Amenities and Facilities Standards in Houses in Multiple Occupation (HMOs)

Guidance for Landlords and Agents



Working for a brighter futures together

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Introduction

This guidance has been produced by Cheshire East Council to assist property owners and agents to meet their obligations, encourage good practice and to provide a guide as to the minimum standards considered acceptable in HMOs and the private rented sector.

Private landlords, managers and letting agents have a general duty of care to ensure the accommodation they offer for rent does not have a detrimental effect on the health, safety or welfare of their tenants. All dwellings should provide a safe and healthy environment for their occupants and visitors.

The standards contained within this guide are intended to provide guidance on Cheshire East Council's expectations and its interpretation of legislation. Where the standards stated can not readily be achieved, other factors or solutions may be taken into account allowing for alternative solutions in certain circumstances. Where this guide does not clarify what is to be provided or you are in any doubt, you should contact us for further clarification.

The Council operates an enforcement policy which provides the framework for all enforcement action and the way landlords and businesses are treated when enforcement takes place. This can be found on the council's website at: http://www.cheshireeast.gov.uk/business/enforcement/enforcement-policy.aspx

The Housing Standards & Adaptations team can be contacted in the following ways:

Letter: Delamere House (floor 5), c/o Municipal Buildings, Earle Street, Crewe, CW1 2BJ

Email: privatehousing@cheshireeast.gov.uk

Tel: 0300 123 5017 (then select option 4)

Walk in (appointment required): Delamere House, Delamere Street, Crewe, CW1 2JZ

Definition of a House in Multiple Occupation (HMO)

A HMO is defined in law as a house or flat in which three or more unrelated persons forming two or more households who share a basic amenity such as a bathroom, toilet or cooking facilities and occupy the accommodation as their only or main residence.

A HMO is a building which has one, or more, non self-contained units. A non self-contained unit is where one or more of the basic amenities are shared by two or more households who occupy the house or flat.

A HMO is also a building that has been converted and comprises entirely of converted self contained flats, but the standard of conversion does not meet, as a minimum, that required by The Building Regulations 1991 and more than one third of the flats are occupied under short tenancies. This is defined under section 257 of the Housing Act 2004.

Included as part of the HMO is any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with it.

A "household" is defined as either a single person or members of the same family who are living together. This includes persons who live together as a couple and their relatives, foster children and any domestic staff. A property shared by a group of friends will be classed as a HMO.

A "basic amenity" means a toilet, personal washing facilities, or cooking facilities.

And finally, there is some kind of payment for the accommodation, usually in the form of rent, but could also be included as part of their employment where 'live-in' accommodation is provided.

For the legal definition and meaning of HMO, refer to sections 77 and 254 to 259 of the Housing Act 2004 (the Act).

House in Multiple Occupation Classifications

There are several different classifications of HMO type property which include hostels, bed and breakfast, halls of residence, supported housing, converted house, shared and bedsit. Whilst there is no legal definition for each of these classifications, various guidance documents provide definitions to help clarify any confusion.

This guide provides minimum standards that should be achieved in 'shared' and 'bedsit' type HMO properties and many of these standards will also be relevant for s.257 HMOs. The following defining criteria may be used to help identify which standards should be applied to which HMO type:

'Shared' type HMO – 'Category B'

The whole property will have been rented out by an identifiable group of sharers such as students, work colleagues or friends, who will have rented the house as one group and all the occupants will be party to a single joint tenancy agreement. All the tenants will have exclusive legal possession and control of all parts of the house, including unrestricted access to all bedrooms, although each tenant will normally enjoy exclusive use of a bedroom and will share all basic amenities such as the kitchen, bathroom, toilet and all other parts of the house. There is normally a significant degree of social interaction between the tenants and the house will contain a separate communal living area for socialising purposes. In summary, the group will possess many of the characteristics of a single family household.

'Bedsit' type HMO – 'Category A'

The property will have been converted into a number of non self-contained bedsit rooms. The tenants will have some exclusive occupation, usually a bedroom/living room and will share the basic amenities, usually a bathroom and/or kitchen and/or toilet. There may or may not be a communal living or dining room and each bedsit will be let to separate individuals who will live independently with little or no communal living between other tenants. Each tenant will have a separate tenancy agreement.

Section 257 HMO

A building which has been converted and comprises entirely of converted self contained flats, where the building work undertaken in connection with the conversion did not comply with the Building Regulations 1991, and still does not comply with the building standards, and less than two-thirds of the self-contained flats are owner-occupied. This is defined under section 257 of the Housing Act 2004.

Licensing of Houses in Multiple Occupation

Cheshire East Council operates the Government's mandatory licensing scheme for HMOs of prescribed description requiring HMOs to be licensed under Part 2 of the Housing Act 2004.

Until 1 October 2018, all HMOs across England that have three or more storeys and are occupied by five or more persons forming two or more households who share a basic amenity such as a toilet, personal washing facilities, or cooking facilities, will be required to have a licence issued by the local housing authority to operate as such. For further information refer to <u>statutory instrument 2006 No.371</u>.

From 1 October 2018, the three or more storey requirement will be removed and licensing will be mandatory for all HMOs across England that are occupied by five or more persons forming two or more households who share a basic amenity such as a toilet, personal washing facilities, or cooking facilities, regardless of the number of storeys. For further information refer to <u>statutory instrument 2018 No.221</u>.

Converted blocks of self contained flats to which section 257 of the Act applies are not required to have a licence under this mandatory scheme (see s.257 HMO classifications above).

We have a discretionary power to designate part or the whole of our area for 'Additional Licensing' on other categories of HMOs that are not subject to the mandatory licensing scheme. We can do this if we consider a significant proportion of non-licensable HMOs are being managed ineffectively so as to give rise to one or more particular problems. At the time of writing this guidance there are no designated areas in Cheshire East.

You can apply for a HMO licence online at the following government website: <u>https://www.gov.uk/house-in-multiple-occupation-licence/cheshire-east</u>

Operating a licensable HMO without a licence is a criminal offence and may have serious financial consequences. The following are a list of options that we will consider:

- a conviction and an unlimited fine;
- a civil penalty of up to £30,000;
- Rent repayment order for any rent received for the property for up to a maximum of 12 months;
- Management order to take control of the property;
- Banning order;
- Entry on the database of rogue landlords.

Other consequences for you are that Section 21 notices cannot be served on any tenant, and rent is longer payable by your tenants.

Housing Health & Safety Rating System

The Housing Act 2004 introduced the Housing Health and Safety Rating System, which is more commonly referred to as HHSRS or simply the Rating System.

The Rating System is the procedure used to assess the potential risk to a person's health and safety from any deficiencies or faults identified in any residential premises. The underlying principle of the Rating System is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor.

The Rating System is evidence-based and is supported by extensive reviews and statistical data provided by doctor and hospital admissions on the impact of housing conditions on health. The Rating System is founded on the logical evaluation of both the likelihood of an occurrence happening that could cause harm to a person, and the probable severity of that injury if an occurrence actually happened.

The Rating System consists of 29 hazard profiles, which when assessed will return a numerical rating that is used to determine and inform the best course of action to be taken when making enforcement or non-enforcement decisions to either remove or reduce the likelihood of any harm being caused to an occupier or visitor.

The 29 hazard profiles that can be assessed against are as follows:

Physiological Requirements

- 01. Damp and mould growth
- 02. Excess cold
- 03. Excess heat
- 04. Asbestos (and MMF)
- 05. Biocides
- 06. Carbon monoxide & fuel combustion products
- 07. Lead
- 08. Radiation
- 09. Uncombusted fuel gas
- 10. Volatile Organic Compounds

Psychological Requirements

- 11. Crowding and space
- 12. Entry by intruders
- 13. Lighting
- 14. Noise

Protection Against Infection

- 15. Domestic hygiene, pests and refuse
- 16. Food safety
- 17. Personal hygiene, sanitation and drainage
- 18. Water supply for domestic purpose

Protection Against Accidents

- 19. Falls associated with baths
- 20. Falling on level surfaces
- 21. Falling on etc
- 22. Falling between levels
- 23. Electrical hazards
- 24. Fire
- 25. Flames, hot surfaces
- 26. Collision and entrapment
- 27. Explosions
- 28. Position and operability of amenities
- 29. Structural collapse and failing elements

The main defects typically associated with HMO properties are those relating to fire safety, overcrowding, domestic and personal hygiene, sanitation, refuse, general building maintenance and anti social behaviour. Further information on these hazard profiles are as follows:

Fire Safety (Hazard No.24)

National statistics show that people who live in HMO properties are at least six times more likely to die or suffer serious injury should a fire occur, than they would in single family homes, and the more storeys a HMO consists, the greater the risk increases. As such, HMO legislation purposefully requires measures to be taken to reduce the levels of risk to occupiers in the event of fire.

The Regulatory Reform (Fire Safety) Order 2005, applies only to the common parts of a HMO property and places a duty on the responsible person (landlord or manager) to take such general fire precautions as will ensure, as far as is reasonable practicable, the safety of all relevant persons (tenants and their visitors). In order to comply with this duty the responsible person must carry out a fire risk assessment to identify what fire hazards exist at the premises and what measures have been taken (or will be taken) to minimise the risk. The Fire Safety Order does not however apply to properties with less than 5 tenants or to Shared type HMOs (tenants on a single group agreement, typically students).

The strategy to reduce the risk of harm to the occupiers in the event of a fire has two main components. The first is to give the occupants early warning of a fire occurring and the second is to provide a means of escaping from any room in the house to a place of safety via a protected route.

There is no "one size fits all" approach to fire safety in HMOs. Given the vast number of variations in the layout, type of building, the occupants etc. means that a risk based approach to fire safety is required.

There are of course some general guidelines for some categories of property which are shown below, however, this is only a guide on the general requirements and you will need to carry out more in-depth research to assess and determine the levels of protection required and the risks associated with each occupant.

General information

Should the property have been converted and meet with the full requirements of Part B of Building Regulations post 1991 for structural separation and early warning alarm systems (all of which is completed with relevant certification), then further fire precaution works will not usually be required.

The Council's fire precaution standards will typically require:

- An automatic fire detection system conforming to BS5839; Part 6;
- An Emergency Lighting system conforming to BS5266; Part 1;
- 30 minute fire resistance to all walls and ceilings throughout (including basement ceilings), in order to achieve adequate fire separation between units of accommodation and compartmentation of the means of escape;

- Fire doors fitted and certified as capable of achieving full half hour fire resistance in conjunction with their frames. All fire doors should be installed with self closing devices, be close fitting and in good repair and have intumescent strips and smoke seals installed as required. All fire door components must comply with BS476:1987 (Part 31 (1)). The installation and maintenance of all fire doors must be in compliance with BS8214:1990 Code of Practice for fire doors with non-metallic leaves;
- Fire blankets in containers to BS6575:1985 to be installed within kitchens. These should be positioned approximately 1.5m above floor level and adjacent to the exit;
- Occupants must be able to exit the house from any room without the need to use a key.

Inner rooms and emergency escape windows

A room from which access to the only escape route is through another room is called an "inner room". The room through which you have to pass through is called the "access room"

Inner rooms should not be used as bedrooms because there is a much greater risk to the occupants should a fire start in the access room. This situation could arise, for example, where a bedroom is accessed from a living room.

A potential solution to an inner room situation can be overcome by the provision of an emergency escape window or door leading to an alternative escape route.

Escape windows must enable a person to reach a place of safety free from danger from fire and are therefore generally provided to ground floor windows only. However escape windows may be provided to first floor rooms, provided that the distance from the window cill to external ground level does not exceed 4.5 metres. Such rooms should only be occupied by persons physically capable of escaping via this route.

The escape window should have an unobstructed openable area that is at least 0.33m² and at least 450mm high and 450mm wide (the route through the window may be at an angle rather than straight through). The bottom of the openable area should be not more than 1100mm above the floor.

Keys for escape windows MUST always be kept either in the lock or in a specially designated and clearly-signed location as close as possible to the window itself. Where there is an inner room, a hard wired smoke/heat detector must be located in the access room, which is interlinked with the appropriate fire alarm system in the building.

The table below provides some examples of typical property types and the fire precautions that would be appropriate. These examples are however very generalised and should be used for guidance only. The risks associated with each individual property will need to be assessed and the appropriate measures taken accordingly.

Fire Safety Provisions

Property Type	Protected Route	Automatic Fire Detection	
2 Storey Shared type HMO	 Sound traditional construction; Sound, well constructed close fitting doors; Route must not pass through risk rooms; Excess travel distances or additional risks may increase this requirement. 30 minute fire resisting construction between any cellar and the ground floor escape route; 	 Grade D LD3; Interlinked mains wired smoke detectors with battery back-up located in the escape route at all floor levels; Interlinked mains wired smoke detectors with battery back-up located in each communal lounge; Interlinked mains wired heat detector with battery back-up in each communal kitchen. Interlinked mains wired smoke detector with battery back-up in any cellar. 	
2 Storey Bedsit HMO (Shared Kitchen)	 30 minute fire resisting construction throughout the escape route; 30 minute fire resisting construction between any cellar and the ground floor escape route; FD30s doors to all bedrooms, lounges and kitchens (intumescent strip and smoke seals fitted); Route must not pass through risk rooms; Excess travel distances or additional risks may increase this requirement. 	 Grade D LD2; Interlinked mains wired smoke detectors with battery back-up located in the escape route at all floor levels; Interlinked mains wired smoke detectors with battery back-up located in each bedsit; Interlinked mains wired smoke detectors with battery back-up located in each communal lounge; Interlinked mains wired heat detector with battery back-up in kitchen; Interlinked mains wired smoke detector with battery back-up in any cellar. 	
2 Storey Bedsit HMO (Kitchens in Bedsits)	 30 minute fire resisting construction throughout the escape route; 30 minute fire resisting construction between any cellar and the ground floor escape route; FD30s doors to all bedrooms and lounges (intumescent strip and smoke seals fitted); Route must not pass through risk rooms; Excess travel distances or additional risks may increase this requirement. 	 Grade D LD2; Interlinked mains wired smoke detectors with battery back-up located in the escape route at all floor levels; Interlinked mains wired heat detector with battery back-up in each bedsit; Interlinked mains wired smoke detectors with battery back-up located in each communal lounge; Interlinked mains wired smoke detector with battery back-up in any cellar. 	

Property Type	Protected Route	Automatic Fire Detection
2 Storey Self-Contained Flats – s.257 HMO	 30 minute fire resisting construction throughout the escape route; 30 minute fire resisting construction between flats; FD30s doors to all flat entrance doors and rooms opening onto the escape route (intumescent strip and smoke seals fitted); No requirement for fire doors within flats but sound, well constructed close fitting doors are required; Emergency escape lighting may be required if the route is long or complex or where there is no effective borrowed light; Excess travel distances or additional risks may increase this requirement; 	 Grade D LD2 and Grade D LD3 (mixed system); Interlinked mains wired smoke detectors with battery back-up located in the escape route at all floor levels; Interlinked mains wired smoke detector with battery back-up in any cellar; Interlinked mains wired heat detectors with battery back-up located in each flat in the room/lobby opening onto the escape route; <u>Non-interlinked</u> mains wired smoke detectors with battery back-up located in each flat within the room/lobby opening onto the escape route;
3 or 4 Storey Shared type HMO	 30 minute fire resisting construction throughout the escape route; 30 minute fire resisting construction between any cellar and the ground floor escape route; FD30 doors to all bedrooms, lounges and kitchens (intumescent strip may be fitted but not smoke seals); Route must not pass through risk rooms; Excess travel distances or additional risks may increase this requirement. 	 Grade D LD3; Interlinked mains wired smoke detectors with battery back-up located in the escape route at all floor levels; Interlinked mains wired smoke detectors with battery back-up located in the lounge; Interlinked mains wired heat detector with battery back-up in each communal kitchen. Interlinked mains wired smoke detector with battery back-up in any cellar.
3 or 4 Storey Bedsit HMO (Shared Kitchen)	 30 minute fire resisting construction throughout the escape route; 30 minute fire resisting construction between any cellar and the ground floor escape route; FD30s doors to all bedroom, kitchen and lounge doors (intumescent strip and smoke seals fitted); Route must not pass through risk rooms; Excess travel distances or additional risks may increase this requirement 	 Grade A LD2; Control panel required; Mains wired smoke detectors with battery back-up located in the escape route at all floor levels, linked to the control panel; Mains wired smoke detectors with battery back-up located in each bedsit, linked to the control panel; Mains wired heat detectors with battery back-up located in each kitchen, linked to the control panel; Mains wired smoke detector with battery back-up located in each kitchen, linked to the control panel; Mains wired smoke detector with battery back-up in any cellar, linked to the control panel.

Property Type	Protected Route	Automatic Fire Detection
3 or 4 Storey Bedsit HMO (Kitchens In Bedsits)	 30 minute fire resisting construction throughout the escape route; 30 minute fire resisting construction between any cellar and the ground floor escape route; FD30s doors to all bedroom, kitchen and lounge doors (intumescent strip and smoke seals fitted); Route must not pass through risk rooms; Excess travel distances or additional risks may increase this requirement. 	 Grade A LD2; Control panel required; Mains wired smoke detectors with battery back-up located in the escape route at all floor levels, linked to the control panel; Mains wired heat detectors with battery back-up located in each bedsit, linked to the control panel; Mains wired smoke detectors with battery back-up, <u>non-interlinked</u>, located in each bedsit.
3 or 4 Storey Self- Contained Flats – s.257 HMO	 30 minute fire resisting construction throughout the escape route; 30 minute fire resisting construction between flats; FD30s doors to all flat entrance doors and rooms opening onto the escape route (intumescent strip and smoke seals fitted); No requirement for fire doors within flats but sound, well constructed close fitting doors are required; Emergency escape lighting may be required is long or complex or where there is no effective borrowed light; Excess travel distances or additional risks may increase this requirement. 	 Grade A LD2 and Grade D LD3 (mixed system); Control panel required; Mains wired smoke detectors with battery back-up located in the escape route at all floor levels, linked to the control panel; Mains wired heat detectors with battery back-up located in each flat in the room/lobby opening onto the escape route, linked to the control panel; <u>Non-interlinked</u> mains wired smoke detectors with battery back-up located in each flat in the room/lobby opening onto the escape route, linked to the control panel;

Excess Cold (Hazard No.2)

As from the 1st April 2018, there will be a requirement for any properties rented out in the private rented sector to achieve a minimum energy performance rating of 'E' on an Energy Performance Certificate (EPC). The regulations will come into force for new lets and renewals of tenancies with effect from 1st April 2018 and for all existing tenancies on 1st April 2020. Non self-contained units such as bedsit type HMOs typically do not require an individual EPC, although 'shared type' HMOs are required to have an EPC.

In assessing the deficiencies that may give rise to excess cold (or excess heat) hazards, an inspection of the property will examine the thermal efficiency of the building with regard to heat loss through the external walls and roof; the size, extent and design of any fixed heating and ventilation systems, and any disrepair that may contribute to these hazards.

Houses should be adequately insulated to prevent excessive heat loss and be fitted with a suitably efficient form of heating system. Where the house is not provided with central heating to the whole of the dwelling, it must be adequately and efficiently heated with the provision of permanent, fixed heating appliances. Any heating system should be appropriate to the design, layout and construction of the building and provide adequate heat output to efficiently heat the whole of the property.

Any fixed heating system should be economical, programmable and capable of achieving a healthy indoor temperature of 21°C for each habitable letting room, and 18°C in all other rooms and common areas, when the outside temperature is minus 1°C.

A fixed space heating appliance means a fixed gas or fixed electrical appliance or an adequate central heating system that is operable and controllable by the occupier at all times. In properties where the heating is centrally controlled, such systems should be operated to ensure that occupants are not exposed to extreme indoor temperatures, and should be provided with controls to allow the occupants to regulate the temperature within their dwelling.

Any form of heating must be properly installed and maintained and should be regularly serviced to ensure they are safe and in good working order.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable.

Roof spaces should be properly insulated and windows and doors draught proofed where necessary.

Coin-operated heating and/or hot water systems in common rooms and common parts are not acceptable.

There should be means for ensuring low level background ventilation without the need to open windows causing excessive heat loss or draughts. Provision for background ventilation

should be controllable and may be provided via trickle vents in window frames, insertion of high-level airbricks, by a passive stack or MHRV systems.

There should be means for rapid ventilation via a mechanical extractor fan within kitchens and bathrooms where activities can cause high moisture production.

Crowding and Space (Hazard No.11)

Shortage of space and overcrowding can increase the risks associated with other hazards, i.e. falls, collisions, burns and scalds, and fire. Therefore sufficient space is required to enable the household to safely utilise all facilities within the dwelling.

Assessments will consider the floor space taken up by any kitchens within bedsitting rooms and whether or not there are separate communal lounges or dining rooms within the house, if so, the bedroom size may be reduced because the occupants have access to a living space elsewhere within the house. If no separate communal space is provided, then an allowance must be made within the bedsitting room for seating / TV etc.

Sleeping accommodation must ensure adequate privacy. Any sharing of the sleeping accommodation will be dependant on the size of the room and the relationship of those sharing. The sharing of rooms by persons of the opposite sex, over the age of 12, shall not be permitted unless they are living together as married couples or co-habitees.

No staircase, landing, hall, bathroom, kitchen, appointed dining room or appointed living room will be deemed suitable for sleeping accommodation.

Sleeping accommodation will be in the form of single or double rooms and each room must be occupied by a single household i.e. related persons such as husband, wife, son, daughter, brother, sister etc. This also includes co-habiting couples and same sex couples. This means that a landlord cannot place two unrelated persons in a room unless those persons have agreed between themselves, and without coercion, to share a room which is large enough for two persons. Typically, friends might choose a property with this sharing in mind but, should one of them choose to leave, the landlord cannot place another person to share the room with the remaining person from the original sharers.

Every room used as a sleeping room should be at least capable of accommodating together with activity space for each item:

- a bed;
- a wardrobe, which may be built-in, or cupboard of adequate size;
- a chest of drawers.

Useable space and measurement of rooms

Useable space is space that can be used for everyday activities, such as dressing, eating and recreation. The amount of useable space required will depend on whether or not communal living space is available.

The measurement of rooms will be taken from floor level and measured to the back of any skirting boards i.e. to the surface of any wall. Any part of the floor where the floor to ceiling height measures less than 1.5m will be disregarded from the room area calculation, although the area covered by any fixed cupboards, the areas of any alcoves either side of a chimney breast and any floor space formed by a bay window may be included in the room area useable space calculation.

A minimum floor to ceiling height of 2.13m (7ft) will be required over at least 50% of the usable floor area, within all habitable rooms, bathrooms and kitchens.

Where rooms do not meet the required standard, discretion may be exercised if there are compensatory factors. The Housing Standards & Adaptations Team should be contacted for advice in such circumstances.

Consideration will be given to the useable space in rooms to ensure tenants are provided with rooms that are functional in size, shape and layout, that can practically be used for the intended purpose.

If a room is smaller than the minimum size acceptable, a legal notice can be served on the landlord either prohibiting the use of the room or limiting the number of people who may occupy it. This does not mean that the tenant who currently occupies the room has to leave immediately, but when they do leave the landlord must not then re-let the room.

We do not consider single-room bedsits to be suitable for more than two people.

A living room will be accepted as a dining room and visa versa.

Tables 1 and 2 below describe the minimum space requirements for general property configurations. They are for general guidance only and adequate room sizes will be assessed on individual merits. However, where such an assessment has identified a crowding and space hazard, consideration will be given for compliance where there is an existing tenancy agreement, at the expiry of the tenancy or where the tenancy agreement is for longer than 12 months, action must be taken to obtain possession to ensure compliance.

Table 1	Number of persons present (over 10 years of age)						
Room type:	1	2	3	4	5	6	7-10
Bedroom * *1	6.51m ²	10.22m ²	-	-	-	-	-
Combined bedroom & living room	10m ²	14m ²	-	-	-	-	-
Kitchen	5m ²	5m ²	5m ²	6m ²	7m ²	9m ²	10m ²
Living room	11m ²	11m ²	11m ²	11m ²	11m ²	13m ²	14m ²
Combined kitchen & dining room	13m ²	13m ²	13m ²	13m ²	13m ²	15m ²	

* A living room or dining room must also be available within the HMO

 $*^1$ A room with a usable floor area of between $4.64m^2$ and $6.5m^2$ may be occupied as sleeping accommodation by a child under the age of ten, as long as this room is let together with a sleeping accommodation of $6.51m^2$ or more.

Minimum bedroom sizes where kitchen facilities are located within bedrooms		
1 person	Inclusive of living space	13m ²
1 person	Separate communal living space is provided	10m ²
2 person	Inclusive of living space	18m ²
2 person	Separate communal living space is provided	15m ²

Entry by Intruders (Hazard No.12)

This hazard profile refers to keeping a dwelling secure against unauthorised access and the deterrence of intruders by considering the use of window locks or deadlocks, burglar alarms, security lighting etc.

In particular all ground floor and other accessible windows should be protected by the provision of suitable window locks or other appropriate security measures. In the case of key operated window locks, such keys must be so located as to be readily available at all times.

All external doors must be of sound construction, close fitting in its frame and be well maintained.

Outward-opening doors must have hinge bolts fitted.

The front door must be fitted with a suitable viewer where the door is not fitted with a vision panel.

All final exit doors must be provided with a secure lock. Those doors fitted with a lock, including final exit doors forming part of the means of escape, must be capable of being opened from the inside without the use of a key.

Where electronic door entry systems are provided, these must be in good working order and regularly maintained.

Where necessary or appropriate, pedestrian routes to the main entrance of the property should be fitted with adequate security lighting.

Where the property is fitted with an alarm, key holder details should be notified to the Council's Environmental Protection Team using the following link : http://www.cheshireeast.gov.uk/environment/environmental-health/noise-nuisance/burgl ar alarms/burglar alarms.aspx

Refuse Storage and Disposal (Hazard No.15)

There should be refuse storage within the dwelling, prior to the refuse being subsequently removed to a storage area for collection, which is readily accessible to the occupants and sited so as not to be a danger to children, or cause problems with hygiene and attract pests. Refuse bins are not to be stored on escape routes.

Poorly stored food and other household waste will attract pests which could contaminate other food sources and pose a risk to the health and safety of the occupants. In order to minimise the hazards posed by household refuse there must be suitable and sufficient provision for the storage of household waste awaiting collection.

There should be adequate provision of external refuse storage areas which should be adequately ventilated and capable of being readily cleansed. Any such areas must be sited so as not to allow air from the store to enter any living space. Where dwellings do not have a yard or garden to store refuse bins, suitable bins should be provided to permit storage without causing odours, attracting vermin or pests or causing a potential fire risk. Notices on the refuse collection arrangements should be placed in the common areas of the property. Landlords should encourage residents to recycle refuse as part of the Council's kerb side collection.

Basic Amenities

The Housing Act 2004 defines basic amenities as being the toilet, personal washing facilities, or cooking facilities.

Bathrooms and WCs

In assessing the suitability of bathroom and toilet facilities, consideration will be given to various hazards including Hazard No.17 - Personal Hygiene, Sanitation and Drainage.

All baths and wash hand basins must be equipped with taps providing an adequate supply of clean cold water and a constant supply of hot water, designed to ensure reasonable temperature control.

All foul waste within the building must be adequately connected to the drainage system, with provision of rodding eye and inspection chamber.

All shared bathrooms must be provided within the same building as the occupancy it serves, it must be situated in a proper room, constructed to provide privacy, must be suitably and adequately heated and ventilated and must be of an adequate size and layout to enable persons to undress, dry themselves and dress in a safe manner.

Compartments containing separate WCs must be provided with adequate background ventilation (trickle vents or air bricks equivalent to 8000mm^2) and rapid ventilation (openable window equivalent to $1/20^{\text{th}}$ of the floor area or mechanical extraction to the outside air at a minimum extraction rate of 15 litres/second) which must be controllable by the occupiers.

A tiled splash back (or other non-porous material) shall be provided around all baths and wash hand basins.

Shower cubicles shall have fully tiled walls (or other proprietary water resistant material) and be provided with a suitable water resistant curtain or door to the cubicle.

Adequate electric lighting, that is appropriately Index Protection (IP) rated in accordance with IEE regulations, must be provided.

Bathrooms must have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any openable window(s). The system is to be either coupled to the light switch and incorporate a suitable over-run period, or an appropriately set humidistat.

Walls and floors must have a non-porous and easily cleanable finish and the flooring is to be slip-resistant.

Suitable locking mechanisms must be fitted to the access doors of bathrooms and WCs to ensure privacy.

Where a bathroom is in a house likely to be occupied by children ten years of age or under, the facilities must include a bath.

Toilet compartments must be located no more than one floor and no more than 30m distance from the users.

Where works to provide additional facilities are being carried out Building Regulations may apply.

Number of people (irrespective of age)	Facilities required:	
1 4 magnia	The minimum provision is 1 bathroom containing a toilet, a bath or	
1–4 people	shower and a wash hand basin. The bathroom and toilet may be in the same room.	
5 people	The minimum provision is 1 bathroom containing a bath or shower and a separate room containing a toilet with a wash hand basin. The separate room containing a toilet may be located in a second bathroom.	
6–10 people	The minimum provision is 2 bathrooms containing a bath or shower and 2 toilets with wash hand basins. One of the toilets must be located in a separate room (or a third bathroom).	
11–15 people	The minimum provision is 3 bathrooms containing a bath or shower and 3 toilets with wash hand basins. One of the toilets must be located in a separate room (or a forth bathroom).	
Bedrooms with en-suites	Where a room is provided with a complete en-suite facility (bath or shower, toilet and wash hand basin) for the exclusive use of the room occupant then that occupant will be disregarded when considering the provision of sanitary facilities listed above.	
Note! If a child under 10 lives in the property, a bath must be provided		

Permitted sharing ratios:

Kitchen facilities

In assessing the suitability of kitchen facilities, consideration will be given to multiple hazard profiles, including Hazard No.16 and 25 – Food Safety and Flames, hot surfaces etc. respectively.

The kitchen must be contained within the main building and located not more than one floor distant from the bedrooms. If this is not practicable in HMOs of not more than three storeys and not more than 10 persons, communal kitchens may be provided up to two floors distant from some bedrooms.

Each kitchen must be large enough and designed to allow for the safe provision and use of all necessary facilities. Kitchens shall be a minimum of 1.8m wide to allow the safe movement of occupants around the room. Cookers should be located remote from doorways and there should be enough floor space for items to be safely retrieved from the oven. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Sinks, worktops and immediately adjacent walls and floors should be non-porous and smooth to facilitate cleaning.

Where two sets of facilities are provided in one kitchen, the layout should allow both sets to be used safely at the same time.

Kitchen facilities shall be available for use 24 hours a day. Where it can be shown to the local authority that either by nature of meals being provided elsewhere for the occupants or the manner in which the premises are occupied, provision of kitchen facilities as described above would be excessive, then a lesser standard may be applied. However, a minimum of one full set of kitchen facilities will be required in all cases.

Kitchen facilities should be in a properly designed room or area, laid out

A complete set of facilities consist of the following (one set of facilities must be provided for every 5 persons, kitchens should not contain more than two sets of facilities).

A stainless steel sink and integral drainer set on a base unit shall be provided. The sink shall have constant supplies of hot and cold running water and be properly connected to the drainage system. The cold water shall be direct from the mains supply. A tiled splash back shall be provided to the sink and drainer.

A food storage cupboard comprising at least a 500mm wide base unit or a 1000mm wide wall unit per occupant – this can be provided within each occupant's room. The space in a sink unit below the sink will not be accepted as a food storage cupboard.

A refrigerator with a minimum capacity of 130 litres shall be provided in the kitchen.

Freezer space with a minimum capacity of 60 litres shall be provided in the kitchen or in a freely accessible position adjoining the kitchen. The freezer can be provided within a freezer compartment forming part of a fridge/freezer in addition to the required fridge space or as a separate freezer.

A worktop of sufficient size shall be provided in the kitchen so as to make safe and hygienic the preparation and cooking of food, so reducing the risk of food poisoning and promoting safe practice. The worktop must be level, secure and impervious. The minimum length should be 1300mm and the minimum width should be 600mm.

Note! Any worktop on which a microwave cooker is located will be ignored when determining the minimum worktop surface that's provided.

A minimum of three double 13amp power points shall be provided for each set of kitchen facilities in addition to those used for fixed appliances, e.g. washing machines, fridges and freezers

The kitchen shall be provided with a gas or electric cooker with 4 ring burners, oven and grill, capable of simultaneous use.

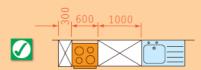
Sharing Ratios

Number of persons irrespective of age	Kitchen facilities based on above criteria
1–5 people	1 complete set of kitchen facilities as above
5–6 people	1 complete set of kitchen facilities as above plus a microwave cooker (see note above regarding minimum worktop size)
7–10 people	2 complete sets of kitchen facilities as above with 1500mm x 600mm of free work surface; a dishwasher is acceptable in place of a second sink for up to 7 persons, 1 x 130 litre refrigerator with an additional 20 litres capacity of refrigerator space per person over 5, 1 x 60 litre freezer space with an additional 10 litres capacity of freezer space per person over 5.
11–15 people	At least 2 separate kitchens containing 3 complete sets of kitchen facilities as above with 2500mm X 600mm work surface. However a microwave will be acceptable as a third cooker a dishwasher will be acceptable as a third sink, 2 x 130 litre refrigerators with an additional 20 litres capacity of refrigerator space per person over 10, 2 x 60 litre freezer space with an additional 10 litres capacity of freezer space per person over 10.

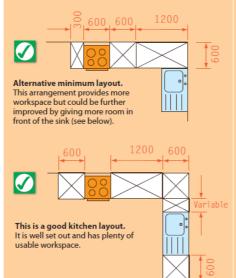
Examples of good / bad kitchen layouts



A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require splash-backs and power points must be suitably located.

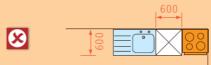


This is the minimum provision for a kitchen. It incorporates worktop on both sides of the cooker and working space both sides of the sinkbowl. Note 300mm is a minimum width and should be made wider where posssible.





Cookers cannot be safely used if they are located in corners, do not have adequate worktop on both sides or are too close to sinks. Sinks require space to put dirty utensils on one side and clean on the other.



Cooker may not be located in a corner. This arrangement is impractical and unsafe



The sink bowl must not be located in a corner. This is an impractical arrangement and because there is no worktop next to the bowl and it is impossible to separate clean and dirty utensils, it also creates a hygiene hazard.



Neither cooker nor sink can be practically or safely used with this arrangement.





The cooker is free-standing and improperly located in relation to the sink. Both the cooker and sink also lack worktops.

This arrangement is impractical and unsafe. Adding worktops will still not give a practical and safe kitchen.

HMO Management Regulations

All HMOs are subject to the Management Regulations irrespective of their licensable status. These regulations are a set of statutory requirements that describe the minimum standards managers of certain HMOs must adhere to.

There are no statutory enforcement notices attached to the Management Regulations, as such it is at the Council's discretion whether or not to take enforcement action for any breaches of these regulations. Any such enforcement action may include legal proceedings or civil penalty fines.

The Management Regulations can be found within the following documents:

The Management of Houses in Multiple Occupation (England) Regulations 2006 (Statutory Instrument 2006 No.372)

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (Statutory Instrument 2007 No.1903)

The manager and owner must be familiar with these regulations and comply with them fully. Below is a brief summary of the manager's duties in respect of running an HMO.

Landlords and Managers of HMOs have a duty to provide the following:

Duty of manager to provide information to occupier:

The name, address and telephone contact number of the manager must be made available to each occupier and the managers details clearly displayed in a prominent position in the HMO.

Duty of manager to take safety measures:

All means of escape from fire are to be kept free from obstruction and maintained in good order and repair. Any fire fighting equipment and fire alarms must be maintained in good working order. All notices indicating the means of escape must be displayed so that they are clearly visible to the occupiers. The manager must take all measures to protect the occupiers from injury, having regard to the design, structural conditions and numbers of occupants, especially in relation to roofs and balconies, and any windows that have sills at or near to floor level.

Duty of manager to maintain water supply and drainage:

All means of water supply and drainage in the HMO are to be maintained in good, clean and working condition and be protected against frost damage. Tanks and cisterns must be kept in a good, clean working condition and covered to keep the water clean. The manager shall not unreasonably cause the supply of water or drainage to be interrupted.

Duty of manager to supply and maintain gas and electricity:

The manager shall not unreasonably cause the supply of gas or electricity to be interrupted. The manager must ensure that every fixed electrical installation is inspected and tested by a suitably qualified person at intervals not exceeding 5 years. The manager must also supply a copy of the latest gas appliance test certificate and fixed electrical installation test certificate within 7 days of a request from the local authority.

Duty of manager to maintain common parts, fixtures, fittings and appliances:

The manager shall ensure that all common areas such as staircases, passageways, corridors and entrances are kept reasonably free from obstruction, maintained in good and clean decorative repair and in safe working condition. All handrails and banisters and any stair coverings must be kept repaired or replaced or be provided where necessary for the safety of the residents. All fixtures, fittings and appliances used in common are to be maintained in good and safe repair and in clean working order, except those that an occupier is entitled to remove, or which are otherwise outside the control of the manager.

Ensure all outbuildings, yards and forecourts that belong to the HMO and in common use by two or more households must be maintained in repair, clean condition and good order,

any garden to be kept in a safe and tidy condition, and any boundary walls, fences and railings must be kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

Duty of manager to maintain living accommodation:

Keep the internal structure maintained in good repair within each unit of accommodation, including windows and other means of ventilation, and ensure any fixtures, fittings or appliances are maintained in good repair and working order which does not belong to the occupier.

Duty of manager to provide waste disposal facilities:

The manager must ensure sufficient bins or other suitable receptacles are provided for the requirements of each household for adequate storage of refuse and litter pending disposal, and make further arrangements for the disposal of refuse and litter as may be necessary having regard to any service for disposal provided by the local authority.

All residents of HMOs have a duty to:

Treat the accommodation in a tenant-like manner in accordance with the covenants and conditions of the lease or licence;

Not to hinder or frustrate the manager in the performance of his duties;

Allow the manager to enter the accommodation at all reasonable times to carry out the duties imposed by the regulations;

Provide the manager with such information as may be reasonably required to carry out such duties under the regulations;

Avoid causing damage to anything that the manager is under duty to supply, maintain or repair under the regulations;

Comply with the refuse storage and disposal arrangements;

Comply with reasonable instructions in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

Certification required to be obtained:

Landlords should hold the following certification, copies of which must be submitted to the Council on request:

Landlords Gas Safety Certificate: It is the Landlord's responsibility to ensure that all gas supplies, distribution pipe-work and gas fired appliances must comply with the relevant gas safety regulations. All gas appliances should be serviced and maintained regularly in accordance with regulations and manufacturers instructions (usually every 12 months) and all gas appliances must have an annual gas safety check undertaken by a GAS SAFE registered gas installer. A copy of the gas safety record must be made available to the occupier in accordance with the regulations. The property manager must keep the previous two years gas safety records available for inspection upon request. All work to any gas appliances must be carried out by a suitably qualified gas engineer.

Where occupants need to operate controls for gas fired central heating or hot water systems, simple and precise instructions for their safe and efficient use must be available.

An emergency control valve must be provided within 500mm of the gas meter that all occupants can easily access. Gas meters are to be enclosed within a well constructed cupboard or box with a close fitting door providing protection against accidental damage.

<u>Electrical safety certificate</u>: It is the Landlord's responsibility to ensure that the electrical installation and any appliances provided by the landlord are safe and kept in proper working order throughout the tenancy. All HMOs are required to have fixed electrical installations inspected and tested at intervals not exceeding 5 years by a qualified electrician, for which a certificate must be obtained. Any new installations and most alterations or additions that are made to the existing fixed electrical installation will need to be carried out by a suitably qualified electrical engineer, who is registered with one of the government's approved competent persons schemes and in accordance with Part P of the Building Regulations, for which a relevant certificate will need to be obtained. Electric meters and consumer units are to be enclosed within a well constructed cupboard or box with a close fitting door to providing protection against accidental damage.

<u>Portable Appliance Test (PAT) Certificate</u>: Keep all electrical appliances made available to the occupants in a safe condition. If an appliance is more than twelve months old obtain for that appliance a Portable Appliance Test (PAT) certificate issued by a competent person. The Licence Holder must submit a copy of the certificate to the Council, on demand.

<u>Emergency Lighting Certificate</u>: Obtain and submit to the Council a certificate stating that the emergency lighting in the house has been tested in accordance with the provisions of BS 5266. The certificate must be not more than one year old. The person issuing the certificate must be a competent person qualified to undertake such inspection and testing.

<u>Fire Alarm Test Certificate</u>: Obtain and submit to the Council a certificate stating that the fire alarm system in the house has been tested in accordance with the provisions of BS 5839. The certificate must be not more than one year old. The person issuing the certificate must be a competent person qualified to undertake such inspection and testing.

<u>Energy Performance Certificate (EPC)</u>: Only required for Shared Type HMOs where all the tenants are on a single group agreement. Bedsit type HMOs do not currently require an EPC unless the property is to be sold, then it will require an EPC at that time.

Planning consent

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. The following provides an indication of what types of building may fall within some of these use classes:

Class C4 Houses in multiple occupation:

Small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. This class will include small bedsit type HMO properties.

Class C3 Dwelling houses:

Either used by a single person or family, or groups of people not exceeding six persons living together as a single household, that does not fall within the C4 HMO definition.

Note! The government has granted planning permission in the form of permitted development rights for changes of use from C3 to C4 or visa versa.

<u>Sui Generis:</u>

Larger HMOs with seven or more occupiers fall within the use class 'sui generis'. This building type will require planning permission and developers, owners and managers alike are recommended to contact the Planning Department to clarify the planning status and where required, obtain planning permission for change of use before proceeding with a development for an HMO.

The following are general matters that are taken into account when assessing a planning application for a change of use to a larger HMO:

- The use would not result in a concentration of similar uses in one particular locality leading to a material change in the character which would be detrimental to the amenities of neighbouring residents and locality;
- The property is of sufficient size;
- Whether the change of use would create a substantial demand for on-street parking in areas judged to be experiencing local difficulties in this respect;
- That sufficient refuse provision and storage is provided; and
- Sufficient cycle storage is provided.

Contact details for the Council's Planning Department are as follows:

Telephone: 0300 123 5014 Email: <u>planning@cheshireeast.gov.uk</u> Website: http://www.cheshireeast.gov.uk/planning/planning.aspx

Building Control Consent

The Building Regulations cover the construction, extension and alteration of buildings to ensure the health and safety for people in or about those buildings. Most building work will require building regulation consent and special rules also apply to listed buildings and buildings in conservation areas.

The following types of project are 'regulated':

- Structural alterations to a building;
- most extensions to a building including conversion of a loft and garage conversions, but excluding porches and conservatories;
- structural alterations, such as removing a load-bearing wall;
- when installing replacement windows using a builder or window company that is not registered with the relevant Competent Person Schemes;
- installation of heating, hot water and air conditioning systems;
- installing additional bathroom fittings;
- domestic electrical installations;
- alterations to drainage systems;
- re-roofing (if it is greater than 25% of the roof);
- replacing windows, doors or rooflights;
- underpinning a building;
- renovating a thermal element, for example walls, floors and roofs;
- changing the energy status of a building;
- changing the use of a building, for example barn conversions

You don't need to apply for building regulations approval if the work is being carried out by a tradesperson who is registered with a competent person scheme. You can search the <u>'competent persons register'</u> to find a tradesperson, or to check if a tradesperson belongs to a scheme.

Landlords should check their file records to ensure that building regulations consent has been obtained for the property concerned. Your building may not be adequately insured should this consent not be in place.

A Regularisation Application to obtain Building Control consent can be applied for retrospectively.

For further information relating to Building Control issues please use the following contact details: -

Telephone: 0300 123 5014 Email: <u>buildingcontrol@cheshireeast.gov.uk</u> Website: <u>http://www.cheshireeast.gov.uk/planning/building_control/building_control.aspx</u>

References

In compiling this guidance, Cheshire East Council has had regard to The Housing Act 2004, together with associated legislation listed below, stating the minimum standards that are to be achieved in HMO type property:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006 No.373)

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (SI 2007 No.1903)

The Management of Houses in Multiple Occupation (England) Regulations 2006 (SI 2006 No.372)

The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (SI 2006 No.371)

Other guidance documents that have also been considered to inform these minimum standards are:

LACORS, Housing –Fire Safety, Guidance on fire safety provisions for certain types of existing housing, July 2008(ISBN 978-1-84049-638-3).

Amenity Standards for Houses in Multiple Occupation, published by The Institute of Environmental Health Officers, September 1994 (ISBN 0 900 103 469)

Liverpool City Council, Guidance on Standards and Management of Houses in Multiple Occupation.

Oxford City Council, Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation.

Northampton Borough Council, Facilities and Amenities for Houses in Multiple Occupation occupies on a room basis and sharing facilities. A good practice guide for landlords.