

Houses in Multiple Occupation Guidance and Amenity Standards

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Rotherham Metropolitan Borough Council Houses in Multiple Occupation Guidance and Amenity Standards

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1.0 INTRODUCTION

This document sets out Rotherham Metropolitan Borough Council's Standards for Houses in Multiple Occupation (HMOs) operating within the borough. These standards are based on legislative requirements and relevant guidance. They provide detail of the Council's expectations in relation to the management of HMOs within the borough. This document is not a legal requirement in itself, but offers guidance regarding how to comply with a legal requirement where the language in the regulation includes terms like 'adequate', 'reasonable' or 'sufficient'. It is envisaged that in most cases the standard described will be appropriate, however, where either the landlord or the Council consider an alternative more appropriate consideration will be given to how the alternative complies with primary legislation.

The shared nature of most HMOs creates an environment where the responsibility for cleaning and maintaining shared areas can be confused and any deficiencies will affect all those who live in the property. Occupants also have limited private space compared with living in a self-contained home. Where a HMO is poorly designed or managed, tenants can suffer from increased risks to their health or welfare. Poor hygiene, increased risk from fire and noise are typically experienced.

The Council's aim is to encourage the owners and operators of HMOs, to appreciate that improving the quality and design of a property will pay dividends in reduced maintenance and management costs. It will also improve the quality of the accommodation for tenants. It is likely that adopting a minimum investment approach in these types of properties, will result in higher management costs and the property is likely to attract increased enforcement attention.

The standards below illustrate a **minimum** standard which operators of HMOs should consider when creating this type of accommodation. The status of these standards differ, depending on if the HMO is licensable or not and if the standard is laid down in regulation. Landlords are encouraged to discuss their proposals with the Council before letting any HMO.

2.0 WHAT IS A HOUSE IN MULTIPLE OCCUPATION (HMO)?

2.1 Planning Legislation

HMOs are defined differently in planning legislation and housing legislation.

In Rotherham, the creation of small HMOs, where domestic properties accommodate 6 or less individuals does not require Planning Permission. An HMO with the capacity to accommodate 7 persons will require the submission of a Planning Application. Where an application is required the standards for newly created HMO will differ from the standards in this guidance. This mainly affects the minimum room sizes.

Where a HMO is occupied without the proper planning permission, enforcement action under Housing Legislation is still possible before any planning enforcement has been completed. This may result in a landlord improving a HMO, then having to

revert it back to single occupation. It is important that landlords ensure all correct permissions are in place before letting a HMO.

For further information regarding planning legislation please contact Planning Services by visiting the Council website www.rotherham.gov.uk or call 01709 823868.

2.2 Housing Legislation

A House in Multiple Occupation (HMO) is defined in the Housing Act 2004, Sections 254 -260. The definition can be complicated; if there is any dispute over a premise status, reference should be made to this legal definition. For simplicity, below is a summary of the main parts of the definition.

A HMO exists if a building is let as the main residence to;

- 3 or more unrelated people who live there as at least 2 separate households – for example, 3 single people with their own rooms, or 2 couples each sharing a room
- 3 or more people living there who share basic amenities, such as a kitchen or bathroom

A HMO can exist as a single unit of accommodation, a shared house or a flat, a converted larger property with shared facilities or a converted property which is comprised entirely of converted self-contained flats and where the standard of conversion does not meet the minimum that is required by the 1991 Building Regulations, and more than one third of the flats are occupied under short tenancies.

Typically the type of occupation which might be a HMO would be;

- Bedsits
- Shared houses
- Lodgings
- Hostels.
- Individual shared self-contained flats/cluster flats
- Blocks of converted flats
- Halls of residence (privately operated)
- Asylum seeker/migrant accommodation
- Accommodation for workers/employees
- Refuges

2.3 HMO declarations

Where the local authority is satisfied that a building or part of a building is a HMO, they may serve a notice under section 255 of the Housing Act “an HMO Declaration” declaring the building or part to be a house in multiple occupation.

2.4 Licensable HMO's

Some HMOs are required to be licenced. The law changed recently and from 1st October 2018 there is a national requirement to licence a HMO if it is;

- has 5 or more unrelated people living in it
- has 2 or more separate households living there

This includes a single flat over a shop if the entire premises has 2 or more storeys.

Local Authorities can also adopt local licensing schemes for other HMOs. Rotherham Metropolitan Borough Council does not presently operate a local HMO licensing scheme, but it does operate a number of Selective Licensing areas. If you own or operate a HMO in a Selective Licensing area and the property does not require a mandatory HMO licence, you will have to apply for a licence and comply with the licence conditions of that scheme.

To identify where the Selective Licencing areas are within the borough, please go to; <http://www.rotherham.gov.uk/landlordlicensing>

Enquires about HMO licensing can be made to:

Housing Licensing, Community Protection Unit
Regeneration & Environment Services
Riverside House
Main Street
Rotherham, S60 1AE

Tel: 01709 823118

Email: landlordlicensing@rotherham.gov.uk

3.0 GENERAL RESPONSIBILITIES OF THE OWNER /LANDLORD/MANAGER

If you are letting any residential property you are running a business, and will be expected to manage that business like any other business.

The standards of repair and management of any private let property are laid down in law. This is usually under the Housing Act 2004 and associated regulation, but there is other, specific regulation that covers eviction, deposits, energy, furniture, etc..

It is the responsibility of the owner/landlord/managers running the letting business to understand these requirements and manage their own properties to comply. This includes communicating with tenants, addressing problems and defects and keeping all licences and certification up to date. Guidance is available from the landlords' national bodies and a range of websites. The Council is also available for advice.

Where the landlord fails to discharge this responsibility and forces the Council to act in their stead to address their tenants concerns, the landlord should expect the Council to take enforcement action and recover its costs from the landlord.

A list of relevant legislation is contained in part 6 of this guidance for assistance. As guidance and legislation change regularly this list should be used for guidance only and not relied upon to cover all legislative requirement, it specifically does not include more general business requirements relating to financial, tax, etc.

3.1 Tenancy Management and Eviction

Landlords and agents are expected to actively manage their tenants to ensure they do not cause antisocial behaviour inside the property affecting other tenants and outside the property affecting neighbours. This includes taking references before a tenancy starts, being fully aware of the way the property is being occupied whilst it is let, issuing warning to tenants who are creating problems for themselves or others. Where the landlord cannot influence their tenants to modify their actions, they should instigate the formal eviction process, regardless if the tenants are paying their rent.

Eviction of tenants occurs when the landlord and the tenant cannot amicably agree a date when the tenant will vacate a property. It is a legal process which must be followed to the letter, for a court to ultimately uphold the termination of the tenancy. It is likely that if a landlord does not follow the legal process they will either start to harass the tenant or undertake an illegal eviction. There is no situation where a landlord can force a tenant out of a property, only the courts, through a bailiff can do this. The Council will prosecute where it finds evidence of harassment or illegal eviction. Landlords must understand the law in this area and get advice before starting to evict a tenant.

Failure to effectively manage tenants can result in action being taken against the landlord and in some cases the property being formally closed by the Council or Police. In these cases, the property can be closed to all, including the landlord, for up to 6 months.

4.0 AMENITY, FACILITIES AND MANAGEMENT STANDARDS.

(Practical guidance to achieving the required standards)

Where a HMO is licensable, compliance with these standards will be considered compliance with licence conditions in the majority of situations. In non-licensable HMO's this standard is for guidance but describe the Council's expectation of adequate accommodation.

If you consider you can provide safe and quality accommodation in an alternative form, whilst complying with legislative framework, please discuss your proposal before work commences and it will be considered by the Council.

4.1 Housing Health and Safety Rating System (HHSRS)

The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS) which provides a risk based methodology for assessing hazards in dwelling houses including HMOs. The assessment considers the type of hazard, severity, potential for harm, etc.. The HHSRS is not a standard but a system to enable the hazards to be identified and the risks minimised or removed.

The HHSRS consists of 29 hazards which should be assessed in a domestic property. Landlords are required to manage all these hazards to reduce the risk to tenants and visitors to reasonable levels.

The potential hazards are:

- | | |
|---|--|
| 1. Damp and mould growth | 17. Personal hygiene, sanitation and drainage |
| 2. Excess Cold | 18. Water supply for domestic purposes |
| 3. Excess Heat | 19. Falls associated with baths etc |
| 4. Asbestos and Manufactured Mineral Fibres – MMF | 20. Falls on the level |
| 5. Biocides | 21. Falls associated with stairs and steps |
| 6. Carbon monoxide and fuel combustion products | 22. Falls between levels |
| 7. Lead | 23. Electrical hazards |
| 8. Radiation | 24. Fire |
| 9. Uncombusted fuel gas | 25. Flames, hot surfaces and materials |
| 10. Volatile organic compounds | 26. Collision and entrapment |
| 11. Crowding and space | 27. Explosions |
| 12. Entry by intruders | 28. Ergonomics, position and operability of the amenity. |
| 13. Lighting | 29. Structural collapse and falling elements |
| 14. Noise | |
| 15. Domestic hygiene, pests and refuse | |
| 16. Food Safety | |

Guidance for Landlord and Property Related Professionals on HHSRS can be obtained from; www.communities.gov.uk/documents/housing/pdf/150940.pdf

4.2 Management Requirements

All HMOs, regardless of whether they are licensable or not, are subject to legislation regarding how they are managed. There are two main pieces of management legislation;

- [Management of Houses in Multiple Occupation \(England\) Regulations 2006](#), relevant to all HMO's,
- [Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#), relating to licenced HMOs

This legislation places certain duties on the individuals managing the property. The duties include the following:

- To provide all occupiers with the manager's name, address and telephone number. This information must be clearly displayed within in the property
- To ensure that all fire escapes are clear of any obstacles and that they are kept in good order. To ensure that all fire safety measures are maintained in good working order and that adequate fire safety measures are in place with regards to the design, structural conditions and number of occupiers in the HMO
- The manager must maintain adequate water supply and drainage to the dwelling
- The manager must not unreasonably cause the electric and gas supply 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 five years
- The manager must provide the electrical and gas inspection certificates within seven days of receiving a request of writing from the local housing authority
- To ensure that all common parts of the HMO are maintained in good decorative order, and a safe and working condition. This includes out-buildings, boundaries and gardens
- The manager must ensure each unit of living accommodation and its contents are clean **before** occupiers move in and are maintained in good repair and clean working order throughout the occupation by the tenant
- The manager must provide adequate facilities to dispose of all waste produced by the property

This legislation also puts responsibility on the tenant to:

- Allow the manager access to the accommodation at all reasonable times to carry out the above duties
- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of their duties
- Take reasonable care to avoid damaging the landlord's property.
- Store and dispose of waste properly
- Comply with reasonable instructions regarding fire safety at the property

Failure to comply with these requirements is a criminal offence and will be addressed under the Council's General Enforcement Policy, which can be found at;

http://www.rotherham.gov.uk/download/downloads/id/1448/general_enforcement_policy.pdf.

Additional requirements specific to licenced HMOs are included in each section below.

4.3 General Requirements

Works to the fabric of the property

Works of repair or alteration within a HMO may require planning permission and will usually require compliance with Building Regulations, this is particularly important in regards to adequate sound insulation and fire resistance between units of accommodation

All works must be completed in accordance with:

- Gas Safety [installation & use] regulations 1998;
- IEE (Institute of Electrical Engineers) Wiring Regulations;
- Furniture and Furnishings (Fire) (Safety) Regulations 1993.
- Building Regulation 2010 and Approved Documents

Services

Each individual letting should have a separately metered gas and or electricity supply. Where this is not possible, the landlord takes responsibility for ensuring the continuity of services to the property as a whole, regardless of payments being received from tenants.

The Council takes a serious view of the disconnection of electricity, gas or water services. In appropriate cases Section 33, of the Local Government (Miscellaneous Provisions) Act 1976 will be used to take control of rents or recover costs direct from owners in order to pay outstanding accounts. In addition to (or instead of) utilising Section 33, owners and/or agents may be prosecuted for causing or allowing a disconnection in circumstances, which constitute an offence under any appropriate legislation (e.g. breaches of management regulations, Protection from Eviction Act 1977 etc.).

4.4 Space Standards

Legal requirements

The minimum size for a bedroom occupied by one person is to be 6.52m² and for two people 10.23m². This is stated in the overcrowding provisions of the Housing Act 1985. These are not directly transferable to HMO's as they only relate to sleeping rooms and the resident is expected to have additional living space. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, require kitchens, bathrooms and WCs to be of adequate size and number, as set by this guide.

Rotherham Metropolitan Borough Council has adopted the following space standards as the minimum requirements.

Minimum Room Sizes

The following are considered as the **minimum** room sizes for HMOs:

Bedrooms	
1 Person -where a separate living room, which is not a dining /kitchen and a kitchen is provided	6.52 m ² (minimum standard)

2 Persons -where a separate living room, which is not a dining /kitchen and a kitchen is provided)	10.23m ² (minimum standard)
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Living, dining and cooking spaces should be separate where possible. Kitchen /diners are acceptable where a separate living room is provided or where the room size allows separation of living and dining activities.

Living Room	
2 to 4 Persons	9m ²
Area for each additional persons	+1.86m ²

Dinning Room & Kitchen/ Diner	
Dining room, 2 to 4 Persons	9m ²
Kitchen / Diner (1 to 4 persons)	12.15m ²
Area for each additional persons	+1.86m ²

Combined Rooms (bedsits)		
Bedroom/Living room	One Person	10.23 m ²
	Two Persons	14.86 m ²
Bedroom/Living room/Kitchen	One Person	15.00 m ²
	Two Persons	20.00 m ²

Kitchens: must be designed so that the size, design and layout allow the occupants to safely prepare, cook and serve food in a safe and hygienic manner. The required size and location may vary from the guidance below to achieve this.

Kitchens	
2 to 4 Persons	5.5 m ²
5 to 10 Persons	Additional 1.4m ² per person to a maximum of 10 persons per kitchen.

A bedsit (single room) can be occupied by a maximum of two persons. Where two persons occupy a single room they must approach the landlord wishing to share. Individual beds within a single room cannot be let separately.

The sharing of bedrooms is not permitted unless the occupants are:

- married, or living together as if married.

- parent and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if they are the opposite sex.
- members of the same family and are both of the same sex
- Children, below 10 years of age,

Self-contained flats occupied as HMO's can be treated as above.

Note: The measured space in any room must be 'usable space'. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room. Any floor space that has a ceiling height of less than 1.5m (5ft) shall be disregarded for the purpose of measuring the total space in the room. Regardless of measured area, where the layout of a room makes floor space difficult to use, additional space will be required or the room may not be acceptable as accommodation.

* The above standards apply to existing HMOs; all new-build accommodation will need to refer to the Councils Planning and Building Control services for approval.

4.5 Washing Facilities

Baths & Showers

Legal requirements: The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for washing facilities as below:

1. Bath/showers shall be provided in the ratio of at least one to every five persons sharing.
2. The bathrooms or shower rooms shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a common area. Facilities must be inside the building.
3. Bathrooms and shower rooms must be of adequate size and be laid out in such a way as to enable persons to undress, dry and dress themselves in a safe manner.
4. Each bath, shower and wash hand basin shall be provided a continuous and adequate supply of hot and cold running water, designed to ensure reasonable temperature control.
5. Bathrooms and shower rooms must have adequate lighting, heating and ventilation.
6. Bathrooms must be fit for the purpose.

The Council has adopted the following as the minimum requirements.

1. Where a child under 10 lives in the property, a bath must be provided.
2. Bathrooms must have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any 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. This is in addition to any windows.
3. A tiled splash-back shall be provided to all baths and wash hand basins. Shower cubicles shall have fully tiled walls and be provided with a suitable water-resistant curtain or door to the cubicle. Bathrooms and shower rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.
4. The following minimum dimensions shall apply:

Item	Dimension
Wash hand basin	500mm x 400mm
Splash-back	300mm high
Bath	1700mm x 700mm
Shower	800mm x 800mm

5. Bathrooms and shower rooms must be constructed to ensure privacy.
6. All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
7. All bathrooms must be suitably and adequately heated and ventilated
8. All bathrooms and toilets must be suitably located in or in relation to the living accommodation in the HMO.

 "Suitably located bathrooms" means that they are not more than two floors distant in relation to the sleeping accommodation.

 "Suitably located water-closet (WC)" facilities shall be not more than one floor distant from living and sleeping accommodation.
9. Where reasonably practicable there must be a wash hand basin (WHB) with appropriate splash back in each unit of accommodation.
10. Suitable lock must be provided to all bath/shower rooms and WC.
11. Where separate WC is provided, there must be a WHB contained within the same unit.
12. All baths, showers, WC and WHB should be properly connected to a soil drainage system.

Sanitary Conveniences (toilet facilities)

Legal requirements: The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for sanitary conveniences.

1. Where there are four or fewer occupiers sharing facilities there must be one toilet which may be situated in the bathroom.
2. Where there are five or more occupiers there must be one separate toilet with wash hand basin for every five sharing occupiers.
3. Toilets are to be provided in bathrooms or separate compartments of an adequate size and layout. The rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.
4. Toilets shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a common area. Facilities must be inside the building.
5. A toilet provided in a separate compartment must have a wash hand basin with an appropriate splash-back.

Ratio of facilities required

Legal requirements: The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for the number of bathrooms/showers and toilet facilities in HMOs.

1. Where there are four or fewer occupiers sharing facilities there must be one bathroom with fixed bath or shower and a toilet (which may be situated in the bathroom).
2. Where there are five or more occupiers sharing facilities, there must be:
 - One separate toilet with wash hand basin for every five sharing occupier's
 - One bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

The information below explains this requirement in more detail:

Number of people irrespective of age	Facilities required (If a child under 10 lives in the property, a bath must be provided)
1-4 people	The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin. The bathroom and toilet may be in the same room.

5 people	The minimum provision is 1 bathroom with a bath or shower and 1 separate toilet with wash hand basin. The separate toilet may be located in a second bathroom.
6–10 people	The minimum provision is 2 bathrooms containing a bath or shower 2 toilets with wash hand basins, one of which must be in a separate room.
11–15 people Bedrooms with en-suites	The minimum provision is 3 bathrooms containing a bath or shower and 3 toilets with wash hand basins, one of which must be in a separate room. Where a room is provided with a complete en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant then that occupant will be disregarded when considering the provision of sanitary facilities.
	Six occupants and one occupant had exclusive use of a fully equipped en-suite. The requirement for the remaining occupants would be for five people. If, however, the en-suite only provides one facility (either a bath/shower or a WC) then the occupant will not be disregarded for the missing amenity.

4.6 Facilities for the Storage, Preparation and Cooking of Food

Legal requirements: The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require:

1. A kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food.
2. The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:
 - (i) sinks with draining boards
 - (ii) an adequate supply of cold and constant hot water to each sink supplied
 - (iii) installations or equipment for the cooking of food (iv) electrical sockets
 - (v) worktops for the preparation of food
 - (vi) cupboards for the storage of food or kitchen and cooking utensils
 - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers)
 - (viii) appropriate refuse disposal facilities; and
 - (ix) appropriate extractor fans, fire blankets and fire doors.

The Council has adopted the following as the minimum requirements.

The kitchen must be available 24 hours a day and equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:

Number of people irrespective of age	Minimum provision of kitchen facilities
2-5 people	<p>A complete set of kitchen facilities consisting of the following items must be provided for every five persons:</p> <p>Sink: A stainless steel sink, integral drainer and a tiled splash-back, on a base unit. The sink must have constant supplies of hot and cold running water and be properly connected to the drains. The cold water must come directly from the rising water main. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.</p> <p>Cooker: A gas or electric cooker with four ring burners, oven and grill, that are capable of simultaneous use. The cooker is to be located away from doorways with a minimum of 300mm worktop to both sides.</p> <p>Electrical sockets: At least three double 13amp electrical power points (in addition to those used for fixed appliances, such as washing machines).</p> <p>Worktop: A kitchen worktop that is level, secure and impervious. The minimum dimensions are 1000mm length and 600mm width.</p> <p>Storage: A food storage cupboard for each occupant that is at least one 500mm wide base unit or a 1000mm wide wall unit. This may be provided within each occupant's room. (The space in the unit beneath the sink and drainer is not allowable for food storage).</p> <p>Fridge/Freezer: A refrigerator with a minimum capacity of 130 litres plus a freezer with a minimum capacity of 60 litres. If not in the kitchen the fridge/freezer must be freely accessible and adjoining the kitchen.</p> <p>Refuse disposal: Appropriate refuse disposal facilities must be provided.</p> <p>Ventilation: Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.</p> <p>Fire precautions: Please see section 4.7 Means of Escape in Case of Fire / Fire Standards</p>
6-7 people	<p>Two complete sets of kitchen facilities as above with a 1500mm x 600mm work surface.</p> <p>However;</p> <ul style="list-style-type: none"> • a combination microwave is acceptable as a second cooker • a dishwasher is acceptable as a second sink
8-10 people	<p>Two complete sets of kitchen facilities as above with a 2000mm x 600mm work surface.</p>
11-12 people	<p>At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 2500mm x 600mm of work surface. However,</p> <ul style="list-style-type: none"> • a combination microwave will be acceptable as a third cooker • a dishwasher will be acceptable as a third sink • Two x 130 litre refrigerators with an additional 20 litres capacity of refrigerator space per person over 10 • Two x 60 litre freezer space with an additional 10 litres capacity of freezer space per person over 10.
13-15 people	<p>At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 5000mm x 600mm of work surface.</p>

Where the landlord provides a catering service the facilities must comply with The Food Safety and Hygiene (England) Regulations 2013. In addition, some self-catering facilities will need to be provided and the level of facilities required will be

determined on a case-by-case basis, taking into account the level of provision by the landlord. The Council will provide advice on request.

Kitchens for exclusive use: Bedsits

A bedsit is where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation (i.e. one room).

Legal requirements: The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 requires rooms without shared amenities to be provided with adequate equipment.

The Council has adopted the following as the minimum requirements.

Minimum provision of kitchen facilities in a bedsit

Cooking: A gas or electric cooker with a minimum two-ring hob, oven and grill.

Storage: A 130 litre refrigerator with freezer compartment plus at least one food storage cupboard for each occupant in the bedsit (base units shall be 500mm wide and wall units shall be 1000mm wide). The sink base unit cannot be used for food storage.

Worktop of at least 500mm deep and 1000mm long, comprising a minimum of 300mm both sides of the cooking appliance to enable utensils and pans to be placed down. All worktops must be securely supported, impervious and easy to clean.

Electricity: Two double 13 amp power sockets suitably positioned at worktop height for use by portable appliances, in addition to sockets used by fixed kitchen appliances, plus two double sockets located elsewhere within the bedsit.

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

Ventilation: Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.

Layout: The same principles of safe layout and design apply in bedsits as for shared kitchens. Cookers must not be located near doorways to avoid collisions.

Notes: Where a gas appliance is provided within a unit of accommodation, a carbon monoxide detector should also be provided.

4.7 Means of Escape in Case of Fire / Fire Standards

Legal requirements: The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require that appropriate fire precaution facilities and equipment must be provided of such type, number and location as considered necessary. The Regulatory Reform (Fire Safety) Order 2005 requires all HMOs to have a sufficient risk assessment with regard to fire. The Management Regulations require fire-

fighting equipment and fire alarms to be maintained in good working order. Fire is also a hazard to be assessed under the Housing Act 2004 part 1.

Legislation dictates that the Local Housing Authority (the council) and the South Yorkshire Fire and Rescue Service have a duty to consult and cooperate, when considering the standards for fire precautions which are relevant in a HMO. Both organisations recognise the Local Authorities Coordinators of Regulatory Services (LACORS) Fire Safety, Guidance on fire safety provisions for certain types of existing housing, published by LACORS, Housing – July 2008 (ISBN978-1-84049-638-3), as the appropriate national guidance in this area. This document contains advice for landlords and fire safety enforcement officers in both local housing authorities and fire and rescue authorities on how to ensure adequate fire safety. In larger or higher risk HMO's joint inspections will be undertaken by the Council and the fire authority.

The information below is summarised from the Fire Safety Guidance document and is provided to help landlords understand their responsibilities and the type of fire safety precautions judged necessary for HMOs. As fire assessment is a risk based assessment, any element in a specific property may cause additional or increased levels of fire protection to be required, which may depart from the guidance below.

Fire Risk Assessment

A Fire Risk Assessment is required, it provides an organised and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises.

The aims of a Fire Risk Assessment are:

- to identify fire hazards;
- to reduce the risk of those hazards causing harm to as low as reasonably practicable; and
- to decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in the premises if a fire does start.

Fire precaution requirements

The requirements expected by the Council will vary according to the observations and findings arising from any inspection undertaken and will be based on the advice detailed in the LACORS Fire Safety guide.

Landlords should also be aware that where premises are occupied in a manner other than that intended under the original construction, compliance with the Building Regulations at the time of that construction will not necessarily negate the requirement for additional fire safety measures.

Although an exhaustive list of likely requirements cannot be given in this document necessary measures may include the provision of: fire doors on high risk rooms, fire separation, fire blanket in the kitchen, automatic fire detection systems, emergency lighting, and protected routes of escape.

Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standards. See certification in section 4.10

Non-standard layout / Higher risk homes

The level of fire precautions required will be dictated by the specific level of fire risk presented by that property. If the property is of a non-standard layout or if the occupants present a higher risk due to factors such as drug/alcohol dependency or limited mobility then the risk may increase and additional precautions may need to be taken. This must be factored into your Fire Risk Assessment.

An example of a non-typical layout is 'inner rooms' where the bedroom is located such that the occupant passes through risk rooms (living rooms, kitchens or dining rooms) in order to reach the means of escape. There are various solutions available such as escape windows or water suppression systems; these should be discussed with the Council's case officer before undertaking works.

To assess the level of fire precautions necessary in any given property reference should be made to the LACORS guide described above, having consideration to any factors which may increase the risk to occupants in a fire. For ease, it is usually better to produce a plan of the property indicating all fire precautions. This should be discussed with the Council's Community Protection Unit, before any work commences.

For the purposes of offering an example, the following case study, based on the LACORS guidance is offered, but should not be considered a template for any specific property. This example is based on;

A typical low risk, shared house with a simple layout i.e. where all bedrooms lead onto the means of escape (i.e. the landing and hallway) without passing through any other room. It is also based on low risk occupants. This shared house is let on a joint contract with shared kitchen facilities (this is not a bedsit). Based on the above, the following requirements apply:

Area	Item	1-2 Storey Property	3 Storey Property	4+ Storey Property
Fire doors	Doors to kitchens must be 30 minute fire doors with heat and smoke seals	✓	✓	✓
	Bedroom doors must be solid and close fitting	✓	✓	
	Bedroom doors must be 30 minute fire doors with heat seals			✓
	Fire door to living room with heat and smoke seals			✓
	Doors to any cellars must be 30 minute fire doors with heat and smoke seals	✓	✓	✓
Fire alarm system	Grade D fire alarm system with smoke detectors in escape route at all levels and heat alarm in the kitchen	✓	✓	✓

	Additional interlinked smoke alarms in any cellar	✓	✓	✓
	Additional smoke interlinked alarm in living room		✓	✓
	Additional smoke alarms to bedrooms – only if smoke seals fitted to bedroom doors			✓
Equipment	Fire Blanket in kitchen	✓	✓	✓
Locks on Doors	Final exit doors must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable. Locks on bedroom doors (where provided) must be provided with a lock that can be opened without a key from the inside. Break glass boxes are not acceptable.		✓	
Protected route of escape	Understairs cupboards must have a ceiling that is 30 minutes fire resistant.	✓	✓	✓
	Cellars must have a ceiling that is 30 minutes fire resistant.	✓	✓	✓
	30 minute protected escape route			✓

Note: The case studies in Part D of the LACORS guidance are based on a number of assumptions and should not be interpreted as a standard that must be followed in every premises that match the basic descriptions given. In practice, there are relatively few premises that will match these case studies exactly. The guidance must be read in full.

4.8 Standards Specific to Hostels and Bed and Breakfast Establishments

Kitchen facilities used by the management to provide meals for residents must comply with the Food Safety Act and they are to be separate from the self-catering facilities.

The sharing of bedrooms is not permitted unless the occupants are:

- married, or living together as if married.
- parent and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if they are the opposite sex.
- members of the same family and are both of the same sex
- Children, below 10 years of age, and of opposite sexes can share a room.

Note: There may be exceptions to the above sharing rule if a landlord presents a robust management and a business plan, which focusses on the provision of accommodation for a specific clientele. The Council will consider such proposals on a case by case basis.

Suitable office accommodation for the staff is to be provided according to the needs of the establishment.

In the event of living accommodation being provided for staff the accommodation must afford all amenities necessary to ensure reasonable comfort.

Adequate staff supervision is to be provided according to the needs of the establishment. Where necessary the Council may require the continuous presence of a member of staff 24 hours per day.

The Fire Authority will normally be the primary enforcement authority for fire safety in this type of premise.

4.9 Addressing other Hazards

Legal requirements: The housing health and safety rating system, as discussed earlier, describes 29 hazards to be controlled in residential accommodation. Some of these hazards are also controlled in the HMO Management Regulation

The Council has adopted the following guidance as a recommended means of managing the most common hazards.

Natural and artificial lighting (prevents accidents and psychological problems)

All habitable rooms should have an adequate level of natural light, provided via a clear glazed window or windows. It is advisable that the glazed area is to be equivalent to at least one-tenth of the floor area. Where practicable, all staircases, landings, passages, kitchens, bathrooms and toilets should be provided, with a window.

Windows to bathrooms and toilets should be glazed with obscured glass.

Artificial Lighting: All rooms and circulations areas within the property should have provision for electric lighting and should be controlled from suitably located switch points. Lighting on stairs should be capable of being switched on and off from both upstairs and downstairs.

Ventilation- (removes pollutants and reduced condensation)

All habitable rooms require adequate ventilation:

1. Either directly to external air by a window, with an openable area equivalent to at least 1/20th of the floor area of the room; or
2. If there is no natural ventilation in kitchens, bathrooms, WC's, mechanical ventilation should be provided to allow an adequate number of air changes per hour.

Habitable rooms need suitable and adequate floor to ceiling height and layout to allow proper circulation of air.

Space heating – (protects both residents and the fabric of the building)

An efficient and safe fixed space-heating appliance that is capable of maintaining each room at a minimum temperature of 18°C when the outside temperature is -1°C must be provided. The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs) or a fixed electrical

appliance. The heating must be under the control of the occupiers for timings and temperature settings.

Heating appliances that are dependent upon liquid fuel or liquid fuel gas under pressure are not acceptable.

The insulation rating of the units of accommodation, affect the type of heating required and its cost of use. If tenants cannot afford to heat a property they suffer health affects but the property will also suffer condensation and deterioration

Note: The Energy Efficiency (Private Rented Sector)(England and Wales) Regulations 2015 fulfil a duty on the Secretary of State in the Energy Act 2011 to introduce regulations to improve the energy efficiency of buildings in the domestic and non-domestic private rented sector in England and Wales. In summary, the regulations mean that on or after 1st April 2018 a landlord who lets a privately rented property which is F or G SAP rated on a current legally required energy performance certificate (EPC) (10 year life) must carry out works to bring the property up to at least an E SAP rating before the property is rented out, unless the landlord qualifies for an exemption and the exemption is registered on the Public Exemptions Register.

Security

All entrances to property should be well lit, especially ground floor/basement rooms/external staircases.

External entrance doors to communal areas should be self-closing.

Security devices/locks should not hinder the means of escape in case of fire and should be operated from the inside without the need for a key.

Water supply

An adequate supply of cold drinking water, under adequate mains pressure, must be supplied from the kitchen sink and available to each resident.

Management of Waste

Including; household refuse / unwanted items, mattresses and furniture.

Landlords/agents are responsible for ensuring that tenants have the correct information and facilities for them to store, recycle and dispose of all waste produced at the property and to take action where this fails to happen.

Landlords/managers should ensure;

- Sufficient refuse and recycling receptacles must be provided for tenants use;
- An external hard standing area with suitable and convenient access for use by tenants for storage of receptacles;
- Communal areas for the storage of waste must be kept clean;
- All refuse should be removed from the property between tenancies, this should not be delegated to the incoming tenant.
- Tenants to be made aware of refuse and recycling collection systems, including; advising tenants that receptacles should be returned to the

boundary of the property on collection day Households with 6 or more people are entitled to an additional general refuse bin;

- Tenants should be advised how they can legally dispose of larger items.

Landlords will be held responsible for legally disposing of waste from the property. It is expected that they will instruct and assist tenants to legally dispose of large items and use their influence/management to ensure household waste is correctly presented for collection/recycling at the correct time and in the correct receptacle. Any waste remaining on the property at the end of the tenancy becomes the landlord's responsibility to dispose of legally. Landlords should not require incoming tenants to dispose of waste left by the previous tenant.

Anti-social Behaviour

Anti-social behaviour covers a wide range of problems and includes any behaviour that is capable of causing alarm, distress, nuisance or annoyance to an individual(s) or the wider community. This type of behaviour can include:

- Harassment and intimidating behaviour;
- Hate crime, for example racist or homophobic abuse;
- Behaviour that creates alarm and fear;
- Noisy neighbours and loud parties;
- Problems associated with people supplying, dealing or using drugs;
- People acting in a manner which is likely to cause distress or nuisance to others, due to the consumption of alcohol;
- Vandalism, graffiti and other deliberate damage to property;
- Rubbish or litter lying around, abandoned cars etc.

Landlords have a duty to take reasonable steps to ensure that their tenants and any visitors do not cause problems within the boundaries of the property or to the surrounding community through anti-social behaviour. In extreme cases, where a landlord fails to manage such activity from their premise, both the Police and the Council have a power (on application to the court) to close and secure the property.

The Council will support landlords, where possible, who are actively working towards tackling issues of anti-social behaviour emanating from their properties. Where landlords have attempted to manage their own tenants without success they should contact the council's Community Protection Unit for advice on 01709 823118.

4.10 Certification

To ensure that the property is maintained in a safe condition, the landlord must demonstrate that works have been carried out by competent persons and records kept of any works undertaken. This may be a legal obligation or provide useful mitigation in a civil action after an incident.

Landlords can verify if their contractor is a member of the relevant professional body below.

Approved persons can be checked here <http://www.competentperson.co.uk/>

See Competent person schemes here

<https://www.gov.uk/building-regulations-competent-person-schemes>

Gas Safety (Installation and Use) Regulations 1998

As a landlord, you are responsible for the safety of your tenants. The Gas Safety (Installation and Use) Regulations 1998 specifically deal with the duties of landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.

As a landlord, you have a duty to ensure:

- Gas fittings (appliances, pipework) and flues are maintained in a safe condition;
- All installation, maintenance and safety checks are carried out by a Gas Safe registered Installer;
- An annual safety check is carried out on each gas appliance/flue by a Gas Safe registered Installer. Checks need to have taken place within one year of the start of the tenancy/lease date, unless the appliances have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- A record of each safety check is kept for two years;
- A copy of the current safety check record is issued to each existing tenant within 28 days of the check being completed, or to any new tenant before they move in (in certain cases the record can be displayed).

Electrical Safety.

The electrical installation for the property should be installed and maintained in accordance with a recognised standard, such as the current edition of the IEE (Institute of Electrical Engineers) Wiring Regulations and certification should be provided as prescribed under Appendix 6 of BS 7671:1992 (as amended) to confirm that the whole installation is to a safe and satisfactory standard. The installation should be retested and certified, as described every five years, or following any alterations or extensions to the system.

All work to the electrical installation should be carried out and certified by a NICEIC (National Inspection Council for Electrical Installation Contracting) member or approved body or competent person.

All electrical work must be carried out in accordance with Part P of the Building Regulations, where appropriate.

Fire Safety.

The recommended test and certification periods differ, depending on the type of detector system installed, and they are prescribed in the British Standard. The test is usually carried out by a specialist alarm engineer under a maintenance contract and should be recorded in a log book, with a periodic inspection and test certificate issued.

For the benefit of an example, the following should be considered:

- Grade D fire alarm systems should be tested weekly. All detectors must be cleaned at least annually. Testing and maintenance must be in accordance with the manufacturer's instructions. Landlords can self-certify this has been completed.
- Grade A fire alarm systems should be tested weekly. The system must be inspected and serviced at periods not exceeding six months in accordance with the recommendations of Clause 45 of BS 5839-1:2013. An inspection and servicing certificate of the type contained in H.6 of BS 5839-1:2013 should be issued by a suitably qualified and competent person.
- Any emergency escape lighting present should be serviced and maintained in accordance with BS 5266-8: 2004 (BS EN 50172: 2004) Emergency escape lighting systems. The requirements of BS 5266: part 8, require the annual test to be carried out by a competent person.
- Where fire extinguishers are provided, these should be checked periodically to make sure they are in place and available to use. Extinguishers must be tested and maintained on an annual basis in accordance with BS 5306-3 and with the manufacturer's instructions.

Furniture Safety.

All furniture provided with the accommodation must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). You are required to sign a declaration on the application form to the effect that the above condition is met.

5.0 ENFORCEMENT

The Council's Community Protection Unit work closely with the Planning Service and South Yorkshire Fire and Rescue to regulate HMOs. It is expected that any landlord who enters the HMO market makes themselves fully aware of their responsibilities, especially as this is the higher risk element of the private rented sector. All enforcement is undertaken in a fair and transparent manner governed by the Council's General Enforcement Policy, available at;

http://www.rotherham.gov.uk/download/downloads/id/1448/general_enforcement_policy.pdf.

It is expected that landlords and managers play an active part in operating their properties and that in most cases the Council will not have to become involved. Where issues are raised with the Council they will be investigated and brought to the landlord's attention. Where the Council is not convinced that the landlord is taking effective and timely action to resolve the matter, formal enforcement will commence. Where this happens, landlords should expect the Council to recover all costs incurred by them from the landlord, until the issue is resolved.

6.0 LEGISLATIVE FRAMEWORK for HMOs

HMOs are regulated by several pieces of legislation, which determine licensing arrangements and management standards together with amenity and fire safety requirements. Below are a number of the most relevant pieces of legislation;

Copies of all up to date Regulations can be accessed through;

<http://www.legislation.gov.uk/>

The Housing Act 2004, provides the definitions of an HMO and details HMO licensing requirements.

Statutory Instrument 2006 / 371 – The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 defines which HMOs must be licensed.

Statutory Instrument 2006 / 372 - The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the manager in relation to the running of the HMO and are applicable to all HMOs, (except converted blocks of flats), whether or not they are licensable

Statutory Instrument 2006 / 373 – The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 details standards of management applicable to Licensable HMOs, (except converted blocks of flats), and clarifies some definitions in the 2004 Act

Statutory Instrument 2007 / 1903 – The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 require that minimum standards are achieved for bathroom, WC and kitchen facilities in converted blocks of flats and that there are suitable fire precaution facilities and equipment located in appropriate areas and in sufficient numbers. It also details the duties imposed on the manager in the running of the HMO.

Statutory Instrument 207 / 1904 – The Houses in Multiple Occupation (Certain Block of Flats) (Modifications to the Housing Act 2004 and Transitional Provisions for S 257 HMOs) (England) Regulations 2007 amend the primary legislation concerning converted blocks of flats which fall into the definition of an HMO.

The Housing Health and Safety Rating System (HHSRS) is a method of risk assessment which focuses on hazards within residential properties, including HMOs. It covers 29 hazards including fire, excess cold and entry by intruders. Guidance is available in the 'Housing health and safety rating system (HHSRS) enforcement guidance: housing inspections and assessment of hazards'

The Energy Efficiency (Private Rented Sector)(England and Wales) Regulations 2015

Local Authorities Coordinators of Regulatory Services (LACORS) Fire Safety, Guidance on fire safety provisions for certain types of existing housing, published by LACORS, Housing – July 2008 (ISBN978-1-84049-638-3),

The Regulatory Reform (Fire Safety) Order 2005 - All premises where the main use is to provide sleeping accommodation, e.g. hotels, guest houses, B&Bs, hostels, residential training centres, holiday accommodation and the common areas of flats, maisonettes, HMOs and sheltered housing are covered by this Order.

Health and Safety at Work etc. Act 1974. This legislation is relevant in any premise where a work activity takes place. This may include the use of contractors, cleaners etc,. Landlord should be aware that they are responsible for managing their property to minimise hazards to occupants, contractors, staff or visitors.

The Gas Safety (Installation and Use) Regulations 1998

Copies of all Regulations can be accessed through;

<http://www.legislation.gov.uk/>

Enquires about HMOs can be made to:

Housing Licensing, Community Protection Unit
Regeneration & Environment Services
Riverside House
Main Street
Rotherham, S60 1AE

Tel: 01709 823118

Email: landlordlicensing@rotherham.gov.uk

www.rotherham.gov.uk/landlordlicensing