



STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

May 2018

Important Note:

In December 2011, West Lancashire Borough Council introduced an Article 4 direction to control the change of use from a normal dwelling house to a House in Multiple Occupation (HMO). The direction means that you may need to get planning permission if you wish to rent a property out as a HMO that has not previously been a HMO. The direction covers Ormskirk, parts of Aughton and parts of Westhead.

If your property does not have planning permission or building regulation consent to operate as a House in Multiple Occupation, any action taken by the Council under the Housing Act 2004 / Management Regulations, now or in the future, does not constitute planning permission or building regulation approval for the use of the premises as a HMO or otherwise, neither does it grant nor imply immunity from any enforcement action taken now or in the future by this Council under planning legislation or otherwise. You may wish to seek independent legal advice upon this issue and particularly with regard to the possible consequences of unlawful use of the premises.

1.0 STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

The purpose of these standards is to inform landlords of their statutory obligations and provide advice on how to improve and maintain houses in multiple occupation (HMOs) to an acceptable **minimum** standard, in both licensed and non-licensable HMOs. They are also the standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or individuals.

Throughout this document all wording written in ***bold italics*** is taken directly from the legislation and are minimum requirements.

The standards should be assessed alongside the following legislation/regulations:

- The Housing Act 1985 Part X
- The Housing Act 2004
- The Housing and Planning Act 2016
- Housing Health and Safety Rating System Operational Guidance (a means of identifying hazards in dwellings and of evaluating the potential effect of any disrepair or deficiencies on the health and safety of the occupants)
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006; (Statutory Instrument 2006 No 373)
- The Management of Houses in Multiple Occupation (England) Regulations 2006 (Statutory Instrument 2006 No 372)
- The Licensing and Management of houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007, (Statutory Instrument 2007 No 1903)

- The Energy Performance of Buildings (Certificates and Inspections)(England and Wales) Regulations 2007
- The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015

There is considerable diversity in the way HMOs are occupied and in the health and safety risks that may be evident. This guidance document details the standards that are appropriate for a wide range of the most common types of HMOs however; it is not always possible to cover every eventuality. The Private Sector Housing Team will be pleased to discuss any variations appropriate for an individual HMO.

When designing new layouts for HMOs regard should be given to the Statutory Guidance Document - Housing Health and Safety Rating System HHSRS Operational guidance ODPM Feb 2006. New layouts or developments should not introduce hazards and the requirements under the 'Hazard Profiles' should be adhered to.

Although minimum fire precautionary standards are necessary for all HMOs this document takes no account of the requirements as they cannot be simply explained and as every HMO will be different in some way, individual assessments are necessary. FIRE

Fire safety standards are assessed using the 'HOUSING SAFETY' guidance published by the Local Authorities Co-ordinators of Regulatory Services (Lacors).

The guidance document can be obtained either on line or through the Local Authority

Fire precautionary advice can also be obtained by contacting the Private Sector Housing Team.

2.0 WASHING AND TOILET FACILITIES

Where all or some of the units of living accommodation in a HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

- a) there must be an adequate number of bathrooms, toilets and wash hand basins suitable for personal washing for the number of persons sharing those facilities; and***
- b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided.***

2.1 Shared Bathrooms

No. of Occupiers	Up to 4	5	6 - 10	11- 15
Wash Hand Basins	1	2	2	3
Toilets	1	1	2	3
Baths or Showers	1	1	2	3
		At least 1 toilet should be in its own compartment (or in an additional bathroom) and each bath or shower must be in its own bathroom		At least 2 toilets should be in their own compartments (or in an additional bathroom(s))

2.2 Individual Bathrooms (for both shared and exclusive use)

These amenities must be secure and private and should normally be located on the same floor as the sleeping accommodation.

- All baths must be readily accessible and of minimum dimensions 1700mm x 760mm in a bathroom.
- All showers must be readily accessible, screened and enclosed, of minimum dimensions 800mm x 800mm in a suitable room of adequate dimensions and facilities to allow for user to change their clothes and dry themselves.
- All baths, showers and wash hand basins must be equipped with taps providing an adequate supply of cold and constant hot water (minimum 40 ° C) and be connected to an appropriate drainage system. Instantaneous heaters with a minimum rating of 6KW will only be acceptable to wash hand basins when no other means of providing hot water is available.
- All baths, showers and wash hand basins must be equipped with adequate splash backs (300mm to baths and wash hand basins, full heights for showers or within separate water tight enclosure) with an adequate waterproof seal.
- All bathrooms must be suitably and adequately heated and ventilated (see heating and ventilation sections below).
- All separate toilets must be suitably ventilated (see section on ventilation below).
- All bathrooms and toilets must be of an adequate size and layout to allow for their proper use.
- Landlords must ensure the provision of suitable floor covering to toilet compartments and bathrooms; these must be slip resistant, impervious and easily cleansable.
- Only those rooms with a toilet with mechanical ventilation extraction and a wash hand basin are allowed to open onto a room where food is prepared.

3.0 KITCHENS

3.1 Exclusive Use Kitchens

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household and there are no other kitchen facilities available for that household, that unit must be provided with the following facilities:

(a) *adequate appliances and equipment for the cooking of food*

The minimum requirement is two rings/hot plates together with an oven and a grill. For occupancies of two or more persons the minimum requirement is four rings/hot plates together with an oven and grill. Rings/hot plates must be at a height level with adjacent worktops and a minimum oven capacity of 55 litres. Alternatively a microwave oven may be substituted for one or two of the rings/hot plates.

(b) *a sink with an adequate supply of cold and constant hot water*

A fixed impervious sink of minimum dimensions 500X600 mm with a drainer and connected to the drainage system via a suitable trap. It must be provided with an adequate supply of cold water from the rising main and a supply of constant hot water at a minimum temperature of 60° celsius. Instantaneous water heaters are unacceptable. A suitable splash back, 300mm high should be provided to the sink and draining board and all joints shall be adequately sealed.

Hot water may be provided by any of the following methods.

- Piped from storage and boiler
- Immersion heater
- Fixed gas appliance, e.g. multipoint or combi boiler
- Electrical thermostatically controlled water heater with a 10 litre storage reservoir, automatic fill and connected directly to the cold water supply.

All hot water vessels must be properly insulated

(c) *a worktop for the preparation of food:*

A suitable work surface must be provided a minimum of 500mm deep and a minimum length of 1100mm for the first person plus 500mm per additional person. The worktop must be fixed and secure and of an impervious material. A suitable splash back, 300mm high should be provided where any work surface abuts a wall and all joints shall be adequately sealed.

(d) *sufficient electrical sockets*

A minimum of 2 double socket outlets shall be suitably located above the work surface for the use of portable appliances and at least 1m from a water source in addition to any sockets required by these standards, situated in convenient positions for appliances such as cooker, fridge freezer, washing machine.

(e) a cupboard for the storage of kitchen utensils and crockery

Standard floor or wall mounted cupboard of minimum capacity 0.16m³. The space below the sink unit is not acceptable to comply with this standard.

(f) a refrigerator

Refrigerator space including a freezer compartment shall be a minimum 91litres. The fridge shall be capable of maintaining an internal temperature of 5°C.

3.2 Shared Kitchens

1 kitchen for up to a maximum of 5 people sharing, larger kitchen with additional facilities may be acceptable but confirmation should be obtained from the Private Sector Housing Team.

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:

a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities-

(i) sinks with draining boards

A fixed impervious sink of minimum dimensions 500X600 mm with a drainer and connected to the drainage system via a suitable trap. A suitable splash back, 300mm high shall be provided to the sink and draining board, and all joints shall be adequately sealed.

(ii) an adequate supply of cold and constant hot water to each sink supplied

Each sink must be provided with an adequate supply of cold water from the rising main and a supply of constant hot water at a minimum temperature of 60° Celsius. Electric instantaneous water heaters are not acceptable as they do not provide an adequate flow of hot water.

Hot water may be provided by any of the following methods.

- Piped from storage and boiler
- Immersion heater
- Fixed gas appliance, e.g. multipoint or combi
- Under sink electrical heater with a minimum 10 litre storage reservoir

All hot water storage vessels must be properly insulated.

(iii) installations or equipment for the cooking of food

Kitchens shall be equipped with cookers with a minimum of 4 rings, a standard sized oven and a grill.

(iv) electrical sockets

A minimum of 4 double socket outlets shall be suitably located above the work surface for the use of portable appliances and at least 1m from a water source in addition to any sockets required by these standards, situated in convenient positions for appliances such as cooker, fridge freezer, washing machine.

(v) worktops for the preparation of food

A suitable work surface must be provided a minimum of 500mm deep and a minimum length of 1100mm for the first person plus 500mm per additional person. The worktop must be fixed and secure and of an impervious material. A suitable splash back, 300mm high should be provided where any work surface abuts a wall and all joints shall be adequately sealed.

(vi) cupboards for the storage of food or kitchen and cooking utensils

Food cupboards shall be a minimum of one 500mm wide base unit or wall cupboard per person. The space in a sink unit below the sink will not be acceptable.

(vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, sufficient separate freezers);

Fridge space shall be a minimum 30 litres of space per person in addition to the freezer compartment.

(viii) appropriate refuse disposal facilities; and

Proper bins with lids must be provided for the storage of kitchen waste prior to disposal e.g. pedal bin

(ix) appropriate extractor fans, fire blankets and fire doors.

Kitchens shall be fitted with an appropriate extractor fan. This shall be capable of achieving 6 air changes per hour.

The provision of fire blankets and fire doors will be addressed at the time of the fire risk assessment for the whole house.

4.0 ROOM SIZES

It is for each Council to set its own room standards to reflect the type of housing available in their area. The dimensions and areas specified below are recommended minimum standards. In addition, consideration needs to be given to the shape and amount of usable living space of any room when deciding how many people it is suitable for. The standards apply irrespective of the age of the occupants.

The sharing of a bedroom by persons of the opposite sex over the age of 10 years and who do not live as partners shall not be permitted.

No staircase or landing nor any room, which has been appointed as a kitchen bathroom or lounge, can be counted for sleeping accommodation.

The following tables detail acceptable **minimum** room sizes

BEDSIT ROOMS AND FLATS:

One room unit of accommodation with cooking, living and sleeping facilities:

Bed sit for one person	10.2m ² (bed sit only)
	12.2m ² (including toilet with WHB)
	13.2m ² (including shower Room with toilet)
	15.2 m ² (including kitchen)

Two or more room units with cooking, living and sleeping facilities.

Single bedroom	6.51m ²
Double bedroom	10.22m ²
Each living room for single person units	9.0m ²
Each living room for two person units	10.0m ²
Each living room/dining/kitchen - for single person unit	11.0m ²
Each living/dining/kitchen, -for two person unit.	13.9.0m ²

Shared House:

Each bedroom shall be at least 10m ² , although this standard can be relaxed down to 6.51m ² if a separate living room is provided (which is not a kitchen or a kitchen diner). A lounge must also be provided if any of the bedrooms are occupied by more than one person.	
Living room – up to 5 occupants	9.3 m ² minimum 1.9 m ² per person
Living/dining – up to 5 occupants	11.5 m ² minimum 2.3 m ² per person
Kitchen/diner – up to 5 occupants	11.5 m ² minimum 2.3 m ² per person
Kitchen - up to 5 occupants	1.4 m ² per person 5.6 m ² minimum

5.0 HEATING

Each unit of living accommodation in a HMO must be equipped with adequate means of space heating.

- Heating shall be provided in every habitable room and bathroom, which is capable of maintaining a 21 degrees Celsius (°C) temperature difference with the external air when the outside temperature is -1°C. (The provision of insulation can assist in meeting this standard). Such heating provision must be capable of being used at any time by the occupants.
- The heating shall be:
 - Controllable, understandable and accessible by the occupants
 - Safe
 - Properly and professionally installed
 - Appropriate for the design, layout and construction of the dwelling
- Heating may be by means of: -
 - Central heating, or
 - Gas heaters connected to a suitable flue and terminal outlet, or
 - Oil heaters connected to a suitable flue and terminal outlet, or
 - Electric heaters (if electric heaters are to be used to heat a room, an electric point shall be provided for that exclusive purpose. Individual heaters must be a fixed installation. The installation should be cost effective to avoid fuel poverty and should be designed in accordance with DOM 8: Guide to the Design of Electric Space Heating Systems, The Electrical Heating and Ventilation Association, 2006)

If you are in doubt please consult the Private Sector Housing Team

6.0 NATURAL AND ARTIFICIAL LIGHTING

All habitable rooms shall have an adequate level of natural lighting, sufficient, during daylight hours to enable normal domestic tasks to be carried out without eye strain. Windows should be of adequate size and of appropriate shape and position to allow for reasonable daylight penetration into the rooms, and to provide a reasonable view.

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

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

All habitable rooms, kitchens, bathrooms, toilets, passageways, staircases and cellars in use shall be adequately lit with suitable switching, including two way switching to stairs and passageways etc, as necessary.

Time switches to common parts shall be of a type, which are illuminated for ease of location.

7.0 VENTILATION

All kitchens, bathrooms and water closet compartments shall be ventilated directly to the external air, either by a window the openable area of which shall be equivalent to at least 1/20th of the floor area of the room or by suitably sited mechanical ventilation in accordance with Part F of the Building Regulations and relevant British Standards.

Basement rooms used as habitable rooms shall be provided with natural ventilation direct to the external air. In addition, there shall be an unobstructed space immediately outside the window opening, which extends the entire width of the window or more and has a depth of not less than 0.6m (2ft) measured from the external wall or not less than 0.3m (1ft) in the case of a bay window with sidelights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas-heating appliance.

8.0 DISPOSAL OF REFUSE

The control of storage and disposal of refuse is a particular problem in HMOs. The Council requires that the license holder or manager of the HMO shall ensure that refuse is not allowed to accumulate within the house except where properly stored pending its disposal.

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.

Wherever possible the waste bins should be kept at the rear of the property and never on the highway.

Supplementary arrangements for the disposal of refuse and recyclable materials from the house as may be necessary having regard to any service provided by the local authority e.g. beds, mattresses, furniture, fridges, TVs, rubble etc.

If there is inadequate space to store rubbish within the boundaries of the house from week to week and no way of providing extra space, the landlord may have to make arrangements for extra collections.

The tenants must be informed in writing at the beginning of their tenancy on which days refuse and recycling collections take place. This information should also be permanently displayed in a prominent position within the property.

9.0 MANAGEMENT

HMOs need careful management to keep things running smoothly. To ensure a HMO functions properly landlords need to comply with the following regulations relating to management.

The Management of Houses in Multiple Occupation (England) Regulations.

These regulations apply to ALL HMOs, regardless of whether they are licensed, imposing duties on managers (with some requirements on occupiers) to ensure that good conditions are maintained. Failure to comply is an offence and could lead to unlimited fines or a Civil Penalty (maximum £30,000). West Lancashire Borough Council's 'Civil Penalties Charging Policy' can be found on the Councils webpage.

The duties include the following:

1. Provision of Information for occupiers

The manager must ensure that his name, address and any telephone contact number are made available to each household in the HMO and that these details are clearly displayed in a prominent position in the HMO

2. Safety measures

The manager must:

- ensure that all means of escape from fire in the HMO are kept free from obstruction and maintained in good order and repair
- ensure that any fire fighting equipment and fire alarms are maintained in good working order
- ensure that where the HMO has more than four occupiers, 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.
- take all measures as are reasonably required to protect the occupiers of the HMO from injury having regard to the design, structural conditions and number of occupiers
- take measures in relation to any roof or balcony that is unsafe, to either ensure that it is made safe or prevent access to it for so long as it remains unsafe, and in relation to any window sill which is at or near floor level, ensure that bars or other safeguards are provided to protect the occupiers from accidents

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

4. Supply and maintenance of gas and electricity

Managers must:

- not unreasonably interrupt supplies of gas or electricity
- provide West Lancashire Borough Council within 7 days of request, the latest gas appliance test certificate for the HMO
- ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a person qualified to undertake such inspection and testing, AND obtain a certificate from the person conducting the test, specifying the results of the test AND supply that certificate to West Lancashire Borough Council within 7days of receiving a request.

5. Maintenance of common parts, fixtures, fittings and appliances

Managers must ensure that all common parts of the HMO are maintained in a safe and working condition, in good and clean decorative order, and kept reasonably free from obstruction. This includes:

- water, gas and electricity supplies and drainage facilities
- appliances such as cookers, heaters, washing machines
- shared lighting and heating facilities, including hot water supplies
- shared toilets, baths, sinks and basins
- shared cooking, food storage and other installations
- staircases, handrails, halls, passages and landings, including floor coverings
- windows and other means of ventilation
- outbuildings, paths, boundary walls, fences, railings, yards and garden areas

6. Maintenance of living accommodation

Managers 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
- the internal structure of living accommodation, every window and other means of ventilation and any fixtures, fittings or appliances supplied within it are maintained in good repair and clean working order, subject to the tenant behaving in a tenant like manner

7. Waste disposal

Managers must provide enough bins for refuse pending their disposal, ensure that rubbish does not accumulate, and make such further arrangements for the disposal having regard to any service provided by the Council.

8. Duties of Occupiers

Occupiers must:

- take reasonable care to avoid damage and disrepair
- co-operate in a reasonable way with the manager, and provide information to allow him/her to carry out their duties;
- allow the manager to access their living accommodation, at all reasonable times, for any purpose connected with the carrying out of duties imposed on him by these Regulations,
- comply with any reasonable arrangements or instructions made by they manager regarding means of escape from fire and the storage or disposal of litter.