



North Warwickshire
Borough Council

Standards for Houses in Multiple Occupation
(excluding fire standards)

A Guide for landlords, owners, managing agents,
tenants and other interested parties

Revised April 2024

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Section 1

1.1 INTRODUCTION

The Housing Act 2004 introduced mandatory licensing of certain higher risk houses in multiple occupation (HMO's) and a new system of assessing housing conditions, this is known as the Housing Health and Safety Rating System (HHSRS). This covers a wide variety of issues which may pose a threat to the health and safety of the occupiers or visitors.

Essentially a HMO must be licenced if it meets the following criteria:

- Has five or more tenants living as two or more households and
- Share facilities such as a kitchen, bathroom or toilet

All of the above criteria must apply for the HMO to require licensing. HMO Licence Applications can be made through the .GOV site and details of the licence fee can be found on the Council website www.northwarks.gov.uk or by emailing privatesectorhousing@northwarks.gov.uk.

The Management of Houses in Multiple Occupation (England) Regulations 2006 also apply to all non-licensable HMO's and must be complied with at all times, the requirements of these Regulations are discussed in Section 3.8.

This booklet provides basic information on the standards required within the types of HMO's most commonly found in the area and defines what a house in multiple occupation is.

Whilst general standards are detailed in this guidance fire safety precautions are not included and are contained within the National Guidance document published by LACORS entitled "Guidance on Fire Safety Provisions for Certain Types of Existing Housing". This can be downloaded free of charge from here.

It includes guidance on fire safety measures for various types of property, including different types of HMO's and provides worked examples. Regard should be made to this guidance when determining what fire safety measures will be appropriate.

Homestamp have also produced a Guide to Fire and Security found [here](#). Within this Guide there are numerous different property layouts which show the fire protection measures necessary. It also contains other guidance and information for both landlords and tenants, including much of the content in other languages.

1.2 WHAT IS A HOUSE IN MULTIPLE OCCUPATION?

Under the Housing Act 2004, if you let a property which is one of the following types, it will be classed as a house in multiple occupation:

- An entire house or flat let to 3 or more tenants who form 2 or more households whilst sharing a kitchen, bathroom or toilet.
- A house converted entirely into bedsits or non-self contained accommodation and let to 3 or more tenants who form 2 or more households whilst sharing a kitchen, bathroom or toilet.
- A converted house containing 1 or more flats which are not self contained (i.e. do not contain kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form 2 or more households.
- A building which is converted entirely into self-contained flats and the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

A property with a live-in resident landlord who has three or more lodgers will also be deemed to be a HMO. These types of HMO's can also require licensing if the property is occupied by five or more persons and there is sharing of facilities.

1.3 DEFINITION OF HOUSEHOLD

A household as defined under the Housing Act 2004:

- 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.

Domestic staff are also to be treated as forming part of the household if they are living rent free in accommodation provided by their employer.

Three unrelated friends living together would be deemed to be three households, whether occupying the property on a single tenancy or not and as such would meet the definition of a HMO. However two unrelated single persons occupying a property are exempt from the definition and therefore this would not be classed as a HMO.

1.4 CATEGORIES OF HMOs

The most common arrangements are described however there will always be circumstances which do not exactly match those given. If this is the case then it is advisable to contact the Private Sector Housing Team for guidance.

Category A (Bedsit Type)

Houses occupied by a number of unrelated persons living as more than one household where each occupant lives independently of all others. Within this category there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom, toilet and/or kitchen). There will often be no communal living or dining room. This category can be divided into two groups, those with cooking in lets and those with a shared kitchen and both are considered in this guidance.

Category B (Shared houses and flats)

Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults under a single tenancy. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.

Category C (Lodgings)

These are properties with a resident live-in landlord who will often provide a service such as cleaning, laundry and will provide meals.

Category D (Hostels / Bed & Breakfast)

Generally referred to as 'hostels', 'guest houses' and will provide accommodation to those with no other permanent home elsewhere.

Category F (Self-contained flats)

Houses converted completely into self-contained flats with living, cooking, bathroom and sleeping facilities within the flat.

1.5 WHAT IS A SHARED HOUSE?

The majority of HMO's within North Warwickshire will be described as either "Shared House" or "Bedsit" type HMO's. This section is taken from Homestamp Guidance used by authorities across the West Midlands. LACORS recognises that, there are some differences between these types of accommodation. There are aspects of living in a shared house which may reduce the risk of fire and therefore the necessary fire precautions can be reduced to some extent.

The working guidance given in LACORS is that for an HMO to be regarded as a shared house, it should:

- be rented by an identifiable group of sharers, such as students, work colleagues or friends, as **joint tenants**. This means that they will generally commence their occupation at roughly the same time and be jointly and severally liable for paying the rent and complying with tenancy conditions
- each occupant will have a designated study/bedroom but will share the kitchen, bathroom, living and dining rooms and all other parts of the house. Each tenant will have a right of access to **all** parts of the house, including others' study/bedrooms.

In addition, the following criteria can also be used to help decide whether the house can be regarded as shared:

- there will be a significant degree of social interaction between the tenants
- the tenants will share facilities such as laundry equipment, TV etc.
- there will be arrangements in place for the tenants to share the cleaning and general management of the whole house
- bedroom/study doors will not have locks.
- the responsibility for finding a new tenant, if one moves out, will rest with the remaining tenants rather than the landlord
- tenants will decide amongst themselves who is to occupy each study/bedroom

- the total occupancy of the house will be relatively small. Shared houses rarely have more than seven tenants
- the occupancy of the house will be relatively stable. Frequent changes in occupier would suggest a bedsit
- there will be a degree of co-operation and sharing of common tasks such as shopping, cooking, cleaning etc.
- tenants will normally be aware of who is in the house

The listed criteria are important but are not prescriptive. Some variation is acceptable. The important thing is that to be regarded as a shared house, the occupants must live together in a manner which approximates to single family occupation.

If an HMO is not a shared house then it will be regarded as bedsits. In some instances, however, a house will not fall neatly into one classification or the other, and in such a case will need to be treated on its merits. As long as the risk assessment takes into account the risks associated with the true manner of occupation, it is likely to be accepted.

Section 2: Physical Standards

2.1 CATEGORY A HMO'S (BEDSIT TYPE)

Houses occupied as individual rooms, where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of others. There is typically no shared living room.

The principles below should be considered to be the general principles of occupation for all Category A (bedsit type) HMO's.

- In no case shall any room be occupied by more than two persons
- Persons of the opposite sex over the age of 10 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related nor living as a married couple or partners shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.

- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).
- A single bed/sitting room containing cooking facilities is not suitable for accommodating a child below the age of 5 years.

Where dimensions and areas are specified below they shall, unless the context requires otherwise, be regarded as the minimum. Irrespective of such recommendations however, consideration should be given to the shape and usable living space of any room in determining whether and by how many people it is suitable for occupation. This is a matter of functionality; whether given its shape and size the particular room is reasonably capable of performing the role assigned to it for the number of persons who need to use it.

2.2 MINIMUM ROOM SIZES

BEDSITS WITH COOKING IN LETS

(a) One person units of accommodation

(i) One room units

- A single room containing kitchen facilities 13 m²
- A bed / sitting room with a separate shared kitchen 10 m²

(ii) Two or more roomed units

- Each combined living room/kitchen 11 m²
- Each living room (without kitchen facilities) 9 m²
- Each bedroom 6.5 m²
- Each separate kitchen 3.5 m²

(b) Two or more person units of Accommodation

(i) One room units

- A bed / sitting room including kitchen facilities
for two persons 20 m²
- A bed / sitting room for two persons
with separate kitchen facilities 15 m²

(ii) Two or more roomed units

- Each combined living room / kitchen 15 m²
- Each living room 12 m²
- Each bed / sitting room 15 m²
- Each single bedroom 6.5 m²
- Each double bedroom 10 m²
- Each separate kitchen for exclusive use of up
to three occupants, living as one household 4.5 m²

2.3 BEDSITS WITH COMMUNAL KITCHEN

Separate kitchens, whether shared or for exclusive use shall be of sufficient size for their purpose. As a general guide the sizes below should be met for communal kitchens however minor variations will be permitted provided there are suitable facilities:

- Kitchens for 2 to 5 persons 7 m²
- Kitchens for 6 to 10 persons 10 m²
- Kitchens for 11 to 15 persons 13.5 m²

(a) One person units of accommodation

- Each bedroom / study where all occupants of the house have access to a separate communal living room 6.5 m²
- Each bedroom with no access to a separate communal living room 10 m²

(b) Two or more person units of Accommodation

- Each bedroom where all occupants have access to a separate communal living room 11 m²
- Each bedroom where all occupants do not have access to a separate communal living room 15 m²

2.4 KITCHEN FACILITIES (BEDSITS)

Each occupancy shall have adequate facilities for the storage, preparation and cooking of food and the disposal of waste water. Where possible this should be located within the unit of accommodation. Where this is not practicable, the kitchen must be located not more than one floor distant from the accommodation.

The kitchen facilities appropriate for any of the circumstances mentioned above are:-

(a) Bed sitting room with combined kitchen (cooking in lets)

The facilities must comprise as a minimum:

- Cooking

Single person - a gas or electric cooker with a minimum of two burners/hobs, an oven and grill.

Two persons - a gas or electric cooker with a minimum of four burners/hobs, an oven and grill.

Alternatively a combination microwave oven may be substituted for one (in single) or two (in double) of the burners/hobs respectively or in place of a conventional oven.

- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water. The sink shall be connected to the drainage system via a suitable trap. A wash-hand basin shall not be used in place of a sink.
- Sufficient fixed smooth, impervious work surface to enable each user to prepare food safely and hygienically. A minimum of 500 mm

clear run of work surface will be required for a single person bedsit and 1000 mm for a double room.

- A suitable refrigerator of sufficient size to store an average persons dietary requirements on a day to day basis. A freezer compartment is desirable but not essential in a single person bedsit.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery (e.g. 500mm wide wall or base unit per occupier).
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

Additional requirements specific to kitchen areas within bedsitting rooms:-

- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker i.e. they must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

(b) Separate Kitchen Directly Off the Bedsitting Room

The kitchen must be of sufficient size and layout to enable food to be prepared safely and hygienically. A minimum floor area of 3.5 m² for a single person letting and 4.5 m² for a two person letting is normally required for this purpose. The facilities to be provided are as those for kitchens within the bedsitting room.

(c) Bedsits with Communal Kitchen

A shared kitchen should ideally be not more than one floor distant from any unit of accommodation having use of it. It is however, acceptable for a kitchen to be a maximum of two floors distant where there is a communal room adjacent to the kitchen suitable for dining purposes or where the kitchen is of sufficient size to serve as a kitchen / dining room.

Each shared kitchen shall comprise as a minimum:

Cooking

The kitchen must be provided with sufficient cooking appliances suitably located to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:

- For every five persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.
- For up to and including 7 persons a combination microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.

- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 persons a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. A 0.5 metre run of work surface for each user will generally be sufficient although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.
- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.
- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons. This is in addition to any dedicated sockets

serving major appliances such as dishwashers, washing machines and refrigerators.

Food Storage

Shared kitchens within bedsit type accommodation should not generally be used for communal food storage purposes (either refrigerated or dry food storage) where this leads to conflict between residents.

Lockable food cupboards (a minimum 500mm wide wall or base unit per person) and refrigerators (0.075m³ (one shelf)) can be considered although providing them in each unit of accommodation will be preferable if there is space to do so where problems do arise.

Any refrigerator within the individual unit of accommodation must be of sufficient size to store an average person's dietary requirements on a day to day basis. A freezer compartment is desirable but not essential within a single person bedsit room.

Ventilation

- All shared kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres / second flow rate.

2.5 PERSONAL WASHING AND BATHING FACILITIES (BEDSITS)

(a) Baths and showers

For bedsit type accommodation where all or some of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located bathroom to enable those facilities to be used on a shared basis.

Either a bath or shower is suitable for this purpose. Any shower must be provided with thermostatically controlled hot water.

Facilities must be provided not more than one floor distant from users and should be accessible from a common area. There must be a shower or bath on a ratio of one bath or shower to every 5 persons sharing.

(b) Wash hand basins

Where some or all of the units of accommodation do not contain wash hand basins for the exclusive use of the individual unit there must be an adequate number of wash hand basins to a ratio of one for every four persons sharing.

Shared wash hand basins may be located within shared bathrooms, WC's or other suitable room however all rooms containing a WC must also be provided with a wash hand basin.

2.6 TOILET FACILITIES (BEDSITS)

Toilet facilities should be provided not more than one floor distant from any user on a ratio of at least:

- One WC per five persons sharing where the WC is separate from the bathroom (and is accessible from a communal area without going through the bathroom)
- One WC per four persons sharing where the WC is located within the bathroom

Examples of acceptable minimum combinations of WCs and bathrooms are given in the table below. (Other combinations may achieve the same required minimum provisions, however).

NUMBER OF PERSONS SHARING	FULL SUITE	BATH ONLY	SEPARATE WC
4 or less	1		
5	1		1
5		1	1
6, 7, 8	2		
9	1	1	1
9 or 10	2		1
11 or 12	3		
13, 14, 15	3		1
16	4		
17, 18, 19, 20	4		1

2.7 CATEGORY B HMO's (SHARED HOUSES/FLATS)

Houses or flats occupied on a shared basis. These would normally be occupied by members of a defined social group, e.g. students or a group of young single adults who, in the main will have rented the house as one group. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space, bathroom and all other parts of the house.

All the tenants will have exclusive legal possession and control of all parts of the house. The anticipated duration of the occupancy will often be finite and numbers of occupiers above about six are probably more suggestive of Category A bedsit accommodation. This standard is not intended to apply to purpose-built student accommodation.

The principles below should be considered to be the general principles of occupation for all Category B (shared house) HMO's.

- In no case shall any room be occupied by more than two persons
- Persons of the opposite sex over the age of 10 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related nor living as a married couple or partners shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or

seasonal / migrant workers who occupy a property in connection with their employment).

- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Each separate bedroom within a shared house is regarded as a unit of accommodation for the purpose of assessing amenity standards.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

2.8 MINIMUM ROOM SIZES

For the most common arrangement found in North Warwickshire, that is, one person per room, the room needs to be 10m² if there is just a shared kitchen, or 6.5m² if there is a shared kitchen and living room of the minimum size given in the lower half of the table.

Category B HMO's Minimum Room Sizes (m2)				
Persons in bedroom		Minimum Room Size	Minimum Room Size if separate Living Room provided	
1		10	6.5	
2		15	11	
Minimum sizes of other rooms (m2)				
Total Residents in House	Kitchen (obligatory)	Dining kitchen (optional)	Living Room (optional)	Dining Rooms (optional)
2-5	7	11.5	11	11
6-10	10	19.5	16.5	16.5
11-15	13.5	24	21.5	21.5
All category B houses must have a shared kitchen. To take advantage of the lower bedroom size they must also have at least a separate living room but can have additional shared rooms				

Combined Kitchen, Living, Dining Space

Used by 2-5 persons 16m²

Used by 6-10 persons 25.5m²

The kitchen facilities must be suitably arranged so that the food preparation and cooking areas are safely separated from the dining/living areas. Adequate

structural support must be provided in accordance with current Building Regulations where walls are being removed to create the open plan room.

Dining kitchens

Where the kitchen is large enough to accommodate a dining table, there must be adequate space to allow the majority of tenants to sit without decreasing the kitchen working space.

Note: The above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use for the number of users.

2.9 KITCHEN FACILITIES (SHARED HOUSES)

A shared kitchen should ideally be not more than one floor distant from any unit of accommodation having use of it. It is however, acceptable for a kitchen to be a maximum of two floors distant where there is a communal room adjacent to the kitchen suitable for dining purposes or where the kitchen is of sufficient size to serve as a kitchen / dining room.

Each shared kitchen shall comprise as a minimum:

Cooking

The kitchen must be provided with sufficient cooking appliances suitably located to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:

- For every five persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.

- For up to and including 7 persons a combination microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.
- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 persons a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. A 0.5 metre run of work surface for each user although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.
- Kitchens must be provided with floor covering which is impervious, reasonably smooth and easily cleansable. Ideally floor coverings should

be slip resistant. Walls and ceilings must also be reasonably smooth such that they can be kept clean and easily redecorated.

- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.
- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

Food Storage

- Adequate refrigerated food storage must be provided either within the shared kitchen or within a room directly adjacent to the kitchen if space is a particular problem.

For every 3 persons there must be a standard domestic refrigerator of at least 100 litres capacity and a freezer compartment of at least 15 litres capacity.

Alternatively a tall upright fridge freezer will be acceptable for every 5 persons. These usually have a fridge capacity of around 140 to 180 litres and a freezer capacity of around 70 to 90 litres.

A combination of separate larder refrigerators and freezers will also be acceptable provided they give an approximate equivalent standard.

- Adequate dry/canned food storage and utensil storage cupboards must also be provided. A 500mm wall or base unit per person will be acceptable

for this purpose. The space beneath a sink is not acceptable for food storage purposes.

- In shared kitchens where it is likely that there will be a high degree of communality (for example students or professionals) it is not normally a requirement for refrigerators or storage cupboards to be locked.

In shared kitchens where a lesser degree of communality may be expected, the sharing of refrigerators and storage cupboards may lead to poor storage practice and conflict between residents. In such cases the house will more likely be regarded as a Category A2 HMO (Bedsits with communal kitchen) rather than a Category B HMO and lockable food storage cupboards may be necessary.

Ventilation

- All shared kitchens must be provided with adequate mechanical extract ventilation with an extract rate of at least 60 litres per second venting directly to the external air.

2.10 PERSONAL WASHING AND BATHING FACILITIES (SHARED HOUSES)

(a) Baths and Showers

A bathroom containing a bath or shower shall be provided on a ratio of at least one bath to every five persons sharing. Bathroom in properties housing up to five persons should ideally not be more than one floor distant from every bedroom

In properties housing over five persons there will be a need for additional bathroom(s).

(b) Wash hand basins

Any bathroom of separate room containing a WC must be provided with a wash hand basin.

2.11 TOILET FACILITIES (SHARED HOUSES)

Toilet facilities should be provided not more than one floor distant from any user on a ratio of at least:

- One WC per five persons sharing where the WC is separate from the bathroom (and is accessible from a communal area without going through the bathroom)
- One WC per four persons sharing where the WC is located within the bathroom

Examples of acceptable minimum combinations of WCs and bathrooms are given in the following table. (Other combinations may achieve the same required minimum provisions, however).

NUMBER OF PERSONS SHARING	FULL SUITE	BATH ONLY	SEPARATE WC
4 or less	1		
5	1		1
5		1	1
6, 7, 8	2		
9	1	1	1
9 or 10	2		1
11 or 12	3		
13, 14, 15	3		1
16	4		
17, 18, 19, 20	4		1

2.12 CATEGORY C HMO'S (Lodgings)

MINIMUM ROOM SIZES

(a) Each bedroom

- Single room 6.5 m²
- Double room 10 m²

(b) Common Living room

- 1-5 residents 11 m²
- 6-10 residents 16.5 m²

The provision of facilities is to be the same as category B HMO's (shared houses/flats). Either a resident landlord must provide use of their own kitchen or provide a separate facility.

2.13 CATEGORY D HMO'S (Hostels / Bed & Breakfast)

Houses generally referred to as 'hostels', 'guest houses' and 'bed and breakfast hotels' or similar. There would ordinarily be exclusive use of a bedroom and some sharing of bathroom/toilet facilities. Meals may be provided on a catered or self catering basis, there is usually a communal living and dining room.

These provide accommodation for unrelated persons with no other permanent place of residence. This must constitute a significant use of the accommodation to be classified as a HMO as distinct from hotels which only provide accommodation for temporary visitors who have alternative accommodation elsewhere.

A significant use is defined as where 25% or more of the total number of sleeping rooms are occupied by persons in receipt of housing benefit or paying a weekly or monthly rent as opposed to an overnight charge. This would include temporary accommodation used by the local authority to house homeless families or persons pending alternative accommodation. It would also include hotels housing both homeless households and visitors. The Council may declare the building to be a HMO if it meets this criteria.

General principles of occupation for all Category D (hostel) HMO's:

- In no case shall any room be occupied by more than two unrelated persons however, provided the room is large enough, it may be used by more than two persons subject to them all being family members (family includes married couples, couples living together as partners, parent, grandparent, child, step-child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin).
- Persons of the opposite sex over the age of 12 shall not be permitted to share the same room for sleeping purposes unless they are of

marriageable age and are either married or living as partners. (An exception to this rule would be where a family is placed in emergency accommodation and their stay does not exceed five nights and there is no other appropriate accommodation available in the same premises or locality).

- Family rooms are to be used by a maximum of four persons.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Room containing cooking facilities are not suitable for children under five years old.
- Rooms accessed via the external air where residents would need to go outside to access facilities within the main part of the premises are not suitable for living / sleeping purposes.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

2.14 MINIMUM ROOM SIZES

Bedroom sizes where no communal living room is available are shown in brackets.

(a) Bedrooms where separate kitchen provided

• Single room	6.5 m ²	(10m ²)
• Double room	11 m ²	(15 m ²)
• 3 person (family room)	15 m ²	(20 m ²)
• 4 person (family room)	19.5m ²	(24 m ²)

(b) Bedrooms with kitchen provided within room

• Single room	10 m ²	(13 m ²)
• Double room	14 m ²	(20 m ²)
• 3 person (family room)	18.5 m ²	(24 m ²)
• 4 person (family room)	23m ²	(28 m ²)

(c) Kitchen

• 2-5 residents	7 m ²
• 6-10 residents	10 m ²

Communal Rooms

In general need or short term accommodation there must be a communal living room (or rooms) provided unless the bedrooms meet the higher standard above. A communal room of at least 15m² must be provided for the first four persons plus 1m² for each additional person.

2.15 Kitchen Facilities

For self-catering hostels kitchens must meet the standard required by category B HMO's (shared houses) or where there is cooking within the letting room, category A standards (bedsits).

Kitchen Facilities for Hostel Type Accommodation

a) CATERED ACCOMMODATION

Where any meals are provided for residents, all food must be stored, handled, prepared and served in accordance with the provisions of the Food Safety Act 1990 and associated regulations (in particular the Food Hygiene (England) Regulations 2006).

All persons who are employed to handle food must have received appropriate and approved food hygiene training and the operation must be registered as a food business with the Council's Environmental Health Department.

Kitchens must be adequately equipped according to the number of meals expected to be served on a daily basis.

Further information on food hygiene matters and the adequacy of kitchen facilities can be found on the Government's website www.food.gov.uk and follow the link to 'Safer Food Better Business' using the A-Z directory.

The following general principles apply to catered accommodation.

- Meals must be served and consumed in the premises in which the occupants reside (i.e. residents should not be expected to travel to another hostel/hotel or café premises in the locality to obtain their meals).

It is acceptable for hotels which have an annexe building within the same curtilage to serve meals in the main building provided there is safe and well lit access between the buildings.

- Where there are insufficient catering facilities within a particular premises, meals may be prepared elsewhere and brought in, provided the food is prepared in a food safety compliant kitchen and transported in hygienic conditions under proper temperature control.
- An appropriate dining room must be provided together with sufficient tables and chairs for the number of users. (Meals may be served on a sitting basis)
- Residents must not generally have access to any catering kitchen in order to prepare their own meals.
- In some small hostels (ie those with six or less occupants in total), it may be acceptable for residents to prepare some meals within the kitchen which is also used for catering purposes provided such meals are prepared under the supervision of a person having undertaken appropriate food hygiene training.

This will normally be 'Supported Lodgings' type accommodation where residents are assisted to gain skills which may help them to live independently in the community.

- The extent that meals are provided for residents will vary from premises to premises with some providing breakfast only, and some providing full board. Meal provision may also vary between weekdays and weekends. There may also be variation from person to person with some choosing to take meals and some choosing to cater for themselves.

Whatever the arrangements, all residents must have access to adequate kitchen facilities (separate from any catering kitchen) in order to prepare their own food.

The following separate kitchen facilities shall be provided for use by residents according to the predominant characteristics of the catering operation:

All Meals Provided (Three Meals per Day)

Kitchen facilities must be sufficient for residents to prepare light meals and hot drinks.

One set of facilities shall be provided for every **fifteen** persons consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or a combination microwave oven/grill of minimum 20 litres capacity,
- A minimum two metre run of fixed work surface (minimum 500mm depth).
- A standard domestic refrigerator incorporating a freezer compartment.
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving major appliances.
- Adequate storage for cooking utensils, crockery and cutlery etc.
- A kettle for making hot drinks or a vending machine if considered appropriate.

Such facilities may be located within an appropriately laid out area within a communal room but should preferably be located within a separate kitchen or kitchens.

A minimum floor area of 10 m² per set of such kitchen facilities is required.

Breakfast and evening Meals Provided

A set of kitchen facilities as described above for premises providing all meals shall be provided on a ratio of one set of facilities to every **ten** persons.

Breakfasts Only Provided

One set of kitchen facilities shall be provided for every **seven** persons, consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not be generally permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500mm depth).
- Two twin 13 amp switched power sockets suitably sites in relation to the work surface and in addition to any sockets serving any major appliances.

A minimum kitchen floor area of 10m² per set of such kitchen facilities is required.

- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

b) SELF CATERING ACCOMMODATION

For hostels providing fully self-catered accommodation, food preparation facilities may be located either within each unit of accommodation or within shared kitchens.

Food Preparation Facilities within the Unit of Accommodation

The facilities shall comprise as a minimum:

- Cooking:
Single Person: a gas or electric cooker with two burners/ hobs, oven and grill
Two Persons or Family Room: a gas or electric cooker with four burners/hobs, oven and grill.

A microwave oven may be substituted for one or two of the burners/hobs respectively and a combination microwave oven / grill in place of a conventional oven.

- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water.
- Sufficient fixed work surface to enable food to be prepared safely and hygienically.
- A suitable refrigerator of adequate size according to the number of occupants. A family room would require a standard work top height refrigerator with freezer compartment.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.
- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker, ie they must not be positioned adjacent to the exit doorway. In particular gas cookers must not be positioned directly adjacent to openable windows

where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

2.16 Shared Kitchens

One set of kitchen facilities shall be provided for every five persons, consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not generally be permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500 mm depth).
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving any major appliances.
- A minimum kitchen floor area of 7m² per set of such kitchen facilities is required.
- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

2.17 Personal Washing and Bathing Facilities for Hostel Type Accommodation

Baths and Showers

Where it is not practicable to provide each unit of accommodation with its own bathroom, a readily accessible bathroom containing a bath or shower shall be provided on a ratio of one bath or shower to every five persons on occupation.

A bathroom must be available within one floor of any unit of accommodation. A shower facility installed over a bath will not count as an additional shower.

Institutionalised bathrooms with communal changing facilities shall not be permitted.

Wash Hand Basins

Each separate occupancy shall be provided with a wash hand basin together with constant supplies of hot and cold water and sited within the unit of accommodation.

If a sink is fitted within a room then a separate wash hand basin will not be required.

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin.

2.18 Toilet Facilities for Hostel-type Accommodation

Toilet facilities being not more than one floor distant from any unit of accommodation shall be provided in the following ratios in relation to the total number of occupiers of the accommodation.

1 – 4 persons - 1 WC which may be separate or located within a shared bathroom.

- 5 persons - 1 WC which must be separate from the bathroom but can be contained within a second bathroom.
- 6 – 10 persons - 2 separate WCs but one of the WCs can be contained within a bathroom.
- 11 – 15 persons - 3 separate WCs but 2 of the WCs can be contained within 2 bathrooms

This sequence would continue proportionally for every additional five persons.

Institutionalised toilets where there is more than one WC cubicle within the same room shall not be permitted.

Fire Precautions Hostel Type Accommodation

Hostel type accommodation may vary greatly in its size and complexity, ranging from small 'Supported Lodgings' schemes to large hostels.

Each case must be assessed individually in consultation with Warwickshire Fire and Rescue Service. Owners must also have regard to 'The Regulatory Reform (Fire Safety Order) 2005.

Heating in Hostel Type Accommodation

All habitable rooms within a hostel or bed and breakfast establishment must be provided with an adequate fixed form of heating capable of achieving a room temperature of 21oC within one hour of turning on when the air temperature outside is –1oC.

For heating to be properly used by residents, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device.

Heaters which use full price electricity are not normally acceptable as the main form of heating.

In many hostels, the heating is operated by timer and under control of the landlord or manager. This is acceptable provided adequate temperatures are maintained and adjustments are quickly made when problems of cold or excessive heat are brought to attention.

Central heating radiators in residents rooms should be fitted with a thermostat under control of the occupier.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains/blinds are likely to catch fire.

Paraffin heaters, LPG heaters and free standing plug-in electric heaters are not acceptable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive use or shared use, must also be provided with a fixed form of heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are design to operate in moist atmospheres.

Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of pre-payment meter.

2.19 CATEGORY F HMO'S (SELF-CONTAINED FLATS)

These standards apply to houses converted into self contained flats where the conversion did not, and still does not meet the standards of the Building Regulations 1991 (approved document B standard). Houses converted into self contained flats where the conversion met standards of the Building Regulations 1991 are exempt from the HMO definition.

The flats should be occupied by a single household and where any flat is occupied by groups of three or more unrelated persons then the flat would be regarded as a house in multiple occupation in its own right.

2.20 MINIMUM ROOM SIZES

Planning consent and Building Regulation approval should be obtained where houses are being converted into self contained flats and these departments may specify higher standards than those listed below.

One person flat

Bedroom (one occupant)	7 m ²
Living room	11.5 m ²
Living/kitchen	14.5 m ²
Bed/living room	13 m ²
Kitchen	5.5 m ²

Two person, one bed flat

Main bedroom	10.5 m ²
Living room	13 m ²
Living/kitchen	14.5 m ²
Bed/living room	16.5 m ²
Kitchen	5.5 m ²

Two bedroom flat

Main bedroom	10.5 m ²
Secondary bedrooms	7 m ²
Living room	16 m ²
Kitchen	7 m ²

Three bedroom flat

Main bedroom	10.5 m ²
Secondary bedrooms	7 m ²
Living room	18 m ²
Kitchen	7 m ²

2.21 KITCHEN FACILITIES (SELF-CONTAINED FLATS)

All kitchens must be provided with:

- a) A sink
- b) Adequate food preparation surface (of at least 0.75m²)
- c) 30amp electric cooker point or gas supply point
- d) Fixed storage cupboards either below food prep surface or wall mounted with minimum storage space of 0.5m³.
- e) Four 13A sockets, at least two of least to be located above work surface.

- f) A refrigerator

2.22 PERSONAL WASHING AND BATHING FACILITIES (SELF-CONTAINED FLATS)

Each flat must be provided with its own bath or shower with constant supplies of hot and cold water meeting the standards laid out in Section 3.

Each flat must also be provided with a suitable wash hand basin with constant supply of hot and cold water, this may be sited within the bathroom or bedroom.

2.23 TOILET FACILITIES (SELF-CONTAINED FLATS)

Each flat must be provided with its own WC which must be located within a bathroom or other separate compartment. Any room containing a WC must be provided with a wash hand basin.

Section 3: General Standards Applicable to all HMO Categories

3.1 SPACE HEATING

Each unit of accommodation in a HMO must be equipped with adequate means of space heating. Where heating is provided to communal rooms or areas this cost should be met by the general rental or energy charges rather than via a pre-payment meter.

All bedrooms and communal living rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 21 degrees centigrade within one hour when the outside temperature is -1 degree centigrade. The heating should be efficient, safely designed and be sited / guarded as to minimise the risks to health and safety. Any such appliances shall be maintained by a competent person. Any electric heating, where provided, must be hard wired into the electrical installation.

All forms of heating must be controllable by the occupants at all times. Paraffin, LPG heaters and freestanding plug in electric heaters are not acceptable.

Any bathroom, whether for shared or exclusive use must also be provided with suitable heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

Proper provision for space heating is important. In addition to maintaining a comfortable temperature for the tenants, good heating will also reduce the maintenance and redecoration needed where condensation forms and leads to mould growth. Therefore good heating is also likely to protect the structure of the building.

3.2 LIGHTING

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows, and/or door(s) the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, 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 a window. Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

3.3 PERSONAL WASHING FACILITIES

Baths should be a minimum of 1.67m in length and provided with a tiled splash back abutting walls. Any shower trays, should be a minimum size of 800mm x 800mm and have fully tiled walls or be complete self standing cubicles. A waterproof seal between any shower/bath must be provided using a flexible waterproof sealant. Constant hot and cold water supplies must be adequate and available at all times with hot water being delivered at a thermostatically controlled temperature.

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

- Privacy door locks must be provided
- Natural or mechanical extract ventilation; the latter is desirable even if natural ventilation is present and is essential for shared facilities
- Artificial lighting must be provided
- Bathrooms must be provided with an adequate fixed space-heating appliance

3.4 VENTILATION

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2.3m. All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

Existing attic rooms shall have a minimum height of 2.3m over an area of the floor equal to not less than half of the area of the room. Any floor area with a ceiling height of less than 1.53 metres shall be disregarded.

In addition to any natural ventilation, all shared kitchens must be provided with adequate mechanical extract ventilation with an extract rate of at least 60 litres per second venting directly to the external air providing at least three air changes per hour.

Bathrooms 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 100mm mechanical ventilation providing a minimum of one air change per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun (it may alternatively be humidistat controlled).

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should normally 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 measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended).

3.5 KITCHENS

A shared kitchen must be no more than one floor distant from the large majority of users and, in any event, not more than two floor distant from any user. Where in the case of any occupancy this is not practicable, that occupancy shall have its own kitchen facilities within the unit of accommodation.

Layout - Kitchen must be arranged to enable the occupiers to handle and prepare food safely. Any cooking appliance should be sited away from a doorway or position where collisions are likely. There should also be fixed work surfaces to both sides of any cooker to enable hot food to be put down and handles guarded etc.

All kitchens must have floor coverings which are smooth, impervious, easily cleansable and laid to prevent trip hazards.

Lighting – Adequate ceiling mounted lighting must be provided to the kitchen ensuring all areas are suitably lit.

Food Preparation – Must be of heat resistant, impermeable and easily cleansable materials. Any joint abutting walls should be watertight with a suitable splashback should be provided above sinks.

Sink - A stainless steel, ceramic or other comparable easily cleansable sink and drainer in good condition with sink top (or surface into which it is inset) must be a minimum of 500mm x 900mm with a constant supply of hot and cold water. A tiled splashback of up to 150mm shall be provided with watertight seal abutting walls. The sink(s) shall be connected to the drainage system via a suitable trap.

Food Storage – Must be a minimum size of 0.1 cubic metres (equivalent to a standard single wall unit). Surfaces must be easily cleansable and securely fixed. Food storage beneath a sink is not acceptable. Adequate provision for the storage of kitchen utensils shall be provided in the kitchen, in addition to the space provided for food storage.

Appropriate refuse disposal facilities must be provided for the number of occupants.

3.6 BATHROOMS (INCLUDING SHOWER ROOMS)

The Room - Floor covering must be smooth, impervious and easily cleansable. Walls and ceilings must also be reasonably smooth so that they can be easily decorated and kept clean.

Obscure glazing must be provided to all bathroom windows and doors to any shared bathroom must be fitted with a privacy lock.

Ventilation – Bathroom must be well ventilated. Where there is no natural means of ventilation via an openable window, mechanical ventilation giving an extract rate of at least 15 litres per second must be provided.

Any extractor fan in a room containing a bath or shower must be provided with an overrun of at least 20 minutes (or at least one air change) or should be humidistat controlled to prevent condensation related mould growth.

One water closet shall be provided and maintained for every five persons or lesser number. Every such water closet shall be in a separate room within the building and where shared by two or more households, be entered from a common passageway or hallway and shall not be more than one floor distant from any individual letting. Each WC compartment must be provided with a suitable wash hand basin with constant hot and cold water.

External WCs shall be ignored. Fifty per cent of WCs shall be provided in separate compartments except that where a sole WC is provided and maintained for not more than four persons it may be within a bathroom.

3.7 MEANS OF ESCAPE AND OTHER FIRE PRECAUTIONS

Appropriate fire safety measures must be installed within all HMO's given the increased risk of fire associated with their use. The fire safety precautions outlined in the LACORS 'Housing – Fire Safety' document which provides guidance on fire safety provisions for certain types of existing housing should be referred to. This guidance contains examples of the most commonly found layouts for various types of HMO's.

If you require further information or guidance on anything then you should contact the Private Sector Housing Team on 01827 715341 or email privatesectorhousing@northwarks.gov.uk.

3.9 MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION REGULATIONS 2006

These regulations detail the management standards to be met and require the manager of the premises to carry out certain duties to maintain their property, taking account of the age, character, locality and prospective life of the house.

The duties of the manager are as follows:

- **To display their contact details** – the manager's name, address and contact telephone number must be clearly displayed in a prominent position. On the wall in the entrance hall is usually the best place. (Regulation 3)
- **To maintain all means of escape from fire** – all fire doors must be maintained in a good condition, free from damage and fully self-closing so that they will close fully into the rebates of the frame. The main routes of escape e.g. exit doors, landings, staircases and hallways must be kept free from obstruction. Escape routes must also be clearly indicated by fixing notices in appropriate places in all HMOs having five or more occupants. The fire detection and warning system and emergency lighting system must be tested regularly. For most small and medium sized HMOs a monthly test by the landlord should suffice in addition to a thorough annual test by a suitably competent person (such as a qualified electrician or specialist fire alarm engineer). For larger HMOs more regular testing may be required. Fire fighting equipment, where provided, must also be maintained in good working order. (Regulation 4).
- **To take safety measures** – all necessary measures to protect the occupiers from injury must be taken, having regard to the design, the structural condition and the number of occupiers in an HMO. In particular this relates to the prevention of accidents associated with access to any roof or balcony and any low window sill (Also Regulation 4).

- **To maintain the water supply and drainage system** – the water supply or drainage system must be maintained in a good, clean and working condition. They must not be unreasonably interrupted from use by any occupier and any water storage tank must be covered and kept clean. Any water fitting which is liable to damage by frost must be suitably protected (Regulation 5).
- **To maintain gas and electrical supplies and to provide safety certificates** – the gas installation and any appliances must be tested annually by a Gas Safe registered engineer who will issue a 'Landlords gas safety certificate'. This must be supplied to the local authority within 7 days of any written request to do so. The electrical installation must be inspected and tested at least every five years by a qualified electrician who must issue a test certificate. Again, this must be supplied to the local authority within 7 days of a written request to do so. Neither the gas or electricity supplies must be unreasonably interrupted. (Regulation 6).
- **To maintain all common parts and installations within the property** – all common parts of the HMO e.g. Entrance hallways, entrance doors, porches, steps, staircases, landings, shared bathrooms and kitchens plus all shared fittings and appliances must be maintained in a good state of repair and safe and working condition and kept clear from obstruction. Communal areas must also be kept clean and well decorated. In HMOs where the occupants are previously acquainted with each other and rent the house under the terms of a single tenancy agreement, for example a student shared house, it may be acceptable to expect the tenants to undertake the cleaning of the common areas on a group basis. The manager should visit from time to time, by prior appointment, to ensure that the common areas are being maintained to a satisfactory standard of cleanliness. In all other types of HMO, cleaning of communal areas will normally be the responsibility of the manager (Regulation 7).

- **To maintain in good order and repair any outbuildings, yards, gardens or boundary fences** – any outbuilding, yard, forecourt, boundary wall, fence or railing belonging to the HMO must be maintained in good and safe repair so as not to constitute a danger to the occupiers. Any yard or garden belonging to the HMO must be kept in a safe and tidy condition (also Regulation 7).
- **To maintain each unit of accommodation** – each unit and any furnishings must be clean at the beginning of a person's occupation of it. The internal structure, any fixtures, fittings or appliances, any window or other means of ventilation must be maintained in good repair as long as the tenant has treated the accommodation properly in accordance with the conditions contained within his lease or tenancy agreement (Regulation 8).
- **To ensure refuse is stored and disposed of adequately** – a sufficient number of bins must be provided for the storage of refuse pending disposal. Arrangements must be in place to ensure that all refuse is removed and disposed of on a regular basis; generally this will be undertaken by the Local Authority. It would be expected that one standard refuse bin be provided per three occupiers and that appropriate instructions are provided to each tenant at the beginning of the tenancy as to the refuse collection arrangements. For larger hostel type premises (10 or more occupiers), a Trade Refuse Contract with the local authority would be expected. This may also be necessary for smaller premises, particularly where meals are provided (Regulation 9).

The regulations (Regulation 10) also place a duty on all occupiers of an HMO to:

- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- Allow the manager at all reasonable times to enter any living accommodation to enable him to carry out any duty. Except in the case of emergencies, at least 24 hours notice either in writing or by phone of any intended visit should be given to the occupiers.
- Provide the manager with any information requested to enable him to carry out his duties.
- Take reasonable care to avoid causing damage to the property and its contents.
- Store and dispose of refuse in accordance with the arrangements made by the manager.
- 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.

Under regulation 11, the manager is not expected to carry out any works or actions with respect to the supply of water, gas or electricity or to the drainage of the house where responsibility for a particular fault or problem lies with either the local authority or the supply company. The manager is however expected to bring any such faults or problems to the attention of the appropriate person, authority or company as necessary as soon as he becomes aware of the matter (for example a blocked sewer or power failure).

It is an offence not to comply with these regulations. This applies to both the manager of a property and to the occupiers as appropriate.

Section 4: General Standards Applicable to all HMO Categories

4.1 LEGIONNAIRES' DISEASE (Legionella)

The legal duty for landlords who provide residential accommodation to consider, assess and control the risks of exposure to Legionella to their tenants is not new. This requirement stems from the Control of Substances Hazardous to Health Regulations 1989; Section 3(2) of the Health and Safety at Work Act 1974 makes provision for the legislation to apply to landlords of both business and domestic premises. All water systems require an assessment of the risk which they can carry out themselves if they are competent, or employ somebody who is. THIS IS AN ENFORCEMENT RESPONSIBILITY OF THE HEALTH AND SAFETY EXECUTIVE – NOT THE LOCAL COUNCIL.

In most residential settings, a simple assessment may show that the risks are low and no further action may be necessary. (An example of a typical lower risk situation may be found in a small building (e.g. housing unit) with small domestic-type water systems, where daily water usage is inevitable and sufficient to turn over the entire system; where cold water is directly from a wholesome mains supply (no stored water tanks); where hot water is fed from instantaneous heaters or low volume water heaters (supplying outlets at 50 °C); and where the only outlets are toilets and wash hand basins). If the assessment shows the risks are low and are being properly managed, no further action is needed but it is important to review the assessment regularly in case anything changes in the system.

Simple control measures can help control the risk of exposure to legionella such as:

- flushing out the system prior to letting the property
- avoiding debris getting into the system (e.g. ensure the cold water tanks, where fitted, have a tight fitting lid)
- setting control parameters (eg setting the temperature of the calorifier to ensure water is stored at 60°C)

- make sure any redundant pipework identified is removed.

Tenants should be advised of any control measures put in place that should be maintained e.g. not to adjust the temperature setting of the calorifier, to regularly clean showerheads and to inform the landlord if the hot water is not heating properly or there are any other problems with the system so that appropriate action can be taken. If there are difficulties gaining access to occupied housing units, appropriate checks can be made by carrying out inspections of the water system, for example, when undertaking mandatory visits such as gas safety checks or routine maintenance visits.

Where showers are installed, these have the means of creating and dispersing water droplets which may be inhaled causing a foreseeable risk of exposure to legionella. However, if used regularly (as in the majority of most domestic settings) the risks are reduced but in any case, tenants should be advised to regularly clean and disinfect showerheads. Instantaneous electric showers pose less of a risk as they are generally coldwater-fed and heat only small volumes of water during operation.

It is important that water is not allowed to stagnate within the water system and so there should be careful management of dwellings that are vacant for extended periods (e.g. student accommodation left empty over the summer vacation). As a general principle, outlets on hot and cold water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy, consideration should be given to implementing a suitable flushing regime or other measures such as draining the system if it is to remain vacant for long periods.

Whilst not the enforcing authority, Council staff will endeavour to bring to their attention, remind and question landlords on their Legionella risk assessment, and refer any concerns to the HSE for further scrutiny. For more detailed advice, view the Health & Safety Executive website content at;

<http://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm>

4.2 INSURANCE

Landlords should have appropriate insurance for their properties and contents. This may be required by their lender. This will be recovered as a normal business expense from rents. Landlords should also consider appropriate agreements following discussions with tenants over their own possessions and insurance cover. Landlords should check with their insurers if their cover does or can extend to any tenants property and possessions, and for any harm to tenants through the landlords negligence. That conversation between landlords and insurers may also address the issue of potential fraudulent claims and deliberate damage, and the impact on a landlords no claim bonus, premiums or cover.

Not every insurance company will offer or provide cover for tenants, particularly if there are additional risk factors such as shared accommodation, student lettings, and lettings to those on benefits. However, some insurance providers specialise in that market. The cost of some policies, though, may be unaffordable to some tenants as a stand alone product.

It would be prudent for landlords to discuss fire risks with their tenants in the context of any possessions they would not want to lose or be able to afford to replace, and especially any electrical or other higher fire risk items. Landlords should ensure, for example, that there are sufficient sockets for all usual appliances to avoid multi-plug extensions and overloading of the system. RCD circuit breaker devices should be reasonably modern and inspected at an appropriate frequency – no less than 5 years with intervening visual examination. Storing or using any devices with LPG type gas should be deterred, as should any containers of petrol or other flammable fuels or substances. This includes the bulk buying or commercial storage of, for example, cigarette lighters or their fluids. Fixed gas installations should be certified annually. Clothes should not be dried near fires or electrical equipment. Tumble dryers should be cleared of fluff regularly.

Landlords may consider the sufficiency and validity of their own cover if a fire from one tenancy affects the wider property, or if a fire from a communal area or caused by the landlords installations destroys tenants property – this should include the potential loss of rental income if properties are uninhabitable for a period.

Landlords may wish to explore with their own insurance companies, where tenants cannot obtain affordable home contents insurance themselves, whether their tenants contents can be covered at a more reasonable cost within the landlords policy for which they would be recharged the difference in premium.

4.3 SMOKING

Smoking in public areas, work places and work vehicles has been largely banned for several years. Whilst those general rules do not specifically apply to residential accommodation, shared or otherwise (with limited exceptions for residential care homes, hospices, prisons etc.) they do apply to peripatetic workers whose employment takes them into other premises. This would include, therefore, employees of any domestic property owner, their agents and contractors, if present in rented accommodation including communal areas, meaning that they should not smoke in those areas whilst 'at work'. Certainly, they should never smoke in a tenants home regardless of being offered or given permission or invited. This group should also include the owners or landlords themselves as a self-employed person.

If employees are present in premises where the resident or their family or visitors are smoking, then the workers would be entitled to similar protection and consideration and be able to request that the smoking ceases and the space is ventilated with fresh air. If this is refused, the employee should be able to leave the premises pending intervention by a Manager or employer.

In that context, landlords may wish to include as conditions of tenancies that tenants, their families and visitors do not smoke at all in any communal areas including access stairs and corridors, kitchens, bathrooms, lounges, dining rooms, laundry or utility rooms etc. They MAY extend that provision to non communal and otherwise 'private' or separate living accommodation, either completely or when employees are on site.

Landlords are not obliged to provide external smoking areas or shelters, but should be aware of the potential litter risks to their property entrance areas and supply appropriate bins and notices.

Reducing smoking on the premises will reduce the risk of fires in addition to encouraging better tenant health and consideration for other tenants, especially those with children or health conditions.

Landlords may also wish to consider the implications of e-cigarettes as they are currently unregulated and some have had issues with batteries exploding or catching fire.

Smoking cessation support services should be available via the local NHS, ASH (Action on Smoking and Health), Smoke Free England and others.

<https://www.nhs.uk/smokefree>

<http://www.smokefreeengland.co.uk/>

<http://ash.org.uk/home/>