

**Environmental Health Service**

Guidance on Standards  
for  
Houses in Multiple  
Occupation

October 2018

Environmental Health Service  
Town Hall  
Buxton  
SK17 6EL  
0845 129 7777



**High Peak Borough Council**

*working for our community*



# CONTENTS

Definition of HMO	5
Exemptions	6
HMO Licensing	6
Planning and Conservation Issues	8
Building Control Requirements	8
STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION	
PART 1: Repair and Maintenance	10
General	10
Personal Washing Facilities	10
Bathrooms	10
Drainage and Sanitary Conveniences	11
Preparation of Food	11
Ventilation	13
Natural and Artificial Lighting	13
Water Supply	13
Refuse Storage and Disposal	14
Gas Safety	14
Electrical Safety	14
Basement Rooms	14
PART 2: Space Standards	15
PART 3: Management Standards	17
Duty to provide Information	17
Duty to take safety measures	17
Water Supply and Drainage	18
Gas and Electricity	18
Common Parts	19
Duty to maintain Living Accommodation	20
Waste Disposal Facilities	20
Duties of Occupiers	21
General	21
PART 4: Security	22
PART 5: Thermal Comfort and Energy Efficiency	23
PART 6: Means of Escape from Fire and other Fire Precautions	24
Stairways, Landings and Entrance Halls	24
Ceiling and Floor Elements	25
Kitchens	25
Walls between Lettings	25
Layout of Rooms	25
Cellars	25
Habitable Basements	25
Internal Doors and the Protected Escape Route	26
General Construction Points	26

Existing External Fire Escapes	27
Surface Finishes of Walls	27
Automatic Detection and Alarm Systems	28
Emergency Lighting	28
Fire Fighting Equipment	28
General Fire Safety	28
FURTHER ADVICE / USEFUL CONTACTS	30
<b>APPENDICES</b>	
APPENDIX 1: HMO LICENSING SCHEME	31
APPENDIX 2: IS YOUR PROPERTY A HMO?	35
APPENDIX 3: EXEMPTIONS FROM HMO DEFINITION	37
APPENDIX 4: HOW TO CHOOSE A COMPETENT ELECTRICIAN	42

## **DEFINITION OF HOUSE IN MULTIPLE OCCUPATION (HMO)**

A "House in Multiple Occupation" is defined in the Housing Act 2004 as a building, or part of a building (e.g. a flat):

- which is occupied by more than one *household* and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

To be categorised as an HMO a property must also be "occupied" by more than one household:

- as their only or main residence; or,
- as a refuge by persons escaping domestic violence; or,
- by students undertaking a full-time course of further or higher education; or,
- for some other purpose that is prescribed in regulations.

A *household* is defined as comprising:

- families (including single persons and co-habiting/sharing couples whether or not of the opposite sex); or,
- any other relationship that is prescribed by regulations, such as domestic staff or fostering or carer arrangements.

### **What about "non-standard" HMOs**

Many HMOs will be fairly "traditional" – characterised by a number of households who are privately renting and who share, or lack, at least one basic amenity, for example, the typical bedsit type of property often associated with HMOs. In these cases it is relatively clear that the premises is an HMO by definition. The following few paragraphs explain how some of the more common types of non-standard HMOs will be treated.

Quite commonly, there may be a mixture of self-contained and non self contained accommodation within a building. In these instances, as long as part of the building is non self-contained the building as a whole is classed as an HMO. The number of occupants in the self-contained unit counts towards the number of occupants of the HMO as a whole. The local authority will also have regard to the number of households occupying the self-contained flats as well as the number of households occupying the non self-contained accommodation. Similarly, the self-contained accommodation also counts towards calculating the number of storeys of the HMO.

Generally, people would consider an HMO to be one where there is some

sharing, or lack of, basic amenities for the use of the people occupying the property. However, under the Housing Act 2004, an HMO is also defined as a poorly converted block of flats where a significant proportion of those flats are not occupied by long leaseholders. Therefore, where such a building conversion does not meet, at least, the standards laid down in the Building Regulations 1991 and in which less than two thirds of the flats are owner-occupied the building is classified as an HMO.

**To determine whether your premises is an HMO for the purposes of the Housing Act 2004, use the checklist given in Appendix 2. The guidance in this booklet is aimed at HMO's with some sharing of facilities – separate guidance is available on converted blocks of self-contained flats.**

## **EXEMPTIONS FROM HMO DEFINITION**

Certain types of buildings will not be HMOs for the purpose of the Act, other than for Part one (Housing Health and Safety risk rating).

These include buildings:

- managed or owned by a public body (such as the police or the NHS) or a Local Housing Authority or a Registered Social Landlord;
- where the residential accommodation is ancillary to the principal use of the building e.g. religious establishments, conference centres etc.;
- entirely occupied by freeholders or long leaseholders and their households;
- occupied by no more than two households each of which comprise a single person (i.e. two person flat shares).
- buildings owned or managed by educational establishments and occupied principally by full-time students (most commonly these will be halls of residence) may be specified as exempt by order;
- buildings regulated otherwise than under the Act, such as care homes, bail hostels etc., where descriptions of uses to be exempt can be specified in regulations;
- buildings occupied by long leaseholders and their households, with 2 or fewer additional residents (ie. lodgers).

**For a full list of exemptions, see Appendix 3**

## **HMO Licensing**

Licensing of HMOs is intended to ensure that:

- Landlords of HMOs are fit and proper persons or employ agents who are.
- The standards of tenancy relations management and property management employed by a landlord or agent are adequate.
- High risk HMOs and their landlords are identified, so that health and safety measures under Part 1 of the Bill can be targeted on the worst cases.

- Where landlords refuse to meet the required criteria, authorities can step in to manage properties.
- Vulnerable tenants can be protected.
- HMOs are not occupied by excessive numbers of people.
- Local authorities can identify landlords and support them in participating in work to regenerate rundown areas or to tackle problems of anti-social behaviour.

Not all HMOs will be subject to licensing. Licensing will apply as follows;

### **Mandatory Licensing**

Mandatory licensing will apply to all HMOs (other than blocks of self-contained Flats) with

- 5 or more persons,
- living in more than one household and
- sharing an amenity.

### **Additional (Selective) Licensing**

Authorities may feel that there are problem HMOs in their area which do not meet the criteria proposed for mandatory licensing. Where authorities feel that licensing should be applied to other HMOs in their area, they will be able to introduce an additional licensing scheme which will apply licensing to other specified types of HMO in particular areas.

It will be a requirement that any person operating an HMO which is subject to mandatory licensing, or an additional licensing scheme, will need to obtain a licence from the Council to continue operating the property. Should this not be possible a local authority would be required to make a management order to ensure adequate management of the property is in place.

For each HMO which is required to be licensed, a licence fee is payable. A licence will normally last for five years (and cannot be granted for a longer period), but may be granted for a lesser period.

**Full details of the Licensing Application Process are given in Appendix 1 of this Guidance.**

## Planning and Conservation issues

Licensing of HMO's or the declaration of the premises as an HMO by the Environmental Health Service does not constitute planning approval in any way. Not all HMO's will require Planning Approval – The definition of a HMO in this guidance is for the purposes of the Housing Act 2004 only, and the Planning categories are unchanged. The Environmental Health Service may ask for evidence of planning consent during the Licensing Application determination, so it would be advisable to check with the Planning Department on the status of your building.

Properties that have been in use as an HMO for more than 10 years may receive a Certificate of Lawfulness and be immune from planning enforcement action. Premises that have been in use as an HMO for less than 10 years will need to seek advice from the Planning Service on whether a retrospective Application for approval is required.

Parts of the High Peak are designated as Conservation Areas, and special requirements apply to external structural repair. Separate guidance is available from the Environmental Health Service on this matter.

Guidance on Planning and Conservation issues should in the first instance be addressed to;

Development Control

Planning and Regeneration Service

High Peak Borough Council

Council Offices

Market Place

Buxton

High Peak SK17 6EL

Tel 0345 129 7777

Email: [planning@highpeak.gov.uk](mailto:planning@highpeak.gov.uk)

## Building Control Requirements

The definition of a HMO in this guidance is for the purposes of the Housing Act 2004 only, and the Building Control definition is different - a property is a HMO for building control purposes if it is occupied by **more than 6 persons**, comprising more than one household.

The following activities will usually require a Building Regulations Application;

- Altering the internal arrangement of a property



- carrying out structural alterations
- replacing external windows and doors
- installing sanitary pipework and drainage
- works related to replacing heating and hot water systems and appliances
- Sound insulation between units of accommodation within the property.  
This is only a requirement in a HMO used for student accommodation and which is occupied by more than 6 persons comprising more than one household.

High Peak Borough Council's Building Control Department are happy to discuss any aspect of your building project with you, and will advise on whether an application is required, and what form this application may take. It is recommended that you seek the advice of the Building Control Department **before** you embark on any building project.

You can contact Building Control through the Council's Call Centre on 0345 129 7777

Building Control  
Planning and Regeneration Service  
High Peak Borough Council  
Council Offices  
Market Place  
Buxton  
High Peak SK17 6EL.

Email [buildingcontrol@highpeak.gov.uk](mailto:buildingcontrol@highpeak.gov.uk)

# Standards for Houses in Multiple Occupation

## Part 1: Repair and Maintenance

- **General**

Landlords must ensure that the property is fit for occupation, clean and in good repair at the start of the tenancy, and that the property is maintained in good repair throughout the tenancy. The communal areas must be kept clean and free of obstructions, and any fixture or fitting owned by the landlord must be in a fully functional condition and in good repair. The external envelope of the building must be maintained in good repair and be fully functional and weatherproof.

Any outbuildings, yards, external stairways and forecourts in common use must be kept, clean and in good repair. Any garden in common use must be maintained in a tidy condition, free from accumulations of refuse or other material. Boundary walls and fences must be maintained in good repair.

If windows require replacement, you should take the opportunity to install double glazed units, to cut down on draughts and external noise and improve the thermal efficiency of the building. Further guidance is available on external structural alterations in Conservation Areas.

- **Personal Washing Facilities**

Each separate occupancy should, where practicable, be provided with a wash hand basin together with constant supplies of hot and cold running water and waste drainage within the unit of accommodation. A two course tiled splash-back should be provided to the wash hand basin. If the accommodation contains a sink, this will be sufficient for handwashing purposes.

- **Bathrooms**

Each occupancy shall have ready access at all times to a fixed bath (min 1700x760mm) in a bathroom or a shower (min. 800x800mm) in a suitable shower room, together with adequate drying and changing space. Each household should have a bath or shower and a wash hand basin with hot and cold water supply and waste drainage in a proper bathroom or shower room within the letting.

Where this is not practicable, one Bathroom containing a bath or shower shall be provided for every 5 occupants or part thereof. The bathroom shall be within one floor distant from any individual occupant and shall be accessible from a common area. All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate

supply of cold and constant hot water. All bathrooms must be adequately heated and ventilated, and must be of an adequate size and layout.

A 300mm tiled splash-back is to be provided to the bath, and the shower cubicles must be fully tiled or complete self-standing cubicles.

The hot and cold water supplies to each appliance shall be exclusive, adequate and available at all times whether by pre-payment meter or otherwise.

Baths and showers must not be in kitchens.

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

Bathroom amenities that are 30 years old or more shall be replaced.

- **Drainage and Sanitary Conveniences**

Each household should have a water closet in a properly ventilated compartment within the letting. Where this is impractical, a water closet shall be provided and maintained for every 5 persons or part thereof.

Water closets:

- Should ideally be in a separate room within the building, The walls and floor of which should be reasonably smooth and non-absorbent, and must be capable of being readily cleansed.
- where shared by 2 or more households, shall be entered from a common passageway or hallway
- shall be within one floor distant from any individual letting
- shall be provided with a suitable wash hand basin supplied with running hot and cold water within the cubicle.

Where there are shared water closets, at least half of the WC's shall be provided in separate compartments (ie not within a bathroom). Where a sole WC is provided and maintained for no more than 5 persons, it may be located within a bathroom.

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

Sanitary conveniences that are 30 years old or more shall be replaced.

- **Preparation of Food**

In bedsit type HMO's where the facilities for the cooking of food are located within the unit of accommodation, the kitchen facilities shall meet the following standards;

- The kitchen or kitchen area must have a minimum floor area of 3.7 square metres, and shall not be located in any hallway, corridor or lobby.

- there shall be a cooker with 2 burners/hobs (4 burners/hobs if provided for more than one person), an oven and grill. A microwave oven may be substituted for one or two of the burners/hobs respectively.
- There shall be a metal or ceramic sink (min. 500x600mm) with a constant supply of hot and cold running water, set on a base unit with a 300mm tiled splash-back and a draining board. The cold water to the sink will be drinking water standard. The sink will be connected to the drainage system by a suitable trap. A wash hand basin shall not be used in place of a sink.
- The kitchen area shall be provided with a minimum of two 13 Amp electric power outlets (in addition to any sockets serving major appliances) at a convenient height and safe position.
- There will be an impervious work surface (min. 500x1000mm).
- There will be a ventilated food storage unit (min. capacity 0.16 cubic metres) within the unit of accommodation.
- There will be a suitable refrigerator with an adequate freezer compartment.
- There will be appropriate refuse disposal facilities.

Where the Council is satisfied that the provision of kitchen facilities for the exclusive use of each occupancy is not practicable or appropriate, suitable **communal kitchen facilities** shall be provided on a ratio of one set of facilities for every 5 occupants or part thereof. No individual letting will be more than one floor distant from a kitchen.

Communal kitchens shall meet the following minimum standards;

- there shall be no more than 2 sets of facilities in any one kitchen.
- there shall be a cooker with 4 burners, oven and grill for each group of 5 occupants or part thereof.
- There shall be an appropriate extractor fan for each kitchen.
- There shall be a metal or ceramic sink (min. 500x600mm) with a constant supply of hot and cold running water, set on a base unit with a two course tiled splash-back and a draining board, for each group of 5 occupants or part thereof. The cold water to each sink will be drinking water standard. Each sink will be connected to the drainage system by a suitable trap.
- Each kitchen (or each set of communal facilities) shall be provided with four 13 Amp electric power outlets at a convenient height and safe position.
- There will be an impervious work surface (min. 500x1000mm) for each set of kitchen facilities.
- There will be adequate refuse disposal facilities.
- Each occupancy within the HMO shall have an individual, lockable and ventilated food storage unit (min. capacity 0.16 cubic metres) within the communal kitchen, or non-lockable if located within the unit of accommodation.

Each occupancy within an HMO shall have a refrigerator (min. capacity 0.15 cubic metres) within the unit of accommodation. Shared refrigerators in communal kitchens are not favoured because of the risk of poor storage practice and the resulting contamination of food.

Kitchen facilities that are 20 years old or more shall be replaced.

In situations where meals are provided for occupants, the advice of the Council's Environmental Health Service Food and Safety Team should be sought on the requirements of the Food Safety Act 1990, the Health and Safety at Work Act 1974 and any associated Regulations.

- **Ventilation**

Kitchens, bathrooms and utility rooms should be provided with adequate natural and where required, mechanical ventilation to limit the level of condensation. Habitable rooms and WC cubicles should be provided with adequate natural ventilation to provide a comfortable environment. Adequate ventilation is also required to provide heating appliances with combustion air and to ensure the adequate working of any associated flue.

As a general guide, ventilation openings should be not less than one twentieth of the floor area of the room, and in kitchens and living rooms some part of the opening should be at least 1.75m above floor level. Mechanical ventilation should be sufficient to provide one air change per hour in habitable rooms and kitchens, and three air changes per hour in bathrooms and WC compartments.

- **Natural and Artificial Lighting**

Every room used for living or sleeping must have at least one window in an external wall or roof containing a glazed area of not less than one tenth of the floor area of that room.

Every kitchen, dining room, bathroom, shower room, WC, staircase, landing, corridor and passage shall, where practicable, have at least one window sufficient to provide adequate natural lighting.

All rooms and communal areas shall be provided with adequate artificial lighting, and the means of operating such lighting shall be easily accessible. Lighting to staircases, landings and passages may be controlled by timed switches or other devices having a similar effect.

Artificial lighting to the common parts shall be provided, maintained and paid for by the landlord or agent (ie a landlord's supply).

- **Water Supply**

A sufficient and wholesome supply of water for drinking purposes shall be provided and shall be accessible to all tenants. The water supply must not be cut off unreasonably and landlords have an obligation to ensure the continuation of the mains supply to the premises.

- **Refuse Storage and Disposal**

Refuse and litter must not be allowed to accumulate inside or outside the premises. Suitable and sufficient refuse bins must be provided, and must be regularly emptied by the Local Authority or your appointed contractor.

- **Gas Safety**

You must provide the Council with a valid landlord's gas safety certificate from a CORGI registered plumber or fitter. The certificate must include all the gas appliances and any associated flues within the house. Provide and fix a carbon monoxide detector in accordance with BS 7860:1996 (Battery powered) to all rooms containing a gas fire, unless the gas fire is fitted with an integral carbon monoxide detector linked to a cut-off safety valve.

- **Electrical Safety**

You must provide the Council with a valid periodic test report from a suitably qualified electrician for all the electrical wiring in the property. The electrical installation should be inspected and tested and earthed appliances (Class 1) electrically tested by a competent person as part of a preventative maintenance programme. **A definition of what constitutes a suitably qualified electrician is given in Appendix 4.**

The Institution of Electrical Engineers (IEE) "Code of Practice for In-Service Inspection and Testing of Electrical Equipment" recommends an initial 12 monthly frequency for the inspection and testing of Class I and Class II equipment.

The IEE Regulations state that the main electrical installation should be inspected every 5 years, by a competent person who can issue an Inspection Certificate.

In order to reduce the risk of electrical injury, all sockets are to be provided with Residual Current Device protection, (RCDs). This will reduce the risk of electrocution and serious electric shock. RCDs should have a rated residual current of 30mA or less and operate within 40m secs at a residual current equal to or greater than 250mA. Ideally, all sockets should be protected by installing one device on the main distribution board. You should consult a competent person on this.

- **Basement Rooms**

Specific and additional requirements apply to basement rooms used as living accommodation. Advice should be sought from the Building Control Service in such cases.

## Part 2: Space Standards

Minimum sizes of rooms used for sleeping are as follows;

### BEDSIT ACCOMODATION FOR ONE PERSON

- **One Room Units:**
  - 13 m<sup>2</sup> with kitchen facilities
  - 10 m<sup>2</sup> with separate shared kitchen or meals provided.
  - Shared Kitchens shall provide 3m<sup>2</sup> per person using kitchen, but in no case being less than 5.5 m<sup>2</sup> total size.
- **Two or more room units:**
  - 6.51 m<sup>2</sup> each bedroom, provided that the total floor area of the letting exceeds 15 m<sup>2</sup>.
  - Each Kitchen                      5.5 m<sup>2</sup>
  - Each Living/Kitchen              11 m<sup>2</sup>
  - Each Living Room                 9 m<sup>2</sup>
  - Each Living/Bedroom             6.51 m<sup>2</sup>

### BEDSIT ACCOMODATION FOR TWO OR MORE PERSONS

- **One room units:**
  - 18 m<sup>2</sup> with kitchen facilities
  - 16 m<sup>2</sup> with separate exclusive kitchen on same floor, or meals provided.
- **Two or more room units:**
  - 6.51 m<sup>2</sup> each single bedroom
  - 10.22 m<sup>2</sup> each double bedroom,
  - BUT ONLY if the total floor area of the letting exceeds 18.5 m<sup>2</sup> or 16 m<sup>2</sup> according to kitchen facilities.
  - Each Kitchen                      7 m<sup>2</sup>
  - Each Living/Kitchen              15 m<sup>2</sup>
  - Each Living Room                 10 m<sup>2</sup>
  - Each Living/Bedroom             14 m<sup>2</sup>
  - Each Single Bedroom             6.51 m<sup>2</sup>
  - Each Double Bedroom            10.22 m<sup>2</sup>

### SHARED HOUSES

- **One Person Room:**
  - Each Bedroom/Study 10 m<sup>2</sup>, or 8 m<sup>2</sup> where there is a shared living room.
- **Two Person Room:**
  - Each Study/Bedroom 15 m<sup>2</sup>, or 12 m<sup>2</sup> where there is a shared living room.
- **Common Rooms:**
  - Kitchens:** 1-5 persons, 7 m<sup>2</sup>. For >5 persons, and additional 3 m<sup>2</sup> per person using kitchen.

**Dining Kitchens:** 1-5 persons, 11.5 m<sup>2</sup>.  
6-10 persons, 16.5 m<sup>2</sup>, but can be varied depending on kitchen facilities provided.

**Living Rooms and Dining Rooms:** 1-5 persons, 11.5 m<sup>2</sup>.  
6-10 persons, 16.5 m<sup>2</sup>.

#### SMALL SCALE HOSTELS WITH RESIDENT OWNER

- One person room: 6.51 m<sup>2</sup>
- Two person room: 10.22 m<sup>2</sup>

ONLY when with separate exclusive kitchen facilities elsewhere or sufficient communal meals provided by the landlord in a dining room / kitchen. A separate communal lounge / sitting room should also be available.

#### LARGE SCALE HOSTELS / GUEST HOUSES

- One room units:
  - One person room: 8.5 m<sup>2</sup>
  - Two person room: 11 m<sup>2</sup>

ONLY when with separate exclusive kitchen facilities elsewhere or sufficient communal meals provided by the landlord in a dining room / kitchen.

#### NOTES

1. No more than 2 persons are allowed to sleep in any one room, regardless of size (no account will be taken of children under the age of 1 year).
2. Persons of the opposite sex over the age of 12 years and who do not live as partners shall not be obliged to share a room.
3. the measurement of rooms must be made at floor level and extend to the back of all protruding skirting boards. The floor area measurement must include any space formed by a bay window and any area of floor which is covered by fixed cupboards or projecting chimney breast.
4. Each bedroom must have a minimal width of 2.15m and a floor area of at least 8m<sup>2</sup> [DCLG *Ths 10. c page 4*].
5. The minimum floor to ceiling height of the bedroom should ideally be 2.3m for at least 75% of the Gross Internal Area (GIA) [DCLG *Ths 10. i page 4*].
6. For attic rooms the minimum room height must be no less than 1.9m, and any part of the room where the ceiling height is less than 1.9m should be discounted from the calculation of room size. *HHSRS (page 164, Par 26.18 k) Collision and Entrapment*.



## Part 3: Management

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to any HMO, but for the purposes of this guidance the following provisions apply to all HMO's other than a converted block of flats, which will be subject to separate Council guidance.

In the following provisions—

"the Act" means the Housing Act 2004;

"fixtures, fittings or appliances" are—

- (i) lighting, space heating or water heating appliances;
- (ii) toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
- (iii) cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
- (iv) washing machines or other laundry appliances; and

"the manager", in relation to an HMO, means the person managing the HMO. (For the definition of "person managing", see NOTE under Part 9 'General' below)

### **1. Duty of manager to provide information to occupier**

The manager must ensure that—

- (a) his name, address and any telephone contact number are made available to each household in the HMO; and
- (b) such details are clearly displayed in a prominent position in the HMO.

### **2. Duty of manager to take safety measures**

The manager must ensure that all means of escape from fire in the HMO are—

- (a) kept free from obstruction; and
- (b) maintained in good order and repair.

The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.

The manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers. This requirement does not apply where the HMO has four or fewer occupiers.

The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to—

- (a) the design of the HMO;
- (b) the structural conditions in the HMO; and
- (c) the number of occupiers in the HMO.

In performing this duty the manager must in particular—

(a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and

(b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

### **3. Duty of manager to maintain water supply and drainage**

The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that—

(a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and

(b) any water fitting which is liable to damage by frost is protected from frost damage. ("water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe).

The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

### **4. Duty of manager to supply and maintain gas and electricity**

The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer. ("recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing).

The manager must—

(a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;

(b) obtain a certificate from the person conducting that test, specifying the results of the test; and

(c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.

The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

#### **5. Duty of manager to maintain common parts, fixtures, fittings and appliances**

The manager must ensure that all common parts of the HMO are—

- (a) maintained in good and clean decorative repair;
- (b) maintained in a safe and working condition; and
- (c) kept reasonably clear from obstruction.

The manager must in particular ensure that—

- (a) all handrails and banisters are at all times kept in good repair;
- (b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
- (c) any stair coverings are safely fixed and kept in good repair;
- (d) all windows and other means of ventilation within the common parts are kept in good repair;
- (e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
- (f) fixtures, fittings or appliances within the Manager's control and used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.

The manager must ensure that—

- (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
- (b) any garden belonging to the HMO is kept in a safe and tidy condition; and
- (c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

In this provision—

- (a) "common parts" means—

- (i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;
- (ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
- (iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

#### **6. Duty of manager to maintain living accommodation**

The manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it. This requirement does not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

The manager must ensure, in relation to each part of the HMO that is used as living accommodation, that—

- (a) the internal structure is maintained in good repair;
- (b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order (this requirement does not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager); and
- (c) every window and other means of ventilation are kept in good repair.

This requirement does not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner. For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

#### **7. Duty to provide waste disposal facilities**

The manager must—

- (a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
- (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

### **8. Duties of occupiers of HMOs**

Every occupier of the HMO must—

- (a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
- (b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;
- (c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;
- (d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;
- (e) store and dispose of litter in accordance with the arrangements made by the manager; and
- (f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

### **9. General**

Any duty imposed by these Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

**NOTE:** “person managing” means, in relation to the premises, the person who, being an owner or lessee of the premises –

receives (whether directly or through an agent or trustee) rents or other payments from persons who are in occupation as tenants or licensees of parts of the premises, or would so receive those rents or other payments but for having entered into an arrangement with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rent or other payments;

and includes, where those rents or other payments are received through another person as agent or trustee, that other person.

*Housing Act 2004 Section 263 (3)*

## Part 4: Security

- The front and rear entrance doors and frames should be of robust, external quality hardwood or period softwood, a minimum of 40mm thick and hung on substantial hinges. Thin plywood panels will not be accepted. UPVC doors with a multi-point locking system will be an acceptable alternative.
- Locks to front and rear doors shall be halfway up the door, with a 5/6 pin cylinder mortice lock so that exit and/or escape is possible without the use of a key. All locks to meet the strength requirements of BS3621:1980 – Thief Resistant Locks. Any glazed area or letter box must be remote from the lock (except where the glazing is laminated security glass). Where UPVC doors are already fitted, the lock should be fitted with a cylinder having a thumb turn on the inside face, so that a key is not necessary to exit the premises.
- If the house has patio doors, they should be fitted with an anti-lifting device, and either a multi-locking system or patio door locks to the top and bottom of the sliding door.
- All windows to the ground floor should be fitted with window locks to all opening lights.

## Part 5: Thermal comfort and energy efficiency

Energy efficiency measures are becoming increasingly important in the property market, and will be of particular benefit to landlords who are charging an 'all-in' rent which includes utility bills. The Council is committed to improving the thermal comfort of the private rented housing stock, and have determined the following standards;

- **Insulation**

Any roof space, void or loft must have fitted a minimum of 250mm (10") BS Standard thermal insulation quilt to all areas.

Where the roof space has been converted into a room and there is no existing insulation, then you should EITHER strip down the ceiling to the roof spars and re-board with a proprietary thermal insulation board, OR apply a min. 10mm 'Sempatep' or similar proprietary brand insulation material to the ceiling and internal wall surfaces (where the wall is an outside wall).

All external doors (and openings in doors), windows and skirting boards to outside walls should be fitted with a good quality draught-proofing material.

- **Heating**

The premises should be centrally heated via a SEDBUK 'A' or 'B' rated gas condensing boiler. New installations and conversions should always be to this standard, and should run both the heating and hot water systems. If there is no gas supply to the premises, you should contact the EEAC for advice on energy efficient alternatives. All but one of the radiators must be fitted with individual thermostatic controls. One of the radiators in the communal areas should be selected as the one without the thermostat.

Where central heating is impractical, each habitable room must be fitted with an Economy 7 storage heater.

The principal living room of each occupancy must be provided with a level of heating that is capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade.

Hot water cylinders must be fitted with a thermostat and must be pre-insulated or provided with a suitable 'jacket'. All water pipes should be suitably lagged, particularly in the roof space.

- **Appliances, etc.**

All 'white goods' (eg refrigerators, fridge/freezers, washing machines) should be 'A' rated appliances.

A microwave should be provided in every kitchen.

Kettles should be of the 'rapid-boil' type.

All internal light fittings should be fitted with energy-efficient light bulbs.

## Part 6: MEANS OF ESCAPE FROM FIRE AND OTHER FIRE PRECAUTIONS

Statistics show that there are more fires in HMO's than in single family houses, and it is for this reason that fire safety is so significant in this type of housing.

There should be a Fire Safety Risk Assessment undertaken for the property. The overall size, layout, occupancy and management of the house must be taken into consideration, along with any other relevant matters, in carrying out a Fire Safety Risk Assessment to determine the appropriate fire precautions and means of escape in case of fire.

This guide does not provide the fire safety solution for any one property, as precise requirements will vary from house to house. Neither can a short guide like this one describe in detail all the works required to achieve satisfactory fire safety. What the guide does provide is an indication of the matters which must be considered and which will contribute to the fire safety or protection solution for 2, 3 or 4 storey HMO's.

Detailed Guidance on the fire safety requirements for HMO's can be found in the LACORS guide "HOUSING – FIRE SAFETY Guidance on fire safety provisions for certain types of existing housing".

The Council will inspect to the standard given in this guidance for the size of property you are letting.

Where there is a 'non-standard' layout, or where the particular layout or internal arrangement does not fit easily to the guidance provided, you should consult the Fire Prevention Officer at Derbyshire Fire and Rescue Service. The FPO will be happy to advise on particular requirements in non-standard accommodation, and also on alternative fire detection and alarm solutions where appropriate.

A Building Regulations application will almost certainly be required in the case of works carried out to means of escape in HMO's, and it may also be necessary to obtain Planning Permission in order to convert a building into an HMO.

### STAIRWAYS, LANDINGS AND ENTRANCE HALLS

Common stairways, landings and entrance halls in HMO's are regarded as escape routes.

The stairway to the house must be enclosed by half hour fire resisting construction, that is the ceiling, walls and floor. All doors opening onto the stairwell (except to bathrooms and toilets where there is no source of ignition present) must be half hour fire resisting doors.



Any routes leading from the stairway, such as landings and entrance halls, must be similarly protected.

When such work has been carried out, the stairway and routes leading to the stairway are referred to as protected escape routes.

#### CEILING AND FLOOR ELEMENTS

Ceiling and floor structures must be constructed of materials capable of providing at least half an hour fire resistance. This includes ceiling or floor structures between a cellar or basement and the ground floor.

#### KITCHENS

Shared kitchens must normally be enclosed with half hour fire resisting walls and doors. Other kitchens intended for the exclusive use of one letting may also need to be enclosed, depending on its location.

#### WALLS BETWEEN LETTINGS

These must be half hour fire resisting partitions.

#### LAYOUT OF ROOMS

Travel distances (the actual distance people have to travel to reach a place of safety) may be relevant in larger houses. Large habitable rooms may need an additional exit door if the distance from any point within the room to the room exit exceeds 9 metres.

Bedrooms must not be entered through another room. Where this occurs, structural work may have to be carried out to ensure that bedrooms open directly onto a protected route.

#### CELLARS

Where the cellar entrance opens onto a common escape route, a half hour fire resisting door must be installed. The spandrel and the soffit enclosing the cellar staircase must also be of half hour fire resisting construction if they adjoin an escape route. The ceiling of the cellar must be half hour fire resisting.

#### HABITABLE BASEMENTS

These should be separated from the ground floor by two 30 minute fire resisting doors, one at basement level and one at ground level. The ceiling/floor between the basement rooms and the ground floor rooms must normally be of one hour fire resisting construction.

## INTERNAL DOORS AND THE PROTECTED ESCAPE ROUTE

The common stairways and landings are regarded as emergency escape routes, and so all doors opening onto the communal stairs and landings must be of 30 minute fire resisting construction. This includes all bedroom doors, the bathroom door (except in cases where there is no source of ignition in the bathroom), and any doors between the foot of the stairs and the entrance door (the primary escape route). The internal kitchen door(s) must also give 30 minutes fire protection. Where the stairway opens into a living room or kitchen on the ground floor (as opposed to a hallway), additional advice on fire protection will need to be obtained on a case by case basis.

All such doors must be well fitting smoke control fire doors complying with the FD30s standard (where the symbol 's' follows the fire door rating, these doors are to be effectively smoke stopping by fitting combined heat and smoke seals to the back edge, stile and head of the door leaf or frame). Fire doors to be hung on three 100mm mild steel butt hinges with a maximum gap between door and frame of 3mm. Doors to be fitted with a steel or brass lever door handle and mortice latch which engages in a keep for a minimum 10mm when the door is closed.

Doors must also be fitted with a suitable surface mounted overhead door closer complying with BS 5588, or a 'Perkomatic' double chain concealed door closer (R85) complying with BS 476:Part 22:1987.

All internal glazing on the primary escape route (eg fan lights, door glazing and side panels) must be replaced with fire resistant glazing.

## GENERAL CONSTRUCTION POINTS

The spandrel and soffits of a protected staircase encroaching into any habitable room must be of half hour fire resisting construction.

The following items are NOT permitted within stairway enclosures;

- Portable heaters of any type.
- Heaters with unprotected naked flames or radiant bars
- Fixed heaters using a gas supply cylinder
- Oil fuelled heaters
- Cooking appliances
- Upholstered furniture
- Wardrobes or other storage furniture
- Coat racks
- Storage of any kind (unless it is kept in a locked cupboard which is constructed to the same standard of fire resistance as the enclosure to the

stairway e.g. cupboards under the stairs must either be sealed up or constructed of half hour fire resisting material).

Final exit doors to a place of safety and other room doors and windows used for escape purposes must have simple fastenings and must be openable from the inside without the use of a key. All such doors and windows must enable the person escaping to reach a place free of danger from fire.

All soil pipes which perforate ceiling/floor structures must be framed out with fire protective boarding. Holes around gas and water pipes must be made good with fire resistant material such as intumescent paste.

#### EXISTING EXTERNAL FIRE ESCAPES

Where there is an existing external escape or access staircase, this should comply with current Building Regulations. In a fire, smoke or flame issuing from windows or doors must not prejudice any escape using this staircase.

Any door opening onto the stairway below the top floor and any door in the external wall beneath the stairway should be half hour fire resisting and self closing.

Windows which are within 1.8 metres horizontally from the stairway must be of the fixed type and be glazed with Georgian wired glass so as to be half hour fire resisting.

Any such escape should normally be provided with emergency lighting and may also require protection from the weather.

If these standards for the external escape stairway cannot be achieved and there is adequate fire escape provision within the building, it may be advisable to remove the external escape. If the external escape is essential for the safe evacuation of the occupants then the above standards must be achieved.

#### SURFACE FINISHES OF WALLS

Surface linings and finishes of walls and ceilings can increase the hazard to residents in the early stages of a fire.

Brickwork, blockwork, concrete, ceramic tiles and plaster finishes are all acceptable in any locations.

Plastic, timber, hardboard, chipboard and blockboard can be used on small areas of wall surface in rooms (not ceilings), but must not be used on escape routes (staircases, landings etc).

Thin vinyl and paper coverings are acceptable in all locations provided that they are on a plaster surface. Heavy flock wallpapers must not be used.

Expanded polystyrene linings or tiles should generally be removed, but they may be considered acceptable in rooms provided that the thickness does not exceed 5mm on walls or 12mm on ceilings and are not painted with gloss paint. If there is any doubt, they should be removed. Polystyrene products must never be used in escape routes.

#### AUTOMATIC FIRE DETECTION AND ALARM

Detailed Guidance on the fire detection and alarm requirements for HMO's can be found in the LACORS guide "HOUSING – FIRE SAFETY Guidance on fire safety provisions for certain types of existing housing".

#### EMERGENCY LIGHTING

This is not usually required in two storey houses. In houses with three or more storeys, emergency lighting to BS 5266 shall be provided to the escape routes (ie halls, stairways and landings serving the main building) and exits.

#### FIRE FIGHTING EQUIPMENT

Provide one fire blanket within each kitchen area, fixed to the wall at the point of usual entry to the kitchen.

Provide an approved minimum 2kg dry powder or multi-risk extinguisher within the communal kitchen.

#### GENERAL FIRE SAFETY

All products, materials and so on must be selected, fitted, used and maintained in accordance with manufacturers guidance and relevant British Standards, so as to achieve appropriate levels of fire safety.

The Furniture and Furnishings Fire Safety Regulations 1988 require that all upholstered furniture provided by the landlord in rented accommodation must be fire resistant and pass tests for fire safety. Furniture owned by a tenant is not accountable.

Landlords must ensure that tenants know the fire safety measures in the house, what to do if there is a fire and how the fire alarm system works. Written information on these matters should be displayed in the main entrance hallway of the building.

It is recommended that landlords provide a telephone facility at the premises, for emergency use. This can be a coin-operated 'call box' type unit or an 'incoming calls only' landline (999 emergency calls can be made on 'incoming calls only' lines).

## **Further Advice / Useful Contacts**

### **Energy Efficiency**

For further advice on energy efficiency at your premises, you should consult the website of the Energy Saving Trust at

<http://www.energysavingtrust.org.uk/>

### **Trading Standards**

Advice on fire resistance requirements of furniture and upholstery can be obtained from the Trading Standards Division at Derbyshire County Council on 01629 533190

### **Fire Safety Advice**

Detailed advice and guidance on the fire safety requirements of these standards can be obtained from the Fire Prevention Officer at the Derbyshire Fire and Rescue Service on 01298 608720.

### **Housing Standards**

For further advice or information on any of the standards outlined above or on the Houses in Multiple Occupation standards, you should in the first instance contact High Peak Borough Council's Environmental Health Service on 01298 28400 or Staffordshire Moorlands District Council's Housing Service on 01538 395400

# APPENDIX 1

## Application of HMO Licensing

For each HMO which is required to be licensed, a licence fee is payable, subject to any maximum which may be set by the Secretary of State and any exemptions or reductions which may be required by regulation.

### CONDITIONS FOR OBTAINING A LICENCE

A person owning or managing an HMO which is required to be licensed must apply to the Local Housing Authority (LHA) for a licence for that property unless a Temporary Exemption Notice has been applied for or is in force. The Secretary of State may make regulations concerning licence applications. Licence Application Forms can be obtained from

High Peak Borough Council  
Environmental Health Service  
Town Hall  
Buxton  
High Peak  
SK17 6EL                      Tel: 01298 28400

The LHA must grant a licence if it is satisfied that:

- the HMO is reasonably suitable for occupation by the number of persons permitted under the licence;
- the licence holder is a fit and proper person;
- the proposed licence holder is the most appropriate person to hold the licence;
- the proposed manager, if not the licence holder, is fit and proper; and
- the proposed management arrangements are satisfactory; including that the person involved in the management of the house is competent and the structures and funding for the management are suitable.

In considering whether the HMO is reasonably suitable for occupation by the number of persons permitted under the licence the authority must have regard to the minimum prescribed standards of amenities and facilities given Part 1 of this Guidance.

In deciding whether a licence holder or agent is fit and proper, the LHA must have regard, amongst other matters, to:

- any previous convictions relating to violence, sexual offences, drugs or fraud;
- and whether the proposed licence holder has contravened any laws relating to housing or landlord & tenant issues;

- and whether the person has been found guilty of unlawful discrimination practices;
- and whether the person has managed HMOs otherwise than in accordance with any Approved Code of Practice.

It is, however, a matter for the LHA to determine the relevance of these considerations (or other matters it considers to be relevant) in deciding whether or not the person is fit and proper. Relevant convictions do not automatically mean that a person cannot be deemed fit and proper. These may be considered alongside matters such as landlord's having undertaken training or accreditation or a record of engagement with initiatives with the local authority to improve the sector.

If the LHA is not satisfied that it can grant a licence under the above conditions it must refuse to grant the licence and make an Interim Management Order. However, before refusing to grant a licence it must give its reasons for proposing to do so, in advance, and give the applicant 14 days in which to make representations about that proposal. Where a licence is refused a landlord may appeal to the Residential Property Tribunal.

## **CONTENTS OF A LICENCE**

An HMO licence will specify the maximum number of occupants who may occupy the HMO. It will always include conditions requiring the licence holder to:

- produce gas safety certificates obtained within the last year on an annual basis (where there is a gas supply to the HMO);
- keep electrical appliances and furniture made available by the licence holder in a safe condition and supply on demand to the local authority a declaration to that effect;
- ensure that smoke alarms are installed and to keep them in proper working order and supply on demand to the local authority a declaration as to the condition and positioning of such alarms;
- supply the occupier with a written statement of the terms on which they occupy the property.

A licence may also include conditions relating to:

- The management of the house, including taking such steps as are reasonable to deal with anti social behaviour of the occupants and people visiting the property.
- The condition of the house, its contents (e.g. furniture), the amenity standards (e.g. bathrooms, toilets etc) (other than in respect of matters which should be addressed under Part 1 of the Housing Act 2004).
- A requirement to carry out specified works or take actions, within such times as is specified in the licence.
- A requirement for the landlord to attend training courses in relation to any approved Code of Practice.



Management regulations will also set out general requirements as to the management of properties and conditions need not cover these general issues. Where there are hazards, or suspected hazards, in the HMO these will be dealt with under the HHSRS provisions rather than licensing. A local authority should consider potential hazards first, before any licensing issue.

## **BREACHES OF LICENCE CONDITIONS**

The licence holder or manager of an HMO who allows it to be occupied by more persons than are permitted under the licence commits an offence and can be fined up to £20,000. If that person breaches a condition of the licence he will also commit an offence and may be fined up to a maximum of £5,000. Prosecution of the offences is without prejudice to the LHA's power to revoke the licence.

## **DURATION OF LICENCES**

A licence will normally last for 5 years (and cannot be granted for a longer period), but may be granted for a lesser period.

## **VARIATION OF LICENCES**

A licence may be varied by the LHA with the agreement of the licence holder, such as where a new manager is agreed. It may vary the licence without agreement if there has been a change of circumstance, such as there is a need to provide additional amenities, carry out works or alter the maximum number of persons permitted to occupy the property. However, in deciding whether to vary a licence the LHA may not impose higher, or otherwise different, standards than applied when it originally granted the licence, except where the standards are required to meet new amenity standards prescribed by regulations.

## **REVOCATION/CESSATION OF LICENCES**

A licence may be revoked with the agreement of the licence holder, such as when a house ceases to be an HMO. It also ends automatically after 5 years or after the period specified in the licence (if that is different).

A licence ceases to be in force on the death of a licence holder and for the first three months following the death of that person no licence is required as if a temporary exemption notice had been issued and was in force. Unless the HMO ceases to be licensable within that period or the LHA grants a temporary exemption notice on the expiry of that period the HMO must be relicensed or an Interim Management Order made in respect of it.

Other than in those circumstances, a licence may only be revoked if:

- there has been a significant breach of the licence conditions;

- or the licence holder and others involved in the management of the house are no longer fit and proper persons;
- or the property ceases to be an HMO that is subject to licensing;
- or, if the LHA would not have granted a new licence for the HMO at the time it terminates the licence because of reasons relating to the structure of the HMO which render the property unsuitable for licensing on similar terms.

On revocation of a licence (unless this is because the HMO no longer requires to be licensed) the LHA must grant another licence or make an Interim Management Order.

### **APPEALS AGAINST LICENSING DECISIONS**

An appeal may be made to a Residential Property Tribunal against a decision of the LHA to:

- refuse to grant a licence;
- grant a licence, including any conditions imposed;
- vary a licence;
- revoke a licence;
- refuse to vary or revoke a licence.

An appeal must normally be made within 28 days of the decision being made, but if the tribunal thinks there are good reasons to do so, it may extend the period for appeal. In considering an appeal the tribunal rehears the LHA decision, but is able to take account of new evidence put forward by the appellant. In its decision the tribunal may quash the LHA's decision, vary it or confirm it.

## APPENDIX 2

### Is your property a HMO?

Use the checklist below to determine whether your premises is defined as an HMO. Don't forget to check Appendix 3 to make sure that it is not exempted from the HMO Definition. Words in *italics* are defined at the end of this Appendix.

A BUILDING OR PART OF A BUILDING IS AN HMO IF IT MEETS **ONE** OF THE FOLLOWING FOUR TESTS;

#### 1. The Standard Test ('Bedsit' test)

- a) It consists of one or more units (not being self-contained flats);
- b) The living accommodation is occupied by persons who do not form a *single household*;
- c) The living accommodation is occupied by persons as their *only or main residence*;
- d) The occupation of the living accommodation constitutes the only use of that accommodation;
- e) Rents are payable or other consideration is provided in respect of at least one of those person's occupation;
- f) Two or more households who occupy the living accommodation share one or more *basic amenities*, or the living accommodation is lacking in one or more basic amenities.

#### 2. The Self – Contained Flat Test

- a) The premises is a self-contained flat;
- b) The living accommodation is occupied by persons who do not form a *single household*;
- c) The living accommodation is occupied by persons as their *only or main residence*;
- d) The occupation of the living accommodation constitutes the only use of that accommodation;
- e) Rents are payable or other consideration is provided in respect of at least one of those person's occupation;
- f) Two or more households who occupy the living accommodation share one or more *basic amenities*, or the living accommodation is lacking in one or more basic amenities.

#### 3. The Converted Building Test ('Shared House' Test)

- a) The premises is a *converted building*;
- b) It consists of one or more units (not being Self-contained Flats)
- c) The living accommodation is occupied by persons who do not form a *single household*;

- d) The living accommodation is occupied by persons as their *only or main residence*;
- e) The occupation of the living accommodation constitutes the only use of that accommodation;
- f) Rents are payable or other consideration is provided in respect of at least one of those person's occupation.

#### 4. The Converted Block Test

- a) the building has been converted into and consists of self-contained Flats;
- b) The building work undertaken in connection with the conversion did not comply with the Building Regulations 1991 (ie where conversion work was completed before 1<sup>st</sup> June 1992 or which is dealt with by s20 of the Building Regulations 1991 SI 1991/2768), and still does not comply;
- c) Less than two-thirds of the self-contained flats are *owner-occupied*.

### DEFINITIONS

#### *Single Household*

– Persons who are all members of the same family (i.e. they are married or co-habiting regardless of their sex, or one of them is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other)

- Persons receiving care and their carer occupying living accommodation in the same building, provided that a). the carer is an adult placement carer approved under the Adult Placement Schemes (England) Regulations 2004, and b). the carer provides care for no more than 3 service users under the terms of a scheme permitted by those regulations.

- Domestic staff, provided that the employee lives in the employers house, carries out work or performs a service of an exclusively domestic nature, is provided with the living accommodation as part of the consideration for carrying out the work or service, and does not pay any rent or other consideration in respect of the living accommodation.

or any other relationship that may be prescribed by regulations, such as fostering arrangements.

*Only or Main Residence* - this includes

- Residence for the purpose of undertaking a full-time course of further or higher education (ie student accommodation other than Halls of Residence provided by the Educating Body);
- A Refuge providing temporary accommodation for persons who have left home as a result of physical violence or mental abuse, or threats of such violence or abuse, from persons they were living with;
- A migrant worker or seasonal worker where the accommodation is provided partly in consideration of his employment and is provided by or on behalf of his employer;
- An asylum seeker provided with accommodation under s95 of the Immigration and Asylum Act 1999 and which is funded in part or in whole by the National Asylum Support Service.

*Basic Amenities* – means a toilet, personal washing facilities or cooking facilities.

*Converted Building* – means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed.

*Owner-occupied* – a flat is owner-occupied if it is occupied by

- A person with a long lease ie for a term of more than 21 years.
- A person with the freehold estate in the converted block, or
- A member of the household of one of the above.

## APPENDIX 3

### Exemptions from HMO Definition

The following types of premises are exempt from the definition of an HMO by virtue of Schedule 14 of the Housing Act 2004;

- 1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.

(2) In this Schedule "building" includes a part of a building.

*Buildings controlled or managed by public sector bodies etc.*

- 2 (1) A building where the person managing or having control of it is-
  - (a) a local housing authority,
  - (aa) a non-profit registered provider of social housing,
  - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
  - (c) a police and crime commissioner,
  - (d) the Mayor's Office for Policing and Crime,
  - (e) a fire and rescue authority, or
  - (f) a health service body within the meaning of section 9 of the National Health Service Act 2006.

(2) In sub-paragraph (1)(e) " fire and rescue authority " means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

(2A) A building—

(a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and

(b) where the person managing or having control of it is a profit-making registered provider of social housing.

*Buildings controlled or managed by a co-operative society*

2B(1) A building where—

- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and
- (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.

(2) The conditions are—

- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
- (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,
- (c) that each member has equal voting rights at such a meeting, and
- (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

(3) For the purposes of sub-paragraph (1) “co-operative society” means a body that—

- (a) [F6] is registered as a co-operative society under the 2014 Act or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, ] and
- (b) is neither—
  - (i) a non-profit registered provider of social housing, nor
  - (ii) registered as a social landlord under Part 1 of the Housing Act 1996.

(4) In this paragraph—

- “the 2014 Act” means the Co-operative and Community Benefit Societies Act 2014;
- “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;
- “protected tenancy” has the same meaning as in the Rent Act 1977;
- “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.

*Buildings regulated otherwise than under this Act*

- 3 A building is not an HMO for the purposes of the Housing Act 2004 (except for Part 1) where its occupation is regulated by or under any of

the enactments listed below :-

- (a) sections 87, 87A, 87B, 87C and 87D of the Children Act 1989;
- (b) section 43(4) of the Prison Act 1952;
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
- (d) The Secure Training Centre Rules 1998;
- (e) The Prison Rules 1999;
- (f) The Young Offender Institute Rules 2000;
- (g) The Detention Centre Rules 2001;
- (h) The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001;
- (i) The Care Homes Regulations 2001;
- (j) The Children's Homes Regulations 2001; and
- (k) The Residential Family Centres Regulations 2002;

*Buildings occupied by students*

4 (1) Any building-

- (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
- (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

(2) In sub-paragraph (1) "specified" means specified for the purposes of this paragraph in regulations made by the appropriate national authority.

(3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any

regulations specifying-

- (a) a particular educational establishment, or
- (b) a particular description of educational establishments.

(4) The appropriate national authority may have regard to the extent to which, in its opinion-

- (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or
- (b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice,

as the case may be.

(5) In sub-paragraph (4) "occupied for connected educational purposes", in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

*Buildings occupied by religious communities*

- 5 (1) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

(2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

*Buildings occupied by owners*

- 6 (1) Any building which is occupied only by persons within the following paragraphs-

- (a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;
- (b) any member of the household of such a person or persons;



(c) no more than 2 other persons.

(2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

*Buildings occupied by two persons*

- 7 Any building which is occupied only by two persons who form two households.

## APPENDIX 4

### How to choose a competent electrician

For periodic inspection and testing of electrical installations, the Council will accept an inspection report from contractors who are members of one of the following self-certification schemes;

BRE Certification Ltd  
British Standards Institution  
NICEIC  
ELECSEA  
ECA  
NAPIT

Members of the above schemes are authorised competent persons who can do all electrical installation work.