



TRAFFORD
COUNCIL

Guidance & Amenity Standards:

Licensable and Other Houses in Multiple Occupation in Trafford

Housing Act 2004

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Part 1: Introduction

All dwellings should provide a safe and healthy environment for occupants and visitors. This guide is to help landlords meet these obligations, encourage good practice and provide a guide to the minimum physical requirements and management standards considered acceptable in HMOs across Trafford.

1.1 Definition of a House in Multiple Occupation

The [Housing Act 2004, Section 254](#) defines a building, or a part of a building, as a HMO if it meets one of the following tests:

- “The standard test” – a building in which more than one household shares a basic amenity e.g. a bathroom, toilet or cooking facilities;
- “The self-contained flat test” – a flat in which more than one household shares a basis amenity (all of which are contained within the flat);
- “The converted building test” – a building that has been converted and does not entirely comprise of self-contained flats e.g. bedsits;
- A HMO declaration is in force;
- Converted block of flats i.e. section 257 HMO – a building that is comprised entirely of converted self-contained flats and the standard of the conversion does not meet, as a minimum, the standard required by the 1991 Building Regulations, and less than two-thirds of the flats are owner occupied.

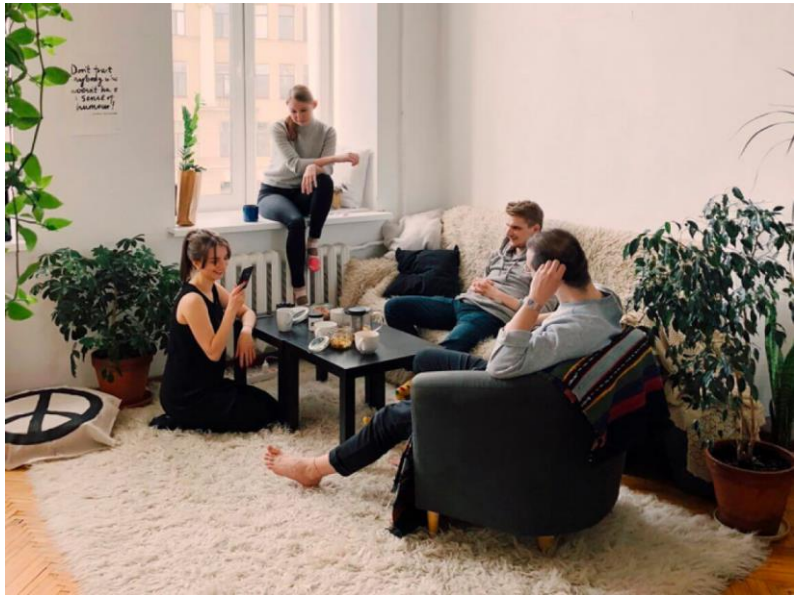
Further information on the HMO definition is given under Annex 1.

1.2 Licensing of HMOs

The Council requires all HMOs to be licenced if there are five or more people that form two or more households, regardless of the number of storeys.

1.3 Legal Standards in HMOs

The Housing Act 2004 provides the method for assessing conditions in dwellings called the Housing Health and Safety Rating System (HHSRS). A dwelling



is risk-assessed having regard to 29 hazards, prescribed in the HHSRS Operation Guidance, to determine the likelihood & severity of harm to an occupier’s or visitor’s health or safety. All HMOs shall be free of serious hazards. Further information on HHSRS is given under Annex 2.

All HMOs are subject to ‘management regulations’. These are a set of statutory requirements that HMO managers must comply with, regardless of whether the HMO needs a licence or not. Failure to comply with the regulations may result in prosecution or civil penalty.

In determining general standards for licensable HMOs the council must also have regard to [“The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006”](#).

This document gives the standards reasonably expected in a typical HMO. The specific requirements may change following an inspection of the property or advice from an Officer.

Part 2: Space Provision

2.1 General Principles

It is preferable that HMOs have a shared living room or dining room of adequate size.

For the purposes of determining minimum bedroom size, the maximum number of occupants and adequacy of amenities/facilities provided:

- Only bedrooms or bed-sitting rooms shall be used for sleeping accommodation; And each separate bedroom shall be regarded as a unit of accommodation.
- No sleeping room shall be occupied by more than two people irrespective of age, sex and relationship.
- No regard shall be had for an infant occupant, under the age of one; All other children shall count as a whole person.
- A single adult, of 21 years or more, shall have their own sleeping room.
- No person shall share a sleeping room unless:
 - They are married or living as partners.
 - They are the parent of a child of the same sex - (if the child is below 10 years of age, then opposite sex can share).
 - They are siblings of the same sex - (if below 10 years of age, opposite sex can share).

A room that requires a resident to pass into external air to access an amenity or facility provided for their use is not permitted for use as living or sleeping accommodation.

No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence (i.e. hot bedding).

2.2 Calculating Floor Area

Calculation of a room’s floor area shall only take into consideration the part of the room where the ceiling height is greater than 1.5 meters.

Floor space shall be calculated using a horizontal and perpendicular wall to wall measurement and shall:

- Include bay windows, fixed cupboards and projecting skirting.
- Exclude any fire or bathroom lobby, projecting chimney breast, en-suite facility.

Irrespective of overall floor area, consideration will be given to the shape and usable space within a room when determining its suitability for occupation and assumes the room is free of potentially injurious obstructions (i.e. HHSRS Hazard – “Collision and Entrapment”). The ideal ceiling height should be at least 1.9 meters above the finished floor level.

2.3 Minimum Bedroom Size

Table 1 shows the minimum floor area for sleeping accommodation based on the room’s usage and number of occupants.

Note:

Legal minimums are shown in ‘red’; AND where cooking or living space is not provided elsewhere in the HMO then bedrooms must be larger & fulfil the minimum space requirement in Table 1.

| Table 1 - Minimum Floor Area of Sleeping Accommodation | | | |
|--|---------------------|----------------------|----------------------|
| Bedroom Usage | Number of Persons | | |
| | 1 (under 10 yrs) | 1 | 2 |
| Sleeping Only <i>(additional kitchen and living area <u>must</u> be provided)</i> | 4.64 m ² | 6.51 m ² | 10.22 m ² |
| “Mixed use” – Sleeping and Living Space <i>(additional kitchen area <u>must</u> be provided)</i> | - | 10.22 m ² | 14.00 m ² |
| “Mixed use” – Sleeping, Living and Cooking | | | |
| • Single room unit comprising: bedroom, living and kitchen space | - | 14.00 m ² | 20.50 m ² |
| • Two (or more) room unit comprising: | | | |
| ○ Each single bedroom | 4.64 m ² | 6.51 m ² | - |
| ○ Each double bedroom | - | - | 10.22 m ² |
| ○ Each living area (without kitchen facilities) | - | 8.00 m ² | 8.00 m ² |
| ○ Each combined living area & kitchen | - | 11.50 m ² | 15.00 m ² |

2.4 Kitchens & Accommodation Shared by Occupiers

All kitchens and living accommodation must be adequately sized, have a suitable layout and be suitably located regardless of whether the facilities are shared or provided for the exclusive use of an occupant.

Table 2 shows the minimum floor area for kitchens and shared living accommodation. The floor areas

given are a guide and other room sizes may be acceptable, but the room size, design and layout must always be adequate and kitchens must allow safe and hygienic food storage, preparation and cooking.

Further information on minimum kitchen equipment and facilities, along with the rooms 'suitable location' is given under Part 4.

| Table 2 – Minimum Floor Area for Kitchens and Shared Living Accommodation | | | |
|---|--------------------------|----------------------|---|
| Room Usage | Number of Persons | | |
| | 1 | 2 - 5 | 6 - 10 |
| <p>Kitchen Only</p> <p><i>Shared kitchens are high-use areas. An additional fully equipped kitchen shall be provided for every 10 people, or part thereof.</i></p> | 5.0 m ² | 7.0 m ² | 10.50 m ² |
| <p>Living Room / Dining Room Only</p> <p><i>A shared living room is acceptable as a dining room and vice versa, provided minimum space requirements are met. Adequate space should be available for the majority of occupants to sit and eat a meal alongside other activities, such as sitting watching TV etc.</i></p> | 8.00 m ² | 13.02 m ² | 13.02m ² plus 1m ² for each person thereafter |
| <p>Combined - Kitchen and Lounge or Diner Room</p> <p><i>Kitchens used as a combined kitchen-lounge or kitchen-diner must have sufficient space for the majority of the intended number of users to sit and eat a meal without impinging on the work area of the kitchen.</i></p> | - | 11.61 m ² | 11.61m ² plus 1m ² for each person thereafter |
| <p>Combined – Kitchen and Lounge and Diner Room</p> <p><i>Kitchen facilities in open plan rooms must have sufficient space and shall be suitably arranged to allow safe and hygienic food preparation & cooking away from dining/living areas.</i></p> | - | 17.00 m ² | 17.00m ² plus 1.5m ² for each person thereafter |

Part 3: Washing & Toilet Provision

3.1 Minimum Personal Washing and Toilet Facilities

Where occupants share bathing and toilet facilities the following minimum ratios must be provided:

Four or less occupants at least:

- One bathroom with a fixed bath / shower, hand basin; AND
- One toilet which may be in the bathroom.

Every **Five** sharing occupants, or part thereof, at least:

- One bathroom (which may contain a toilet) with a fixed bath / shower, hand basin; AND
- One separate toilet.

All separate WCs must have a hand basin, with appropriate splash back, in the same compartment.

Table 3 shows examples of how the minimum ratio of bathing and toilet facilities can be met.

3.2 'Suitably Located' Bathrooms & Toilets

Bathing and toilet facilities must be 'suitably located' in relation to living and sleeping accommodation. Shared bathing and toilet facilities should be on the same floor, if not they shall be located no more than **two** floors distance from sleeping and living accommodation using it.

Note: Any room that requires a resident to pass into external air to access an amenity or facility provided for their use shall not be permitted for use as living or sleeping accommodation.

No bathing or toilet facility shall be provided in a kitchen.

3.3 Wash Hand Basins in Bedrooms

Where reasonably practicable, there must be a wash hand basin, with appropriate splash back, in each bedroom having regard to the age and character of the HMO; the size, layout of each flat and the existing provision of hand basins, toilets and bathrooms.



Table 3 – Examples of How The Minimum Bathing And Toilet Provision Can Be Met

| People | No. of bathrooms LACKING a toilet | No. of full bathrooms WITH a toilet & basin | No. of additional SEPARATE toilets with basin. |
|----------------|--|--|---|
| 1 - 4 | 1 | - | 1 |
| | - | 1 | - |
| 5 | 1 | - | 1 |
| | - | 1 | 1 |
| 6 - 10 | 2 | - | 2 |
| | 1 | 1 | 1 |
| | - | 2 | 1 |
| 11 - 15 | 3 | - | 3 |
| | 2 | 1 | 2 |
| | 1 | 2 | 1 |
| | - | 3 | 1 |

Part 4: Kitchen Provision

4.1 Kitchens

All kitchens shall be of a suitable size, design and layout; and adequately equipped to enable those using the facilities to safely and hygienically store, prepare and cook food.

Shared kitchens are high demand areas - A single kitchen will not normally be suitable for use by more than 10 people, regardless of its size and layout. Therefore, an additional fully equipped kitchen should

be provided for every **10** occupants, or part thereof, who are expected to share it.

In any communal kitchen, the electrical supply must be met out of general rental charges or general energy charges, rather than a pre-payment meter.

Table 4 shows the minimum equipment required in kitchens that must be fit for the purpose and supplied in sufficient quantity for those expected to share.

| Table 4 - Minimum Kitchen Equipment and Facilities | | |
|--|--|---|
| Equipment | Shared Kitchen | Exclusive and Sole Use Kitchen |
| Sink | Per every 5 Occupants: <ul style="list-style-type: none"> One full sink and drainer <i>(a dishwasher will be acceptable as 2nd sink).</i> Safely positioned within a fixed sink base unit, appropriate splash back & constant hot and cold water. | For 1 to 2 person accommodation: <ul style="list-style-type: none"> One full sink and drainer Safely positioned within a fixed sink base unit, appropriate splash back & constant hot and cold water. |
| Cooking | Per every 5 Occupants: <ul style="list-style-type: none"> One 4 ring hob / hot plates; AND One conventional oven and grill <i>(a 27 Ltr microwave & grill is acceptable as 2nd cooker).</i> | For 1 to 2 person accommodation: <ul style="list-style-type: none"> One 2 ring hob / hot plates; AND One conventional oven and grill OR a 27 Ltr microwave and grill. |
| Electric Sockets | Per every 5 Occupants: <ul style="list-style-type: none"> Two double sockets (13amp) - set at a safe and convenient position above the worktop and in relation to kitchen facilities; AND Each major appliance shall have a dedicated socket (e.g. microwave, cooker, fridge, freezer, washer and dryer etc.). | For 1 to 2 person accommodation: <ul style="list-style-type: none"> One double socket (13amp) - set at a safe and convenient position above the worktop and in relation to kitchen facilities; AND Each major appliance shall have a dedicated socket (e.g. microwave, cooker, fridge, freezer, washer and dryer etc.). |
| Fridge & Freezer | Per every 5 Occupants, either: <ul style="list-style-type: none"> One worktop height fridge AND one worktop height freezer; OR Two worktop height fridges both with freezer compartment. | For 1 to 2 person accommodation: <ul style="list-style-type: none"> One worktop height fridge with freezer compartment. |
| Worktop | Per each Occupant: <ul style="list-style-type: none"> 1.0m x 0.5m of fixed, smooth, impervious & sealed work surface. Worktop occupied by cooking appliances will be discounted. | For 1 to 2 person accommodation: <ul style="list-style-type: none"> 1.0m x 0.5m of fixed, smooth, impervious & sealed work surface. Worktop occupied by cooking appliances will be discounted. |
| Dry food storage | Per each Occupant: <ul style="list-style-type: none"> A 600mm fixed base/wall unit with smooth impervious finish. (Area in sink base unit shall not be taken into consideration). | For 1 to 2 person accommodation: <ul style="list-style-type: none"> A 600mm fixed base/wall unit with smooth impervious finish. (Area in sink base unit shall not be taken into consideration). |

4.2 'Suitably Located' Kitchen

All HMOs must have their own kitchen(s) that is available for use 24 hours a day.

Kitchens shall be 'suitably located' in relation to the living and sleeping accommodation. Shared kitchen(s) shall be located no more than **two** floors distance from sleeping and living accommodation using it.

Note: Any room that requires a resident to pass into external air to access an amenity or facility provided for their use shall not be permitted for use as living or sleeping accommodation.

4.3 Exclusive and Sole Use Kitchens

Compact domestic kitchens and kitchenettes may be acceptable in bedsits. Compact kitchens must be installed and maintained in accordance with the manufacture's recommendations. In any case all kitchens must give an equivalent level of provision to that specified in Table 4.

Where an occupant is expected to cook within their bedroom the sleeping accommodation must satisfy the minimum floor areas in Table 1 and fire precautions enhanced as per the LACORS Fire Safety Guide.

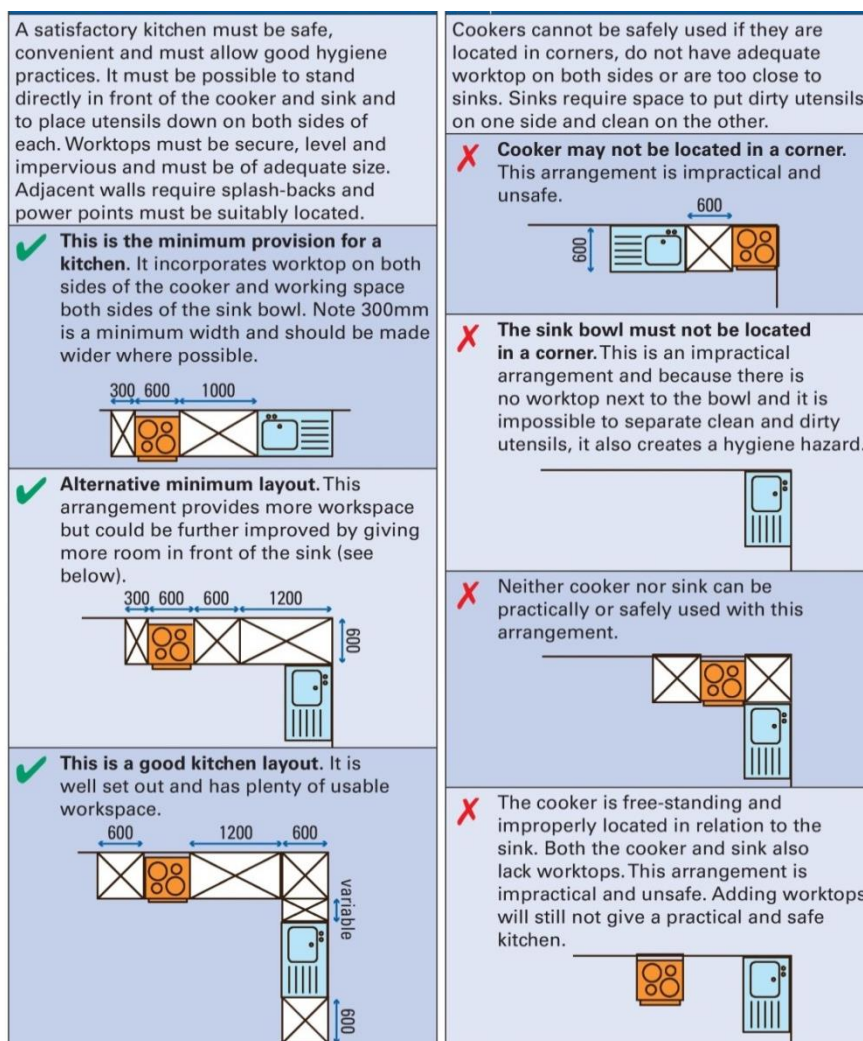
4.4 Kitchen Layout

The kitchen layout must be safe, convenient and allow good hygienic practice. Figure 1 shows good and unacceptable layouts:

- Cookers must be suitably located away from doorways and not compromise escape in the event of a fire. Gas cookers should not be positioned adjacent to openable windows where flames could be extinguished by excessive draught, curtains may catch fire or an occupant burnt trying to operate the window.

- There must be adequate space in front of any cooker for persons to safely retrieve hot food from the oven. Ideally there should be 300mm of fixed work surface to either side of any hob to shield overhanging panhandles.
- Sinks must be impermeable and easily cleansable, suitably located and have adequate space in front for a person to safely wash utensils.
- If two sets of facilities are provided in one kitchen the layout must allow them to be used safely at the same time.
- Open plan kitchen-living rooms must be arranged so that food preparation and cooking activities are safely separated; And there must be sufficient living space for the majority of the intended number of users to sit and eat a meal without impinging on the kitchen work area.

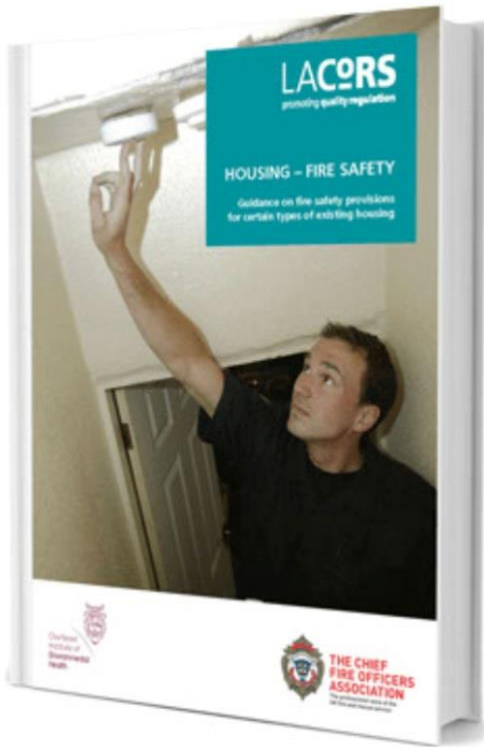
Figure 1 - Examples of Good and Unacceptable Kitchen Layout



Part 5: Fire Safety

The Council enforces fire safety in HMOs using the Housing Health and Safety Rating System (HHSRS) alongside relevant management and licencing regulations.

A risk assessment approach is followed and the fire safety measures required will vary according to the size, risks and use of the property.



5.1 LACORS Fire Safety Guidance

The fire precaution facilities and equipment, which the council considers necessary, are set out in the LACORS national guidance: [“Housing – Fire Safety, Guidance for safety provisions for certain types of existing housing”](#).

This document contains advice for landlords and fire safety enforcement officers on how to ensure adequate fire safety. The LACORS Fire Safety Guide should be read in full and can be downloaded via the council’s website – trafford.gov.uk and search “HMO”.

5.2 Bedsit HMOs - Meaning in LACORS Guide

Under the LACORS guide “bedsit HMOs” are properties rented on a room by room basis, either to a group or separate individuals. There is some degree of sharing either a common kitchen and/or bathroom.

Alternatively, some rooms may have their own kitchenettes or en-suite.

Each occupant will have exclusive occupation of some part of the property, usually their bedroom/living room, tenants are not liable for rent payments if an occupant moves out, and there will usually be a lock on each individual letting door.

5.3 Shared House HMOs - Meaning in LACORS Guide

Under the LACORS guide “shared house HMOs” are properties where the whole house is rented to a single identifiable group of sharers all as joint tenants under a single whole house contract (e.g. a single group of students, work colleagues or friends).

Each occupant normally has their own bedroom but share facilities such as the kitchen, dining facilities, bathroom, WC, living room etc. All tenants will have exclusive possession and control of the whole of the house, including all the bedrooms. There is normally a significant degree of social interaction between the occupants and locks are not provided on bedroom doors. In summary the group will possess many of the characteristics of a single family household, but the property is a HMO because the occupants are not all related.

ANY DEVIATION FROM THE LACORS FIRE SAFETY GUIDE MUST BE DISCUSSED AND AGREED WITH THE COUNCIL BEFOREHAND.

5.4 Power Supply to Fire Alarms and Emergency Lighting.

The mains electrical power supply to fire alarms and emergency lighting must not be interrupted. These systems must be supplied by a credit meter (e.g. the landlord’s supply) and not via a pre-payment meter.

5.5 Regulatory Reform (Fire Safety) Order

Landlords of HMOs must carry out a fire risk assessment of the common parts completed by a competent person. This is a legal requirement, enforced by the Fire Authority, under the Regulatory Reform (Fire Safety) Order 2005. More information is available by copying the following address into your web browser:

www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation

Part 6: Standards Applicable to All HMOs

6.1 Electrical Safety & Minimum Provision

In HMOs the increased number of occupants can impose a significant extra demand on the power and lighting circuits.

Table 5 shows the minimum number of plug sockets required depending on room use. The capacity of these circuits must be sufficient to maintain safe use.

The whole electrical installation, including fixed equipment, must be installed and maintained in accordance with current electrical safety standards. An Electrical Installation Condition Report (EHIC), covering the whole of the power and lighting circuits, shall be carried out at least every 5 years. It is recommended that each system is fully checked at the start of a new tenancy.

New installations or alterations to existing installations must be done in accordance with Part P of the current Building Regulations. Any electrical work must be carried out by a suitably qualified electrical engineer (Registered with a UKAS Competent Person Scheme).

All portable appliances, provided by the landlord under the terms of any tenancy or licence, must be kept in a safe working condition at all times. All portable appliances shall be visually checked regularly and tested annually to ensure they are safe to use.

The electrical supply shall be capable of being turned off in case of emergency or repair – fuse boards must be readily accessible by all occupiers at all times.

6.2 Gas Safety

All gas pipework, flues and appliances must be installed, repaired and maintained in a safe condition at all times. Any gas work must be carried out by a Gas Safe registered engineer. All gas appliances and flues require an annual gas safety check by a Gas Safe registered engineer.

The gas supply shall be capable of being turned off in case of emergency or repair - stop valves must be readily accessible by all occupiers at all times.

6.3 Natural Lighting

- All habitable rooms (i.e. living space and bedrooms) must have sufficient natural light to enable normal domestic activities to be undertaken; AND shall have a window, with clear glazing, equivalent to at least $\frac{1}{10}$ th of the room's floor area.
- Non-habitable rooms (i.e. kitchens, halls/landings, bathrooms and toilets) should have natural light via a window. Windows to bathrooms and toilets shall be glazed with obscured glass.

Glazing, or part of glazing, located between the finished floor level and 800mm above that level shall break safely or be impact glass or be suitably guarded.

6.4 Artificial Lighting

All rooms and circulation areas, including external areas, must be suitably and adequately lit by lighting. Lighting in common parts must be met out of general rental charges or general energy charge, rather than any type of pre-payment meter. There must be adequate and appropriate lighting in kitchens, particularly over worktops, sinks and cookers.

| | |
|--|--|
| Habitable room (bedroom /lounge) | <ul style="list-style-type: none"> • At least two double sockets (13amp) – set at a safe and convenient position. |
| Kitchen | <p>Per every 5 occupants:</p> <ul style="list-style-type: none"> • At least two double sockets (13amp) – set at a safe and convenient position above the worktop. <p>Additional dedicated sockets must be provided for any major appliance (e.g. microwave, fridge, freezer etc).</p> |

Lighting must be controlled by sufficient and suitably located light switches that illuminate adequate lengths of halls, landings and passages at the same time. “Presence or absence detection” or “time delays” are allowed in common halls, stairs and landings only; And they must be set to keep lighting on for an adequate period to allow the normal and reasonable use of the area.

Staircases must be illuminated along their whole length and lighting controls must be available at the top and bottom of the stairs.

6.5 Ventilation - Natural & Mechanical

All habitable rooms, kitchens, bathroom and toilets must have sufficient and appropriate ventilation.

- All habitable rooms (and naturally ventilated kitchens, bathrooms and toilets) must have a window opening, direct to external air, equivalent to at least $\frac{1}{20}$ th of the room's floor area.

Openable windows must be easily accessible by the occupier; suitable for use during the day or night without compromising security; and not contribute to a fall from height or excess cold hazard.

Adequate and permanent natural ventilation may be necessary in rooms with a gas or solid fuel burning appliance in accordance with the manufacturer's recommendations and/or the Gas Safety (installation and use) Regulations 1998 (as amended).

- Bathrooms, WCs and kitchens must have mechanical extract ventilation where there is no openable window for natural ventilation. The recommended air changes per hour are:
 - ✓ Kitchens – 15 to 20 changes per hour.
 - ✓ Bathrooms/WC – 6 to 10 air changes per hour.
(Increase by 50% if the room is underground.)

6.6 Space Heating and Insulation

Heating shall be properly installed, maintained and appropriate to the building's design, layout and construction so that the **whole** of the dwelling is adequately and efficiently heated - direct heating must be provided in all habitable rooms, kitchens and bathrooms, including common parts and common circulation spaces.

Heating systems shall be capable of achieving and **economically** maintaining the following indoor temperatures when the external temperature is -1°C:

- Living and sleeping accommodation 21°C
- Bathrooms 22°C
- Elsewhere (including kitchens and shared landings) 18°C

Heating systems shall be thermostatically controlled and programmable by the occupants; fixed to wall or floor mountings and set away from furniture and furnishings that may catch fire.

Heating systems that are controlled centrally must be operated to ensure any occupant is not exposed to cold indoor temperatures and each room shall have heating controls that allow the temperature to be fully

regulated to individual need (e.g. thermostatic radiator valves). All heating system controls shall be located in a common part, not in an occupier's room, and shall be readily accessible to all occupiers at all times.

Gas central heating is the preferred option; But fan-assisted electric storage heaters with thermostatically controlled top-up convector heaters on an off-peak tariff (i.e. Economy 7) or balanced flue gas heaters are also satisfactory.

Peak-tariff 'on demand' electric heating is not likely to be acceptable as the primary heating source in living or sleeping accommodation, unless the room is small and very well insulated. Thermostatic electric fan or radiant wall heating is acceptable in bathrooms or toilets. Free standing plug-in electric heaters, liquid fuel heaters or LPG heaters are not acceptable.

Sufficient thermal insulation must be provided to the building's external envelope to minimise heat loss from the property and maximise the efficiency of the heating system.

6.7 Cold Water Supplies

An adequate supply of piped, potable and continuous cold running water, direct from the mains supply, shall be available at each kitchen sink and hand basin.

All water supply pipes, control valves, apparatus and fittings shall be protected from frost where vulnerable to freezing. Any water storage tank shall be suitably covered to protect the supply from contamination.

The water supply shall be capable of being turned off in case of emergency or repair - stop valves must be readily accessible by all occupiers at all times.



6.8 Hot Water Supplies

All systems supplying hot water shall be designed and installed so that an adequate supply of piped and continuous hot water is available at each wash hand basin, sink, bath and shower at all reasonable times.

Electric batch boiling appliances are not acceptable as a means of heating hot water. Hot water storage tanks must be adequately insulated and provided with a stop valve to the outflow service pipe.

Electric instantaneous water heaters are only acceptable at hand basins and sinks if rated at 5Kw, or above, and fitted with a proper water delivery arm. Hot water for showers must be capable of being suitably mixed or thermostatically controlled. All showers must have an adequate flow rate and water pressure to provide effective bathing.

6.9 Bathrooms and Toilets

Baths, showers and wash hand basins must be suitably sized appliances and equipped with taps providing a continuous supply of piped cold and hot, or suitably mixed water. All rooms containing a bath, shower or toilet shall have adequate heating and ventilation, be reasonably sized and constructed to maintain hygiene and privacy.

All bathing and toilet facilities must be suitably located in relation to any living and sleeping accommodation.

6.10 Waste Water and Drainage

All toilets, sinks, basins, baths and showers must be properly connected to adequately sized waste pipes and incorporate a trap. Drains and waste pipes must be supported along their entire length to maintain adequate fall. Waste must discharge into the correct drainage system in accordance with current Building Regulations and Water Authority Bye-laws.

6.11 Disposal of Refuse

Suitable and sufficient waste provision shall be provided for household waste and recycling both within the accommodation and outside whilst awaiting collection. Arrangements should be made for the removal of refuse at least weekly or more regularly, if necessary.

If you wish to deviate from any of the above standards you must discuss this with the council.

The council encourages quality accommodation and adopts a flexible approach to discussions with landlords. If you are able to provide an alternative solution that works for your property and is within the legislative framework this will be considered.



Part 7: Habitable Basements

The Council will assess the suitability and use of under-ground living accommodation using the Housing Health and Safety Rating System (HHSRS). We will have particular regard for fire safety, damp & mould, ventilation, natural lighting and collision.

Any scheme for underground accommodation should be discussed with the Council's Housing Services Team. Proposals should consider the above hazards and details how they will be adequately addressed. Where necessary, Building Control approval may also be required.

In all cases of basement accommodation it is preferable to fit a fire escape window in each habitable room.

All habitable basement rooms (e.g. living and sleeping rooms) shall have adequate natural light and natural ventilation; And non-habitable basement rooms (e.g. kitchens, bathroom and toilets) shall have adequate ventilation and lighting.

Natural Light: In habitable basement rooms natural light shall be provided by a glazed window, no less than $\frac{1}{10}$ th of the floor area of the room. Ideally glazing should extend to around 1.75m above the room's finished floor level to provide a view of outside space.

There must be sufficient open space outside the window to allow for adequate light penetration:

- Where there is a continuous solid external obstruction within 3.0m of the basement window (e.g. basement well or retaining walls) there shall be an area of glazing, no less than $\frac{1}{10}$ th of the floor area of the room, that is above the point on the window from which a line can be drawn diagonally outwards at an angle of 30° with the line to pass the top of the external obstruction.
- A bay window with side lights will be treated as if it were a flat window of a size equalling the sum of the front and side lights.

Natural Ventilation: in habitable basement rooms ventilation shall be achieved by window openings, direct to external air, with an openable area equivalent to at least $\frac{1}{20}$ th of the room's floor area.

- A window opening shall be fully openable – and shall have an unobstructed external space that is at least the full height and width of the window opening and it shall have a depth of no less than 0.6m measured from the external face of the window, or no less than 0.3m in the case of a bay window with side lights.
- Openable windows shall be easily accessible by the occupier and suitable for use during the day and night, without compromising security or contributing to an excess cold hazard.



Part 8: Certification & Management

8.1 Management Regulations

The HMO shall be managed in accordance with the relevant 'management regulations' and HMO licence conditions, where applicable.

Relevant management regulations include:

- [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) which apply to **all** HMOs (i.e. shared houses/flats, bedsits, student houses and dwellings that contain both bedsits and self-contained flats), except converted blocks of flats to which S. 257 of the Housing Act 2004 applies.
- [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#) which apply to self-contained flats that were converted prior to 1992 or were converted without building control approval.

Under both sets of regulations the manager has a number of duties, namely:

- Provision and display of the manager's contact information to the occupants.
- Maintenance of common parts, fixtures, fittings and appliances.
- Maintenance of living accommodation.
- Safety measures, including fire safety.
- Supply and maintenance of gas, electricity, water supply and drainage.
- Provision of waste disposal facilities.

It is an offence to fail to comply with the management regulations. The council can prosecute or issue civil penalty to landlords and/or agents who fail to comply.

8.2 Gas Safety & Certification

All gas pipework, flues and appliances must be repaired and maintained in a safe condition at all times and works carried out by a Gas Safe Registered installer.

- A gas safety check must be completed **annually** and the record kept for 2 years.
- A copy of the latest Gas Safety Record must be issued to a tenant before they move in and to an existing tenant within 28 days of a new gas safety check being completed.

8.3 Electrical Safety & Certification

The whole electrical installation shall be maintained and kept in a safe condition at all times in accordance with [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#).

- An Electrical Installation Condition Report (EICR), covering the whole of the power and lighting circuits, shall be carried out at least every **5 years**. It is strongly recommended to check the installation in each let at every change of tenancy.

8.4 Portable Electric Appliance Certification

All portable appliances, provided by the landlord under the terms of any tenancy or licence, must be kept in a safe working condition at all times.

- Portable appliances shall be visually checked regularly and tested **annually**.

8.5 Fire Alarm Certification

Fire detection and alarm systems should be designed, installed, tested and maintained in accordance with the current BS5839, Part 6. The system should be tested regularly and inspected, by a competent person, as follows:

- Grade A systems inspected every **6 months**.
- Grade D systems inspected **annually**.

The results of all tests and inspections should be recorded in a log book and an "Inspection and Test Certificate" should be issued.

8.6 Fire Fighting Equipment Certification

Fire extinguishers are recommended and should be tested and maintained **annually** in accordance with the current BS5306 and with the manufacturer's instructions. An "Inspection and Test Certificate" should be issued.

Fire blankets are required in each kitchen.

8.7 Emergency Lighting Certification

Emergency lighting should be tested and maintained **annually** in accordance with the current BS5266-8 (BSEN 50172). Testing to be done by a competent person, recorded in a log book and an "Inspection and Test Certificate" issued.

8.8 Furniture and Furnishings

All furniture provided with the accommodation must comply with the current Furniture and Furnishings (Fire) (Safety) Regulations.

8.9 Interruption of Supplies

The council takes a serious view of the interruption or disconnection of electricity, gas or water services.

Where appropriate the council may utilise Section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to take legal possession of rent or recover costs direct from owners, to pay outstanding utility accounts. In addition the council may prosecute owners and/or agents for causing or allowing a disconnection.

8.10 Pest Control

Where there is an infestation of pests in a HMO the landlord must employ a competent pest control contractor to carry out appropriate treatments to control and eradicate any recognised pest species infesting the property.

8.11 Anti-Social Behaviour (ASB)

ASB covers a wide range of problems and includes any behaviour that is capable of causing 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 tenants and their visitors are not causing problems within the boundaries of the property through anti-social behaviour.

Where anti-social behaviour has been established a reasonable first step, in less serious cases, would be to ask the occupier to refrain from the conduct and warn him/her of the potential consequence of not doing so.



If, after that approach, the problems persist then the landlord should give the tenant(s) a written warning and contact other agencies, such as the Police or Community Safety Team, for advice and help to stop the problems.

Following that course of action if there are still no improvements, or if the tenant(s) behaviour is so serious that there would be little point in invoking the previous steps, then landlords should take lawful enforcement action, which may include possession proceedings.

Annex 1 – HMO Definitions

A.1 What is a HMO under the Housing Act 2004

The [Housing Act 2004](#) defines a building, or a part, of a building as a “house in multiple occupation” if it meets one of the following tests, as set out in section 254 of the Housing Act:

1. “The standard test”;
2. “The self-contained flat test”;
3. “The converted building test”;
4. A HMO declaration is in force;
5. Converted block of flats – *Section 257 HMO*

A.2 The “Standard Test”

A building, or part of a building, meets the standard test if all of the following apply:

- a. It consists of one, or more, units of living accommodation not consisting of a self-contained flat, or flats;
- b. The living accommodation is occupied by persons who do not form a single household. (*see section 258 of the Housing Act for a definition of persons not forming a single household*);
- c. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (*see section 259 of the Housing Act for a definition of persons treated as occupying premises as only or main residence*);
- d. Their occupation of the living accommodation constitutes the only use of that accommodation;
- e. Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- f. Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

A.3 The “self-contained flat test”

A part of a building meets the self-contained flat test if all of the following apply:

- a. It consists of a self-contained flat; and paragraphs b. to f. in the ‘standard test’ above apply.

A.4 The “Converted Building Test”

A building, or a part of a building, meets the converted building test if all of the following apply:

- a. It is a converted building;
- b. It contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
- c. The living accommodation is occupied by persons who do not form a single household (*see section 258 of the Housing Act for a definition of persons not forming a single household*);
- d. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (*see section 259 of the Housing Act for a definition of persons treated as occupying premises as only or main residence*);
- e. Their occupation of the living accommodation constitutes the only use of that accommodation; and
- f. Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

A.5 HMO declaration

Where the local authority are satisfied that a building, or part of a building, meets one of the HMO definition tests they may serve a notice declaring that the building to be a HMO. (*See Section 255 of the Housing Act 2004*).

A.6 Converted blocks of flats – Section 257 HMO

This test applies where the building is converted and comprises entirely of self-contained flats **and both** of the following applies:

- a. The standard of conversion does not meet, as a minimum, the standard required by the Building Regulations 1991; and
- b. Less than two-thirds of the flats are owner-occupied

Landlord/Managers of properties that have been converted into self-contained flats may be required to provide documentary evidence to prove that the

building regulations were met at the relevant time. These documents can include building work completion certificates, schedules of works and completion and other supporting evidence (for example, a certificate from an appropriately qualified person that the works conformed to the standards).

A.7 What is a household?

Section 258 of the Housing Act sets out the meaning of a single household and the circumstances when persons, who are living together, each form a separate household. In summary a household is:

- Couples married to each other, or living together as husband and wife, and couples in same sex relationships.
- Relatives living together, including parents, grandparents, children and step-children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Half-relatives are treated as full relatives.
- A foster child living with his or her foster parent is treated as living in the same household as his/her foster parent.

- Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person who they are working for.
- A resident landlord and any individuals who are part of the landlord's family, are classed as one household and one person.

Household examples:

- Three friends sharing together is classified as three households.
- A couple sharing with a third person is classified as two households.
- A family renting a property is a single household. If that family had an au pair to look after their children, that person would be included in their household.
- A resident landlord, with a partner and two children are one household and one person. If there are also four tenants, then this arrangement comprises five households and five persons.

Annex 2 - HHSRS

B.1 Housing Health & Safety Rating System

The Housing Act 2004 introduced The Housing Health and Safety Rating System (HHSRS).

It is the legislation setting minimum standards for all residential accommodation, regardless of tenure. It is used to identify hazards in a property and assess the likelihood and severity of harm to an occupant or visitor's health or safety.

The hazards are prescribed in the HHSRS – Operating Guidance and are classified as Category 1 or Category 2 Hazards according to the risk. All HMOs must be free from serious hazards.

HHSRS consists of the following 29 hazards:

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



The Department for Communities and Local Government has published a guide titled "[Housing Health and Safety Rating System - Guidance for Landlords and Property Related Professionals](#)". It can be downloaded from www.gov.uk and search for "HHSRS".