in the table below. (Other combinations may achieve the same required minimum provisions, however).**

<b>NUMBER OF PERSONS SHARING</b>	<b>FULL SUITE</b>	<b>BATH ONLY</b>	<b>SEPARATE WC</b>
<b>4 or less</b>	<b>1</b>		
<b>5</b>	<b>1</b>		<b>1</b>
<b>5</b>		<b>1</b>	<b>1</b>
<b>6, 7, 8</b>	<b>2</b>		
<b>9</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>9 or 10</b>	<b>2</b>		<b>1</b>
<b>11 or 12</b>	<b>3</b>		
<b>13, 14, 15</b>	<b>3</b>		<b>1</b>
<b>16</b>	<b>4</b>		
<b>17, 18, 19, 20</b>	<b>4</b>		<b>1</b>

## **2.7 CATEGORY B HMO's (SHARED HOUSES/FLATS)**

Houses or flats occupied on a shared basis. These would normally be occupied by members of a defined social group, e.g. students or a group of young single adults who, in the main will have rented the house as one group. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space, bathroom and all other parts of the house.

All the tenants will have exclusive legal possession and control of all parts of the house. The anticipated duration of the occupancy will often be finite and numbers of occupiers above about six are probably more suggestive of Category A bedsit accommodation. This standard is not intended to apply to purpose-built student accommodation.

The principles below should be considered to be the general principles of occupation for all Category B (shared house) HMO's.

- In no case shall any room be occupied by more than two persons
- Persons of the opposite sex over the age of 10 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.

- The sharing of a room for sleeping purposes by persons who are neither related nor living as a married couple or partners shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Each separate bedroom within a shared house is regarded as a unit of accommodation for the purpose of assessing amenity standards.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

## 2.8 MINIMUM ROOM SIZES

For the most common arrangement found in Tamwoth, that is, one person per room, the room needs to be 10m<sup>2</sup> if there is just a shared kitchen, or 6.5m<sup>2</sup> if there is a shared kitchen and living room of the minimum size given in the lower half of the table.

<b>Category B HMO's Minimum Room Sizes (m2)</b>				
<b>Persons in bedroom</b>		<b>Minimum Room Size</b>	<b>Minimum Room Size if separate Living Room provided</b>	
1		10	6.5	
2		15	11	
<b>Minimum sizes of other rooms (m2)</b>				
<b>Total Residents in House</b>	<b>Kitchen (obligatory)</b>	<b>Dining kitchen (optional)</b>	<b>Living Room (optional)</b>	<b>Dining Rooms (optional)</b>
2-5	7	11.5	11	11
6-10	10	19.5	16.5	16.5
11-15	13.5	24	21.5	21.5
All category B houses must have a shared kitchen. To take advantage of the lower bedroom size they must also have at least a separate living room but can have additional shared rooms				

### **Combined Kitchen, Living, Dining Space**

Used by 2-5 persons 16m<sup>2</sup>

Used by 6-10 persons 25.5m<sup>2</sup>

The kitchen facilities must be suitably arranged so that the food preparation and cooking areas are safely separated from the dining/living areas. Adequate structural support must be provided in accordance with current Building Regulations where walls are being removed to create the open plan room.

## **Dining kitchens**

Where the kitchen is large enough to accommodate a dining table, there must be adequate space to allow the majority of tenants to sit without decreasing the kitchen working space.

Note: 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 for the number of users.

## **2.9 KITCHEN FACILITIES (SHARED HOUSES)**

A shared kitchen should ideally be not more than one floor distant from any unit of accommodation having use of it. It is however, acceptable for a kitchen to be a maximum of two floors distant where there is a communal room adjacent to the kitchen suitable for dining purposes or where the kitchen is of sufficient size to serve as a kitchen / dining room.

Each shared kitchen shall comprise as a minimum:

### Cooking

The kitchen must be provided with sufficient cooking appliances suitably located to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:

- For every five persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.
- For up to and including 7 persons a combination microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.

- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

### Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 persons a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

### Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. A 0.5 metre run of work surface for each user although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.
- Kitchens must be provided with floor covering which is impervious, reasonably smooth and easily cleansable. Ideally floor coverings should be slip resistant. Walls and ceilings must also be reasonably smooth such that they can be kept clean and easily redecorated.
- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.

- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

### Food Storage

- Adequate refrigerated food storage must be provided either within the shared kitchen or within a room directly adjacent to the kitchen if space is a particular problem.

For every 3 persons there must be a standard domestic refrigerator of at least 100 litres capacity and a freezer compartment of at least 15 litres capacity.

Alternatively a tall upright fridge freezer will be acceptable for every 5 persons. These usually have a fridge capacity of around 140 to 180 litres and a freezer capacity of around 70 to 90 litres.

A combination of separate larder refrigerators and freezers will also be acceptable provided they give an approximate equivalent standard.

- Adequate dry/canned food storage and utensil storage cupboards must also be provided. A 500mm wall or base unit per person will be acceptable for this purpose. The space beneath a sink is not acceptable for food storage purposes.
- In shared kitchens where it is likely that there will be a high degree of communality (for example students or professionals) it is not normally a requirement for refrigerators or storage cupboards to be locked.

In shared kitchens where a lesser degree of communality may be expected, the sharing of refrigerators and storage cupboards may lead to poor storage practice and conflict between residents. In such cases the house will more likely be regarded as a Category A2 HMO (Bedsits with communal kitchen)

rather than a Category B HMO and lockable food storage cupboards may be necessary.

#### Ventilation

- All shared kitchens must be provided with adequate mechanical extract ventilation with an extract rate of at least 60 litres per second venting directly to the external air.

## **2.10 PERSONAL WASHING AND BATHING FACILITIES (SHARED HOUSES)**

### **(a) Baths and Showers**

A bathroom containing a bath or shower shall be provided on a ratio of at least one bath to every five persons sharing. Bathroom in properties housing up to five persons should ideally not be more than one floor distant from every bedroom

In properties housing over five persons there will be a need for additional bathroom(s).

### **(b) Wash hand basins**

Any bathroom of separate room containing a WC must be provided with a wash hand basin.

## **2.11 TOILET FACILITIES (SHARED HOUSES)**

Toilet facilities should be provided not more than one floor distant from any user on a ratio of at least:

- One WC per five persons sharing where the WC is separate from the bathroom (and is accessible from a communal area without going through the bathroom)
- One WC per four persons sharing where the WC is located within the bathroom

**Examples of acceptable minimum combinations of WCs and bathrooms are given in the following table. (Other combinations may achieve the same required minimum provisions, however).**

<b>NUMBER OF PERSONS SHARING</b>	<b>FULL SUITE</b>	<b>BATH ONLY</b>	<b>SEPARATE WC</b>
<b>4 or less</b>	<b>1</b>		
<b>5</b>	<b>1</b>		<b>1</b>
<b>5</b>		<b>1</b>	<b>1</b>
<b>6, 7, 8</b>	<b>2</b>		
<b>9</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>9 or 10</b>	<b>2</b>		<b>1</b>
<b>11 or 12</b>	<b>3</b>		
<b>13, 14, 15</b>	<b>3</b>		<b>1</b>
<b>16</b>	<b>4</b>		
<b>17, 18, 19, 20</b>	<b>4</b>		<b>1</b>

## CATEGORY C HMO'S (Lodgings)

### MINIMUM ROOM SIZES

(a) Each bedroom

- Single room 6.5 m<sup>2</sup>
- Double room 10 m<sup>2</sup>

(b) Common Living room

- 1-5 residents 11 m<sup>2</sup>
- 6-10 residents 16.5 m<sup>2</sup>

The provision of facilities is to be the same as category B HMO's (shared houses/flats). Either a resident landlord must provide use of their own kitchen or provide a separate facility.

### **2.13 CATEGORY D HMO'S (Hostels / Bed & Breakfast)**

Houses generally referred to as 'hostels', 'guest houses' and 'bed and breakfast hotels' or similar. There would ordinarily be exclusive use of a bedroom and some sharing of bathroom/toilet facilities. Meals may be provided on a catered or self catering basis, there is usually a communal living and dining room.

These provide accommodation for unrelated persons with no other permanent place of residence. This must constitute a significant use of the accommodation to be classified as a HMO as distinct from hotels which only provide accommodation for temporary visitors who have alternative accommodation elsewhere.

A significant use is defined as where 25% or more of the total number of sleeping rooms are occupied by persons in receipt of housing benefit or paying a weekly or monthly rent as opposed to an overnight charge. This would include temporary accommodation used by the local authority to house homeless families or persons pending alternative accommodation. It would also include hotels housing both homeless households and visitors. The Council may declare the building to be a HMO if it meets this criteria.

General principles of occupation for all Category D (hostel) HMO's:

- In no case shall any room be occupied by more than two unrelated persons however, provided the room is large enough, it may be used by more than two persons subject to them all being family members (family includes married couples, couples living together as partners, parent, grandparent, child, step-child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin).
- Persons of the opposite sex over the age of 12 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners. (An exception to this rule would be where a family is placed in emergency accommodation and their stay does

not exceed five nights and there is no other appropriate accommodation available in the same premises or locality).

- Family rooms are to be used by a maximum of four persons.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Room containing cooking facilities are not suitable for children under five years old.
- Rooms accessed via the external air where residents would need to go outside to access facilities within the main part of the premises are not suitable for living / sleeping purposes.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

## 2.14 MINIMUM ROOM SIZES

Bedroom sizes where no communal living room is available are shown in brackets.

### (a) Bedrooms where separate kitchen provided

- Single room 6.5 m<sup>2</sup> (10m<sup>2</sup>)
- Double room 11 m<sup>2</sup> (15 m<sup>2</sup>)
- 3 person (family room) 15 m<sup>2</sup> (20 m<sup>2</sup>)
- 4 person (family room) 19.5m<sup>2</sup> (24 m<sup>2</sup>)

### (b) Bedrooms with kitchen provided within room

- Single room 10 m<sup>2</sup> (13 m<sup>2</sup>)
- Double room 14 m<sup>2</sup> (20 m<sup>2</sup>)
- 3 person (family room) 18.5 m<sup>2</sup> (24 m<sup>2</sup>)
- 4 person (family room) 23m<sup>2</sup> (28 m<sup>2</sup>)

### (c) Kitchen

- 2-5 residents 7 m<sup>2</sup>
- 6-10 residents 10 m<sup>2</sup>

## Communal Rooms

In general need or short term accommodation there must be a communal living room (or rooms) provided unless the bedrooms meet the higher standard above. A communal room of at least 15m<sup>2</sup> must be provided for the first four persons plus 1m<sup>2</sup> for each additional person.

## 2.15 Kitchen Facilities

For self-catering hostels kitchens must meet the standard required by category B HMO's (shared houses) or where there is cooking within the letting room, category A standards (bedsits).

## **Kitchen Facilities for Hostel Type Accommodation**

### **a) CATERED ACCOMMODATION**

Where any meals are provided for residents, all food must be stored, handled, prepared and served in accordance with the provisions of the Food Safety Act 1990 and associated regulations (in particular the Food Hygiene (England) Regulations 2006).

All persons who are employed to handle food must have received appropriate and approved food hygiene training and the operation must be registered as a food business with the Council's Environmental Health Department.

Kitchens must be adequately equipped according to the number of meals expected to be served on a daily basis.

Further information on food hygiene matters and the adequacy of kitchen facilities can be found on the Government's website [www.food.gov.uk](http://www.food.gov.uk) and follow the link to 'Safer Food Better Business' using the A-Z directory.

The following general principles apply to catered accommodation.

- Meals must be served and consumed in the premises in which the occupants reside (i.e. residents should not be expected to travel to another hostel/hotel or café premises in the locality to obtain their meals).

It is acceptable for hotels which have an annexe building within the same curtilage to serve meals in the main building provided there is safe and well lit access between the buildings.

- Where there are insufficient catering facilities within a particular premises, meals may be prepared elsewhere and brought in, provided the food is prepared in a food safety compliant kitchen and transported in hygienic conditions under proper temperature control.
- An appropriate dining room must be provided together with sufficient tables and chairs for the number of users. (Meals may be served on a sitting basis)

- Residents must not generally have access to any catering kitchen in order to prepare their own meals.
- In some small hostels (ie those with six or less occupants in total), it may be acceptable for residents to prepare some meals within the kitchen which is also used for catering purposes provided such meals are prepared under the supervision of a person having undertaken appropriate food hygiene training.

This will normally be 'Supported Lodgings' type accommodation where residents are assisted to gain skills which may help them to live independently in the community.

- The extent that meals are provided for residents will vary from premises to premises with some providing breakfast only, and some providing full board. Meal provision may also vary between weekdays and weekends. There may also be variation from person to person with some choosing to take meals and some choosing to cater for themselves.

Whatever the arrangements, all residents must have access to adequate kitchen facilities (separate from any catering kitchen) in order to prepare their own food.

The following separate kitchen facilities shall be provided for use by residents according to the predominant characteristics of the catering operation:

### **All Meals Provided (Three Meals per Day)**

Kitchen facilities must be sufficient for residents to prepare light meals and hot drinks.

One set of facilities shall be provided for every **fifteen** persons consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or a combination microwave oven/grill of minimum 20 litres capacity,

- A minimum two metre run of fixed work surface (minimum 500mm depth).
- A standard domestic refrigerator incorporating a freezer compartment.
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving major appliances.
- Adequate storage for cooking utensils, crockery and cutlery etc.
- A kettle for making hot drinks or a vending machine if considered appropriate.

Such facilities may be located within an appropriately laid out area within a communal room but should preferably be located within a separate kitchen or kitchens.

A minimum floor area of 10 m<sup>2</sup> per set of such kitchen facilities is required.

### **Breakfast and evening Meals Provided**

A set of kitchen facilities as described above for premises providing all meals shall be provided on a ratio of one set of facilities to every **ten** persons.

### **Breakfasts Only Provided**

One set of kitchen facilities shall be provided for every **seven** persons, consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not be generally permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500mm depth).

- Two twin 13 amp switched power sockets suitably sites in relation to the work surface and in addition to any sockets serving any major appliances.

A minimum kitchen floor area of 10m<sup>2</sup> per set of such kitchen facilities is required.

- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

## **b) SELF CATERING ACCOMMODATION**

For hostels providing fully self-catered accommodation, food preparation facilities may be located either within each unit of accommodation or within shared kitchens.

### **Food Preparation Facilities within the Unit of Accommodation**

The facilities shall comprise as a minimum:

- Cooking:  
Single Person: a gas or electric cooker with two burners/ hobs, oven and grill  
Two Persons or Family Room: a gas or electric cooker with four burners/hobs, oven and grill.

A microwave oven may be substituted for one or two of the burners/hobs respectively and a combination microwave oven / grill in place of a conventional oven.

- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water.
- Sufficient fixed work surface to enable food to be prepared safely and hygienically.

- A suitable refrigerator of adequate size according to the number of occupants. A family room would require a standard work top height refrigerator with freezer compartment.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.
- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker, ie they must not be positioned adjacent to the exit doorway. In particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

## **2.16 Shared Kitchens**

One set of kitchen facilities shall be provided for every five persons, consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not generally be permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500 mm depth).

- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving any major appliances.
- A minimum kitchen floor area of 7m<sup>2</sup> per set of such kitchen facilities is required.
- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

## **2.17 Personal Washing and Bathing Facilities for Hostel Type Accommodation**

### **Baths and Showers**

Where it is not practicable to provide each unit of accommodation with its own bathroom, a readily accessible bathroom containing a bath or shower shall be provided on a ratio of one bath or shower to every five persons on occupation.

A bathroom must be available within one floor of any unit of accommodation. A shower facility installed over a bath will not count as an additional shower.

Institutionalised bathrooms with communal changing facilities shall not be permitted.

### **Wash Hand Basins**

Each separate occupancy shall be provided with a wash hand basin together with constant supplies of hot and cold water and sited within the unit of accommodation.

If a sink is fitted within a room then a separate wash hand basin will not be required.

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin.

## **2.18 Toilet Facilities for Hostel-type Accommodation**

Toilet facilities being not more than one floor distant from any unit of accommodation shall be provided in the following ratios in relation to the total number of occupiers of the accommodation.

- |                   |  |
|-------------------|--|
| 1 – 4 persons -   | 1 WC which may be separate or located within a shared bathroom.                              |
| 5 persons -       | 1 WC which must be separate from the bathroom but can be contained within a second bathroom. |
| 6 – 10 persons -  | 2 separate WCs but one of the WCs can be contained within a bathroom.                        |
| 11 – 15 persons - | 3 separate WCs but 2 of the WCs can be contained within 2 bathrooms                          |

This sequence would continue proportionally for every additional five persons.

Institutionalised toilets where there is more than one WC cubicle within the same room shall not be permitted.

### **Fire Precautions Hostel Type Accommodation**

Hostel type accommodation may vary greatly in its size and complexity, ranging from small 'Supported Lodgings' schemes to large hostels.

Each case must be assessed individually in consultation with Staffordshire Fire and Rescue Service. Owners must also have regard to 'The Regulatory Reform (Fire Safety Order) 2005.

### **Heating in Hostel Type Accommodation**

All habitable rooms within a hostel or bed and breakfast establishment must be provided with an adequate fixed form of heating capable of achieving a room temperature of 21oC within one hour of turning on when the air temperature outside is –1oC.

For heating to be properly used by residents, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device.

Heaters which use full price electricity are not normally acceptable as the main form of heating.

In many hostels, the heating is operated by timer and under control of the landlord or manager. This is acceptable provided adequate temperatures are maintained and adjustments are quickly made when problems of cold or excessive heat are brought to attention.

Central heating radiators in residents rooms should be fitted with a thermostat under control of the occupier.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains/blinds are likely to catch fire.

Paraffin heaters, LPG heaters and free standing plug-in electric heaters are not acceptable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive use or shared use, must also be provided with a fixed form of heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are design to operate in moist atmospheres.

Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of pre-payment meter.

## **2.19 CATEGORY F HMO'S (SELF-CONTAINED FLATS)**

These standards apply to houses converted into self contained flats where the conversion did not, and still does not meet the standards of the Building Regulations 1991 (approved document B standard). Houses converted into self contained flats where the conversion met standards of the Building Regulations 1991 are exempt from the HMO definition.

The flats should be occupied by a single household and where any flat is occupied by groups of three or more unrelated persons then the flat would be regarded as a house in multiple occupation in its own right.

## **2.20 MINIMUM ROOM SIZES**

Planning consent and Building Regulation approval should be obtained where houses are being converted into self contained flats and these departments may specify higher standards than those listed below.

### One person flat

Bedroom (one occupant)	7 m <sup>2</sup>
Living room	11.5 m <sup>2</sup>
Living/kitchen	14.5 m <sup>2</sup>
Bed/living room	13 m <sup>2</sup>
Kitchen	5.5 m <sup>2</sup>

### Two person, one bed flat

Main bedroom	10.5 m <sup>2</sup>
Living room	13 m <sup>2</sup>
Living/kitchen	14.5 m <sup>2</sup>
Bed/living room	16.5 m <sup>2</sup>
Kitchen	5.5 m <sup>2</sup>

### Two bedroom flat

Main bedroom	10.5 m <sup>2</sup>
Secondary bedrooms	7 m <sup>2</sup>
Living room	16 m <sup>2</sup>
Kitchen	7 m <sup>2</sup>

Three bedroom flat

Main bedroom	10.5 m <sup>2</sup>
Secondary bedrooms	7 m <sup>2</sup>
Living room	18 m <sup>2</sup>
Kitchen	7 m <sup>2</sup>

**2.21 KITCHEN FACILITIES (SELF-CONTAINED FLATS)**

All kitchens must be provided with:

- a) A sink
- b) Adequate food preparation surface (of at least 0.75m<sup>2</sup>)
- c) 30amp electric cooker point or gas supply point
- d) Fixed storage cupboards either below food prep surface or wall mounted with minimum storage space of 0.5m<sup>3</sup>.
- e) Four 13A sockets, at least two of least to be located above work surface.
- f) A refrigerator

**2.20 PERSONAL WASHING AND BATHING FACILITIES (SELF- CONTAINED FLATS)**

Each flat must be provided with its own bath or shower with constant supplies of hot and cold water meeting the standards laid out in Section 3.

Each flat must also be provided with a suitable wash hand basin with constant supply of hot and cold water, this may be sited within the bathroom or bedroom.

## **2.21 TOILET FACILITIES (SELF-CONTAINED FLATS)**

Each flat must be provided with its own WC which must be located within a bathroom or other separate compartment. Any room containing a WC must be provided with a wash hand basin.

## **Section 3: General Standards Applicable to all HMO Categories**

### **3.1 SPACE HEATING**

Each unit of accommodation in a HMO must be equipped with adequate means of space heating. Where heating is provided to communal rooms or areas this cost should be met by the general rental or energy charges rather than via a pre-payment meter.

All habitable rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18 degrees centigrade within one hour when the outside temperature is -1 degree centigrade. The heating should be efficient, safely designed and be sited / guarded as to minimise the risks to health and safety. Any such appliances shall be maintained by a competent person. Any electric heating, where provided, must be hard wired into the electrical installation.

All forms of heating must be controllable by the occupants at all times. Paraffin, LPG heaters and freestanding plug in electric heaters are not acceptable.

Any bathroom, whether for shared or exclusive use must also be provided with suitable heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

Proper provision for space heating is important. In addition to maintaining a comfortable temperature for the tenants, good heating will also reduce the maintenance and redecoration needed where condensation forms and leads to mould growth. Therefore good heating is also likely to protect the structure of the building.

### **3.2 LIGHTING**

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows, and/or door(s) the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, in addition to the requirement in the first paragraph, have sufficient natural lighting for their purpose.

All staircases, landings, passages, kitchens, bathrooms and water closets are to be provided, where practicable, with a window. Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

### **3.3 PERSONAL WASHING FACILITIES**

Baths should be a minimum of 1.67m in length and provided with a tiled splash back abutting walls. Any shower trays, should be a minimum size of 800mm x 800mm and have fully tiled walls or be complete self standing cubicles. A waterproof seal between any shower/bath must be provided using a flexible waterproof sealant. Constant hot and cold water supplies must be adequate and available at all times with hot water being delivered at a thermostatically controlled temperature.

- The walls and floor of any bathroom or shower room should be reasonably smooth, non-absorbent and capable of being easily cleaned.
- Privacy door locks must be provided

- Natural or mechanical extract ventilation; the latter is desirable even if natural ventilation is present and is essential for shared facilities
- Artificial lighting must be provided
- Bathrooms must be provided with an adequate fixed space-heating appliance

### **3.4 VENTILATION**

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2.3m. All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

Existing attic rooms shall have a minimum height of 2.3m over an area of the floor equal to not less than half of the area of the room. Any floor area with a ceiling height of less than 1.53 metres shall be disregarded.

In addition to any natural ventilation, all shared kitchens must be provided with adequate mechanical extract ventilation with an extract rate of at least 60 litres per second venting directly to the external air providing at least three air changes per hour.

Bathrooms shall be ventilated directly to the external air, either by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room; or by suitably sited 100mm mechanical ventilation providing a minimum of one air change per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun (it may alternatively be humidistat controlled).

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended).

### **3.5 KITCHENS**

A shared kitchen must be no more than one floor distant from the large majority of users and, in any event, not more than two floor distant from any user. Where in the case of any occupancy this is not practicable, that occupancy shall have its own kitchen facilities within the unit of accommodation.

**Layout** - Kitchen must be arranged to enable the occupiers to handle and prepare food safely. Any cooking appliance should be sited away from a doorway or position where collisions are likely. There should also be fixed work surfaces to both sides of any cooker to enable hot food to be put down and handles guarded etc.

All kitchens must have floor coverings which are smooth, impervious, easily cleansable and laid to prevent trip hazards.

**Lighting** – Adequate ceiling mounted lighting must be provided to the kitchen ensuring all areas are suitably lit.

**Food Preparation** – Must be of heat resistant, impermeable and easily cleansable materials. Any joint abutting walls should be watertight with a suitable splashback should be provided above sinks.

**Sink** - A stainless steel, ceramic or other comparable easily cleansable sink and drainer in good condition with sink top (or surface into which it is inset) must be a minimum of 500mm x 900mm with a constant supply of hot and cold water. A tiled splashback of up to 150mm shall be provided with watertight seal abutting walls. The sink(s) shall be connected to the drainage system via a suitable trap.

**Food Storage** – Must be a minimum size of 0.1 cubic metres (equivalent to a standard single wall unit). Surfaces must be easily cleansable and securely fixed. Food storage beneath a sink is not acceptable. Adequate provision for the storage of kitchen utensils shall be provided in the kitchen, in addition to the space provided for food storage.

Appropriate refuse disposal facilities must be provided for the number of occupants.

### **3.6 BATHROOMS (INCLUDING SHOWER ROOMS)**

**The Room** - Floor covering must be smooth, impervious and easily cleansable. Walls and ceilings must also be reasonably smooth so that they can be easily decorated and kept clean.

Obscure glazing must be provided to all bathroom windows and doors to any shared bathroom must be fitted with a privacy lock.

**Ventilation** – Bathroom must be well ventilated. Where there is no natural means of ventilation via an openable window, mechanical ventilation giving an extract rate of at least 15 litres per second must be provided.

Any extractor fan in a room containing a bath or shower must be provided with an overrun of at least 20 minutes (or at least one air change) or should be humidistat controlled to prevent condensation related mould growth.

One water closet shall be provided and maintained for every five persons or lesser number. Every such water closet shall be in a separate room within the building and where shared by two or more households, be entered from a common passageway or hallway and shall not be more than one floor distant

from any individual letting. Each WC compartment must be provided with a suitable wash hand basin with constant hot and cold water.

External WCs shall be ignored. Fifty per cent of WCs shall be provided in separate compartments except that where a sole WC is provided and maintained for not more than four persons it may be within a bathroom.

### **3.7 MEANS OF ESCAPE AND OTHER FIRE PRECAUTIONS**

Appropriate fire safety measures must be installed within all HMO's given the increased risk of fire associated with their use. The fire safety precautions outlined in the LACORS 'Housing – Fire Safety' document which provides guidance on fire safety provisions for certain types of existing housing should be referred to. This guidance contains examples of the most commonly found layouts for various types of HMO's.

If you require further information or guidance on anything mentioned within the Fire Safety then you should contact the Private Sector Housing Team on 01827 709372 or email [privatehousing@tamworth.gov.uk](mailto:privatehousing@tamworth.gov.uk).

### **3.8 MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION REGULATIONS 2006**

These regulations detail the management standards to be met and require the manager of the premises to carry out certain duties to maintain their property, taking account of the age, character, locality and prospective life of the house.

The duties of the manager are as follows:

- **To display their contact details** – the manager's name, address and contact telephone number must be clearly displayed in a prominent position. On the wall in the entrance hall is usually the best place. (Regulation 3)

- **To maintain all means of escape from fire** – all fire doors must be maintained in a good condition, free from damage and fully self-closing so that they will close fully into the rebates of the frame. The main routes of escape e.g. exit doors, landings, staircases and hallways must be kept free from obstruction. Escape routes must also be clearly indicated by fixing notices in appropriate places in all HMOs having five or more occupants. The fire detection and warning system and emergency lighting system must be tested regularly. For most small and medium sized HMOs a monthly test by the landlord should suffice in addition to a thorough annual test by a suitably competent person (such as a qualified electrician or specialist fire alarm engineer). For larger HMOs more regular testing may be required. Fire fighting equipment, where provided, must also be maintained in good working order. (Regulation 4).
- **To take safety measures** – all necessary measures to protect the occupiers from injury must be taken, having regard to the design, the structural condition and the number of occupiers in an HMO. In particular this relates to the prevention of accidents associated with access to any roof or balcony and any low window sill (Also Regulation 4).
- **To maintain the water supply and drainage system** – the water supply or drainage system must be maintained in a good, clean and working condition. They must not be unreasonably interrupted from use by any occupier and any water storage tank must be covered and kept clean. Any water fitting which is liable to damage by frost must be suitably protected (Regulation 5).
- **To maintain gas and electrical supplies and to provide safety certificates** – the gas installation and any appliances must be tested annually by a Gas Safe registered engineer who will issue a 'Landlords gas safety certificate'. This must be supplied to the local authority within 7 days of any written request to do so. The electrical installation must be inspected and tested at least every five years by a qualified electrician who must issue a test certificate. Again, this must be supplied to the local authority within 7 days of

a written request to do so. Neither the gas or electricity supplies must be unreasonably interrupted. (Regulation 6).

- **To maintain all common parts and installations within the property** – all common parts of the HMO eg. Entrance hallways, entrance doors, porches, steps, staircases, landings, shared bathrooms and kitchens plus all shared fittings and appliances must be maintained in a good state of repair and safe and working condition and kept clear from obstruction. Communal areas must also be kept clean and well decorated. In HMOs where the occupants are previously acquainted with each other and rent the house under the terms of a single tenancy agreement, for example a student shared house, it may be acceptable to expect the tenants to undertake the cleaning of the common areas on a group basis. The manager should visit from time to time, by prior appointment, to ensure that the common areas are being maintained to a satisfactory standard of cleanliness. In all other types of HMO, cleaning of communal areas will normally be the responsibility of the manager (Regulation 7).
- **To maintain in good order and repair any outbuildings, yards, gardens or boundary fences** – any outbuilding, yard, forecourt, boundary wall, fence or railing belonging to the HMO must be maintained in good and safe repair so as not to constitute a danger to the occupiers. Any yard or garden belonging to the HMO must be kept in a safe and tidy condition (also Regulation 7).
- **To maintain each unit of accommodation** – each unit and any furnishings must be clean at the beginning of a person's occupation of it. The internal structure, any fixtures, fittings or appliances, any window or other means of ventilation must be maintained in good repair as long as the tenant has treated the accommodation properly in accordance with the conditions contained within his lease or tenancy agreement (Regulation 8).

- **To ensure refuse is stored and disposed of adequately** – a sufficient number of bins must be provided for the storage of refuse pending disposal. Arrangements must be in place to ensure that all refuse is removed and disposed of on a regular basis, generally this will be undertaken by the Local Authority. It would be expected that one standard refuse bin be provided per three occupiers and that appropriate instructions are provided to each tenant at the beginning of the tenancy as to the refuse collection arrangements. For larger hostel type premises (10 or more occupiers), a Trade Refuse Contract with the local authority would be expected. This may also be necessary for smaller premises, particularly where meals are provided (Regulation 9).

The regulations (Regulation 10) also place a duty on all occupiers of an HMO to:

- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- Allow the manager at all reasonable times to enter any living accommodation to enable him to carry out any duty. Except in the case of emergencies, at least 24 hours notice either in writing or by phone of any intended visit should be given to the occupiers.
- Provide the manager with any information requested to enable him to carry out his duties.
- Take reasonable care to avoid causing damage to the property and its contents.
- Store and dispose of refuse in accordance with the arrangements made by the manager.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

Under regulation 11, the manager is not expected to carry out any works or actions with respect to the supply of water, gas or electricity or to the drainage of the house where responsibility for a particular fault or problem lies with either the local authority

or the supply company. The manager is however expected to bring any such faults or problems to the attention of the appropriate person, authority or company as necessary as soon as he becomes aware of the matter (for example a blocked sewer or power failure).

It is an offence not to comply with these regulations. A person who is convicted of such an offence may be fined up to level 5 on the standard scale (currently £5000). This applies to both the manager of a property and to the occupiers as appropriate.