



**WELWYN  
HATFIELD**

**Welwyn Hatfield Borough  
Council  
Standards for  
Houses in  
Multiple Occupation**

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## **A. INTRODUCTION**

This document gives advice to anyone involved with letting out a House in Multiple Occupation (HMO). Higher-risk HMOs require licences, and these amenity standards may form the basis of conditions attached to a licence. See the Welwyn Hatfield Borough Council website for what is required. <https://www.welhat.gov.uk/>

This document sets out the legal framework and the standards required for living space, amenities, fire safety and management adopted by Welwyn Hatfield Borough Council. It is not meant to explain the detail of the law; if this is needed you should seek legal advice or refer to the specific part of legislation.

For ease of use, the document is structured as follows:

**Legal requirements as given in Schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 as amended by The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations, 2007 and other relevant legislation are set out in bold type.**

**Adopted standards which give greater explanation of what is required, are set out following each legal requirement.**

### **Legislative Background**

Under the Housing Act 2004, The Management of Houses in Multiple Occupation (England) Regulations 2006 set out the responsibilities of the manager of an HMO. A copy of the regulations can be found in the Appendix. These regulations must be adhered to in all HMOs and are the main legislation used by Welwyn Hatfield Borough Council in maintaining quality rentals. Section 17 of this guide gives further information.

[The Management of Houses in Multiple Occupation \(England\) Regulations 2006 \(SI2006/372\)](#) updated in part by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#) sets out the responsibilities of the manager of an HMO.

Part 2 of the Housing Act 2004 requires the licensing of higher risk HMOs. When considering an application the authority must be satisfied that the property is reasonably suitable for occupation by the number of people proposing to live there. Some standards are prescribed in [The Licensing and Management of Houses in Multiple Occupation \(Miscellaneous Provisions\) \(England\) Regulations 2006 \(SI2006/373\)](#) also updated by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#) . The Authority also has power to specify other standards.

Section 67 of the Housing Act 2004 enables a local authority to issue a licence subject to conditions.

In 2018 changes have been introduced with [The Licensing of Houses in Multiple Occupation \(Prescribed Description\) \(England\) Order 2018](#) amending the definition of a property that is required to be licensed and [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#) imposing additional conditions covering the minimum floor area for sleeping accommodation and household waste storage and disposal.

Part 1 of the Housing Act 2004 introduced the Housing Health & Safety Rating System, or 'HHSRS'. The system looks at 29 hazards such as 'falls on stairs'. It assesses the likelihood of an incident occurring within a 12 month period that causes harm to the occupiers and the likely severity of that harm. If the Local Authority assesses a hazard as Category 1, this is a very serious issue and, the authority has a duty to take action to reduce the hazard to an acceptable level. In less severe cases, referred to as Category 2, the authority has the power to take action, rather than a duty. The range of actions available include:

- the authority requiring the owner of a property to carry out specified improvements,
- the authority taking emergency action itself (with costs charged to the owner),
- or where appropriate, the authority prohibiting the use of part or all of a property.

HHSRS applies to all residential property irrespective of how it is occupied. In privately rented property it will be the main method of the authority making judgements about whether enforcement action is needed to remedy unsatisfactory conditions and the action to be taken. The HHSRS can be used in conjunction with the requirements under the Management of Houses in Multiple Occupation (England) Regulations 2006.

The standards within this document are based on those recommended by the Chartered Institute of Environmental Health and have subsequently been amended following changes in the law and guidance.

**B .DEFINITIONS AND CATEGORIES OF PROPERTY**

House	'House' is not conclusively defined in legislation but includes flats, blocks of flats, and the grounds, outbuildings and boundaries.
Household	Each of these is a single household: <ul style="list-style-type: none"> <li>• a single person;</li> <li>• Co-habiting couples whether married or not, including those in same-sex relationships. A family of related people (includes blood relatives such as parents / children / nieces / nephews / cousins / siblings and grandparents as well as step children and those adopted or fostered).</li> </ul>
House in Multiple	

Occupation	A rented house (or flat) that is let to three or more unrelated tenants in two or more households who share a kitchen, bathroom or toilet.
Licensable HMO	An HMO that is <ul style="list-style-type: none"> <li>• occupied by 5 or more people, <b>and</b></li> <li>• occupied by people as their only or main home.</li> </ul>

### **C. FURTHER ADVICE AND INFORMATION**

These standards were reviewed in October 2018 and take effect from 10<sup>th</sup> December 2019. The information in this document supersedes all previous versions.

Welwyn Hatfield Borough Council has considered the local needs before adopting these standards for use.

If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, please contact the Private Sector Housing Team at:

Private Sector Housing Team  
Welwyn Hatfield Borough Council, The Campus  
Welwyn Garden City  
Herts AL8 6AE  
01707 357672  
[Housingandcommunity@welhat.gov.uk](mailto:Housingandcommunity@welhat.gov.uk)

**Planning Permission** may be required if an owner is considering:

- Using their property as a 'large HMO' for seven or more tenants.
- Changing the use from a single family home to an HMO within Hatfield is covered by an 'Article 4 Direction' requiring planning permission in this situation.
- Major conversions or extensions.

For enquires please contact:

Planning Department  
Welwyn Hatfield Borough Council, The Campus  
Welwyn Garden City  
Herts AL8 6AE  
01707 357000  
[planning@welhat.gov.uk](mailto:planning@welhat.gov.uk)

**Building Regulation approval** may be required if an owner is considering:

- Conversion (for example converting a garage into a bedroom)
- adaptation
- structural alterations

If you are buying a property that has already had work done of this type, you are always advised to ensure that this has Building Control approval prior to purchase.

Hertfordshire Building Control Ltd is responsible for building control services for Welwyn Hatfield Borough Council. For enquiries please contact:

Hertfordshire Building Control Ltd  
A1 Area Team  
4th Floor  
Campus West  
Welwyn Garden City  
Hertfordshire  
AL8 6BX

The office is open Mon–Fri 8am–5.30pm

Tel: 01438 879 990

Email: [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk)

Further information regarding Planning Permission and Building Control requirements together with application forms can be found on the Planning Portal at <https://www.planningportal.co.uk/>

## 1. **HEATING**

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

- i. Fixed heating shall be provided in every bedroom, lounge and hallway. Where reasonably practical fixed heating shall be provided in kitchens and bathrooms. The means of heating shall be capable of maintaining the following internal temperatures when the outside temperature is -1°C.
  - Living room 21°C
  - Bedrooms 18°C
  - Kitchen 18°C
  - Bathroom 22°C
  - Hall/Passage 18°C

The provision of insulation can assist in meeting this standard. See Section 14.

- ii. Heating may be provided by means of:

### A. **Gas Central Heating**

- a) Central heating controls should be located in a communal area and be easily accessible to all tenants.
- b) Radiators should ideally be provided with Thermostatic Radiator Valves (TRVs) but as a minimum the property should have a room thermostat and each radiator should have a control valve.

### B. **Fixed Electric Heating**

- a) An electric wall socket should be provided for the exclusive use of each heater.
  - b) The installation must be capable of using 'off peak' electricity eg 'Economy 7' as the primary energy input.
  - c) If storage heaters are used, they must have a built in 'boost' convector heater function in order to ensure that additional heat can be provided where necessary.
- iii. Wherever practicable, heaters (including radiators) should be fixed to an existing chimney breast or be positioned so as to direct heat towards the centre of the room, such as under a window.
  - iv. The heating appliances must be capable of being safely used at any time, and be suitably guarded. All such appliances shall be installed and maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the [Gas Safety \(Installation & Use\) Regulations 1998](#).

- v. The use of portable paraffin, electric fan or liquefied petroleum gas (LPG) (bottled gas) heaters is unacceptable under any circumstances, whether provided by the landlord or the tenant. If an additional source of heating is required by a tenant this can be provided by an oil filled radiator where necessary.
  
- vi. A Carbon Monoxide detector should be installed in any bedroom or living room where there is a combustion appliance e.g. a boiler and **MUST** be installed in any room, hall or landing in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance (for the purposes of this condition bathrooms or lavatories are to be treated as rooms used as living accommodation).  
Any such alarm must be maintained in proper working order and the licence holder must supply the authority, on demand, a declaration by him/her as to the condition and positioning of any such alarm.



## **2. WASHING FACILITIES, SANITARY CONVENIENCES (Shared)**

**1 Where all or some of the units of living accommodation in an 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, having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms.**

**(3) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.**

**(4) All bathrooms in an HMO must be suitably and adequately heated and ventilated.**

**(5) All bathrooms and toilets in an HMO must be of an adequate size and layout.**

**(6) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.**

**(7) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation.**

### **Washing Facilities**

<b>Number of Occupiers Sharing</b>	<b>Washing Facilities</b>
Up to 5 people	One bathroom with wash basin and bath or shower
6 to 10 people	Two bathrooms each with wash basin and bath or shower
10 + people	An additional bathroom for each additional 5 persons each with wash basin and bath or shower

<b>Number of Occupiers Sharing</b>	<b>Toilet Facilities Required</b>
1-4 occupiers	- <b>1</b> toilet - can be sited within the bathroom
5 occupiers	- <b>1</b> toilet separate from the bathroom but can be sited within a second bathroom
6-8 occupiers	- <b>2</b> toilets - can be sited within separate bathrooms
9-10 occupiers	- <b>2</b> toilets - 1 of which must be separate from any bathrooms
11-16 occupiers	- <b>3</b> toilets - 1 of which must be separate from any bathrooms

### **Wash Basins**

Wash Basins shall be supplied in each shared bath/shower room serving a maximum of five occupiers.

The wash basin shall be:

- i. a standard sized wash hand basin, (approx. 550mm x 400mm).
- ii. provided with a 300mm high waterproof splash back at least equal to the width of the wash basin with all joints adequately sealed..
- iii. provided with a plug
- iv. connected to the drainage system via a suitable trap
- v. provided with a constant supply of hot and cold running water.

In licensed HMOs, wash basins as described above are required (where reasonably practicable) in all bedrooms. Please see box 2.1 (b) below.

### **Bath and Shower Facilities**

Where practicable, each unit of accommodation shall be provided with a bath or shower, located in a separate room.

Otherwise, a readily accessible standard sized bath in a bathroom, or a standard sized shower, together with adequate drying and changing space, shall be provided.

A 300mm waterproof splash back to the bath is to be provided.

In the case of a shower (whether it is over a bath or in its own compartment):

- i. The splash back shall be 150mm above the shower head and at least to the edge of a fixed shower screen.

- ii. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed.

### **Toilet Facilities**

Where there is sufficient space to install this, each separate toilet compartment shall be provided with a suitable wash basin with constant hot and cold water and a 300mm tiled splash back. Any toilet compartment not provided with a wash basin will not be counted for the number of toilets required.

External toilets shall be ignored.

**2.1 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, having regard to the age and character of the HMO, the size and layout of each unit and the existing provision for wash hand basins, toilets and bathrooms.**

The splash back to a wash hand basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be adequately sealed. This requirement applies to bedrooms in all licensable HMOS. If a property is to be licensed for the first time we strongly advise discussion with the private sector housing team over the location of wash hand basins in bedrooms before these are installed.

**2.2 All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.**

**2.3 All bathrooms in an HMO must be suitably and adequately heated and ventilated.**

Heating provisions are detailed previously in Section 1 and the ventilation provisions are detailed in Section 7.

**2.4 All bathrooms and toilets in an HMO must be of an adequate size and layout.**

**2.5 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.**

- i. The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being readily cleansed.
- ii. All bathroom furniture must be of non-absorbent material and capable of being easily cleaned.
- iii. All bathroom furniture must be located at an appropriate height and with sufficient free user space to facilitate use.

**2.6 All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.**

- i. A bathroom shall be no more than one floor distant in relation to the bedroom, where practicable.

- ii. A toilet shall be no more than one floor distant from living rooms and bedrooms.

### **3. SHARED KITCHENS**

**3.1 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 sufficient quantity for the number of those sharing the facilities:

**i. Sinks with draining boards.**

A metal or ceramic sink and drainer in good condition and of minimum dimensions of 500mm x 600mm, set on a stable base or support shall be supplied at the ratio of one sink for every 5 occupiers.

Where a house is occupied by 6 occupiers, either the provision of a double bowled sink, or a dishwasher in addition to a single sink may be treated as meeting this standard, where the Council considers that such a provision adequately meets the occupiers' needs.

A wash basin shall not be used in place of a sink.

- ii. **An adequate supply of cold and constant hot water to each sink supplied.**
- iii. **Installations, or equipment, for the cooking of food;**

## **Minimum Kitchen Requirements**

The requirements for kitchen facilities within a HMO are for a full set of facilities for every five occupants. The kitchen must be sited no more than one floor distant from the bedroom or living/dining room where practicable. Welwyn Hatfield Borough Council have discretion to allow certain alternatives of facilities for properties occupied by six tenants.

**N.B.** Planning permission is required as a large HMO where there are more than 6 occupants.

The table below outlines minimum requirements for different numbers of occupants.

<b>Number of Occupants</b>	<b>Minimum Facilities Required</b>
1-5 occupants	<ul style="list-style-type: none"><li>• 1 full sized cooker (comprising a minimum of 4 ring burners, a standard sized oven and a grill)</li><li>• 1 sink (min 500mm X 600mm) with drainer unit</li><li>• 1 fridge/freezer</li></ul>
6 occupants	As for 1 – 5 occupants, plus: <ul style="list-style-type: none"><li>• 1 combination microwave oven</li><li>• 1 full size dishwasher or double bowled sink</li></ul>
7-10 occupants	<ul style="list-style-type: none"><li>• 2 full sized cookers positioned away from each other (each comprising a minimum of 4 ring burners, a standard sized oven and a grill)</li><li>• 2 separate sinks with drainer units</li><li>• 2 fridge/freezers <u>or</u> 2 fridges and 2 freezers</li></ul>
All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.	

### **iv. Electrical sockets;**

- 1) Six power outlets per five occupiers sharing the kitchen shall be provided and sited above the worktops. Plus, one power outlet for each major appliance set at a convenient height and safe position.
- 2) Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.
- 3) Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.
- 4) Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.

**v. Worktops for the preparation of food;**

Provide a fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500 mm length per occupier. It should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit or cooker.

**vi. Cupboards for the storage of food and kitchen or cooking utensils;**

- 1) Each household shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One standard size wall cupboard or base unit (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.
- 2) If located in a communal kitchen, the dry goods storage may need to be lockable or otherwise secure.
- 3) The space in a sink unit below the sink will not be accepted for the above purposes.

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

- 1) If possible, separate fridges should be provided per household.
- 2) Each separate household shall be provided with refrigerator space either within the kitchen, or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

**viii. Appropriate refuse disposal facilities (see Section 9); and**

**ix. Appropriate extractor fans, fire blankets and fire doors (for fire precautions see Section 5).**

All kitchens shall be ventilated by means of a suitably sited extractor fan compliant with Part F of the Building Regulations.

#### **4. UNITS OF LIVING ACCOMMODATION WITHOUT SHARED BASIC AMENITIES**

**4.1 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:**

**a. adequate appliances and equipment for the cooking of food**

The minimum requirements are:

- i. Four rings/hot plates
- ii. Minimum 28 litre oven and a grill

All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.

**b. a sink with an adequate supply of cold and constant hot water;**

The minimum requirements are:

- i. A metal or ceramic sink and drainer in good condition and with minimum dimensions of 500 mm x 600 mm, set on a stable base or support.
- ii. A waterproof splash back should be provided to the sink and draining board and all joints shall be adequately sealed.
- iii. The sink shall be connected to the drainage system via a suitable trap and provided with a plug.
- iv. A wash basin shall not be used in place of a sink.

**c. a work top for the preparation of food;**

Provide a fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500 mm length per occupier. It should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit or cooker.

**d. sufficient electrical sockets;**

A minimum of four power sockets in addition to any serving major appliances set at a convenient height and safe position above the work surface. Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.

**e. a cupboard for the storage of kitchen utensils and crockery; and**

Each separate unit shall be provided with dry goods storage space either within its kitchen or in an adjacent and readily accessible position.

- i. One standard size wall cupboard or base unit (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.
- ii. Where the room is occupied by more than one individual it will require additional space.

The space in a sink unit below the sink will not be accepted for the above purposes.

**f. A refrigerator.**

Each separate unit shall be provided with refrigerator space either within its kitchen or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

**4.2 The standards referred to in a. and f. of sub-paragraph 4.1 shall not apply where the landlord is not contractually bound to provide such appliances or equipment, the occupier of the unit is entitled to remove such appliances or equipment or the appliances or equipment are otherwise outside the control of the landlord.**

**4.3 Where there are no adequate shared washing facilities provided for a unit of living accommodation an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either-**

- a. within the living accommodation; or**
- b. within reasonable proximity to the living accommodation.**

- i. "Reasonable proximity to the living accommodation" shall mean no more than one floor away from the living accommodation.
- ii. Any unit of accommodation without access to shared facilities shall be provided, with a separate bathroom or shower room, to include:
  - a) A readily accessible standard sized bath or standard sized shower in a suitable room with adequate drying and changing space.
  - b) A 300mm waterproof splash back to the bath.
  - c) In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the shower head and up to at least the edge of a fixed shower screen.
  - d) Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain.
  - e) All joints shall be adequately sealed.
  - f) Any shower shall have fully tiled walls or a complete self-standing cubicle.



- iii. One standard sized wash basin, (approx. 550mm x 400mm) with a 300mm waterproof splash back with constant hot and cold water shall be supplied in the bath/shower room.
- iv. The bath/shower shall be provided with an adequate supply of constant hot and cold water at all times.
- v. The walls and floor of any toilet, bathroom or shower room must be smooth and made of non-absorbent materials that are readily cleansable.
- vi. All bathroom furniture must be made of non-absorbent material and be capable of being easily cleaned.
- vii. Each separate toilet compartment shall be provided with a suitable wash hand basin with constant hot and cold water and a 300mm tiled splash back.

External toilets shall be ignored.

## 5. FIRE PRECAUTIONARY FACILITIES

### 5.1 **Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.**

All HMOs require additional fire precautions above and beyond those required for single occupancy dwellings. This is because HMOs are known to present a higher risk of fire.

The manager of an HMO has responsibility for ensuring appropriate fire precautions are in place. This responsibility is placed on the manager by the [Management of Houses in Multiple Occupation \(England\) Regulations 2006, Regulation 4.](#)

All HMOs shall be provided with an adequate protected means of escape from fire, together with other fire precautions including so far as necessary, a fire detection and warning system with emergency lighting to the satisfaction of the inspecting officer.

- i. Ensure that there are self-closing fire doors that provide 30 minutes fire and smoke protection (FD30S) on all bedrooms, kitchens and living rooms.
  - a) All fire doors should have combined cold smoke seals and intumescent strips.
  - b) All bedroom fire doors and final exit doors (front and back door) must have locks that are capable of being opened from the inside without the use of a key (e.g. Yale type or thumb turn locks). All locks are to comply with BS 3621 or BS 1303 for cylinder locks.
- ii. Provide a fire blanket to BS 1869:1997 (or equivalent) in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door away from the cooking facility.
- iii. All glazing panels that are above doors that open on to the fire escape route or are in walls in the escape route should be upgraded to provide at least 30 minutes fire resistance. This can either be done by replacing existing glazing with fire resistant glazing or over boarding with suitable fire resistant material such as a double layer of plasterboard.
- iv. The use of fire extinguishers is not recommended in HMOs, however if they are provided they must be:
  - a) Checked and serviced annually with records kept.
  - b) All tenants must be trained in how to use the extinguishers properly and safely. Records must be kept to demonstrate this.

## **5.2 Fire Alarm Systems**

All HMOs must have automatic fire alarm systems installed. The requirements are different for two storey HMOs and for three (or more) storey HMOs. The requirements are given below and further technical guidance is available in a separate document compiled by the Hertfordshire Fire and Rescue Service entitled '**Guide to Fire Protection in Houses in Multiple Occupation – Guide for Owners, Agents and Managers of HMOs**'. Please check to ensure you are using the current version of this document.

All automatic fire alarm systems (AFD) must be checked annually by a qualified person and an inspection and test certificate obtained. The AFD system and sounders should be checked monthly to ensure they are in good working order and records kept of these checks.

### **Two Storey HMO**

Provide a Fire Alarm System to include smoke detectors in every bedroom, throughout the escape route and in communal living rooms. Storage cupboards on the means of escape may also need detection installed. A heat detector should be installed in the kitchen. The detectors must be hard wired to the mains and interlinked with integral battery back-up. The system must comply with the current British Standard 5839 part 6: **Grade D1**, LD2 (or equivalent). On completion you should submit a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard.

### **Three Storey HMO**

Provide a Fire Alarm System to include smoke detectors in every bedroom, throughout the escape route and in communal living rooms. Storage cupboards on the means of escape may also need detection installed. A heat detector should be installed in the kitchen. The detectors must be hard wired to the mains and interlinked with a control panel containing battery back-up. The system must comply with the current British Standard 5839 part 6: **Grade A** LD2 (or equivalent). On completion you should submit a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard.

### **Emergency Lighting**

Arrange for the installation of suitable and sufficient emergency lighting to provide adequate coverage to the protected fire escape route. The number and position of any luminaries should be determined by your fire risk assessment. On completion you should submit a certificate to confirm that the arrangements comply with BS 5266.

### **Pre-payment Meters**

It is not acceptable to provide power to the fire precautions via pre-payment or coin operated electric meters.

The manager is required to maintain the electric supply to the fire precaution system. Ideally this should be achieved by the installation of a dedicated electric meter that is under the control of the manager. Alternatively the contract to supply electricity should be under the control of the manager or owner of the property.

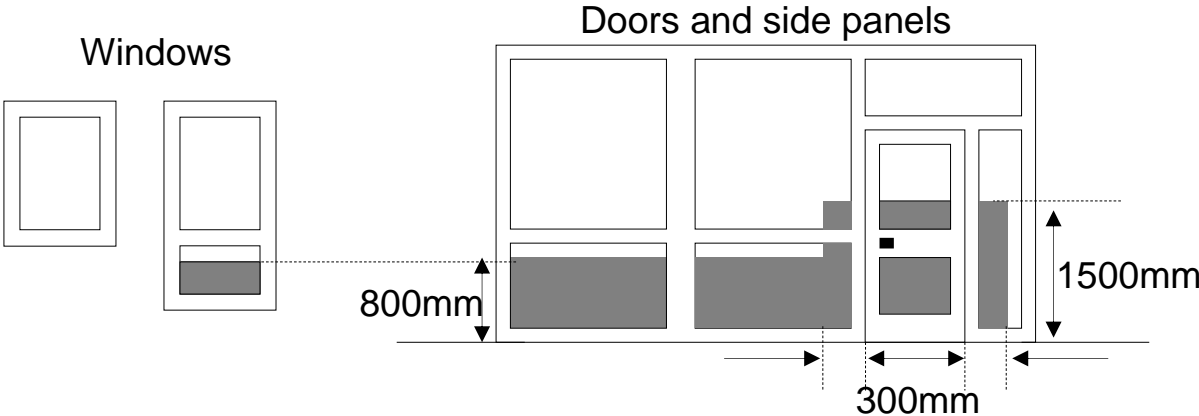
The following matters are not covered specifically in The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) 2006 but must be considered in regard to the Housing Health and Safety Rating System (HHSRS).

**6. NATURAL AND ARTIFICIAL LIGHTING**

- i. All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window, or combined windows and/or door(s). The glazed area is to be equivalent to at least 1/10<sup>th</sup> (10%) of the floor area and to extend normally to a point 1.75m above floor level. The window shall be positioned so that the light from the window is able to illuminate most of the room.
- ii. Windows to bathrooms and toilets are to be glazed with obscured glass.
- iii. Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets. The manager is responsible for ensuring lighting is functioning in all communal areas of the HMO and this should be checked as part of the monthly inspection.
- iv. Glazing in critical locations (i.e. where there is a danger of falling through or of lacerations) should meet both fire resistance and safety standards i.e. the use of fire resisting safety glazing complying with current British Standard 6206: 1981 and Part N of the Building Regulations (or equivalent). See diagram below for critical locations of safety glazing. Glazing directly adjacent to staircases must also meet this standard.
- v. Windows from the First Floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows.

**Safety Glazing Diagram**

Critical locations of glazing in internal and external walls.



## **7. VENTILATION**

- i. All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20<sup>th</sup> (5%) of the floor area of that room.
- ii. All bathrooms and toilet compartments shall have mechanical ventilation compliant with Part F of the Building Regulations. Such an installation shall be fitted with an adequate overrun device. In the case of bathrooms, this can be connected to the lighting circuit of the room; however we recommend humidistat style fans in order to reduce the chances of tenants turning extractor fans off due to noise disturbance.
- iii. A kitchen shall have extract ventilation compliant with Part F of the Building Regulations.

### **Ground Floor Bedrooms**

Many Ground Floor rooms which are used as bedrooms were originally designed as a living room and as such, the only ventilation is by a sliding patio door.

This arrangement is not suitable for a Ground Floor bedroom because it does not provide suitable ventilation as it cannot be effectively secured against entry. It would therefore not be possible for a tenant to satisfactorily ventilate the room at night in a secure way.

There are two options available in these circumstances.

#### **Either**

Replace the patio door with a suitable double glazed unit which provides both a secure way of ventilating the room. This could be by means of a door and window combination, the glazed area should be equivalent to at least 1/10<sup>th</sup> of the floor area with a window that has an openable area not less than 1/20<sup>th</sup> of the floor area.

*It is recommended that a proposal is submitted for agreement before carrying out such works.*

#### **Or**

Revert the use of the Ground Floor room back to a communal living area as originally designed.

## 8. DRAINAGE

- i. All new drainage shall comply with current Building Regulations.
- ii. The whole house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

We recommend that gutters are checked each spring and accumulated debris cleared as poorly maintained gutters can lead to damp within the property.

## 9. REFUSE, STORAGE AND DISPOSAL

[The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#) has imposed a requirement for a licence condition regarding waste management

**... Requiring the licence holder to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.**

- i. Refuse and recycling bins or containers shall be provided in sufficient numbers to meet the needs of the house and an acceptable means of disposal provided to comply with the councils storage and waste disposal scheme.
- ii. All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positioned so that they do not cause obstruction of footways and access ways and do not obscure natural lighting from windows below bin height.
- iii. Tenants should be provided with information on how to use their bins correctly.

Where an HMO has five or more residents and they are recycling correctly, the landlord may be eligible for a larger rubbish bin.

## 10. ELECTRICITY SUPPLY

**The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4(4) 6(3) & 6(4)**

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

**‘The manager must- a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing; b) obtain a certificate from the person conducting that test, specifying the results of the test’**

**‘The manager must not unreasonably cause the gas or electric supply that is used by any occupied within the HMO to be interrupted.’**

- i. Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as shown in the table. If evidence of multiple interconnected extension leads and/or overloading of sockets is found additional sockets should be provided.

<b>Location</b>	<b>Number of Sockets</b>
Living room	4 sockets
Bedroom/study	4 sockets
Bedroom within a letting, comprising more than one room	4 sockets
Bedsits containing cooking facilities	4 sockets in kitchen area, plus 4 elsewhere

- ii. Where there is no communal living room in a property, it may be necessary to install additional sockets as tenants are likely to have more electrical devices in their bedroom.
- iii. In the kitchen area of a bedsit, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- iv. All socket outlets shall be located in positions which permit safe, convenient and proper use at all times, having regard to the room layout. They shall not be positioned where the appliance cables are likely to pose a safety hazard.
- v. All new electrical installations shall comply with current Building Regulations and be suitably certified.
- vi. Installations must be checked at a minimum of 5 yearly intervals by a qualified electrician and an electrical safety certificate, known as an Electrical Installation Condition Report (EICR), obtained. Where the certificate shows Code 1 or 2 faults these must be addressed immediately. If the certificate advises a re-inspection is needed in less than 5 years this advice should be followed. Visual checks should be carried out during routine visits.
- vii. Portable Appliance Testing (PAT) must be carried out annually. A PAT certificate should be obtained. For portable electrical appliances less than one year old, receipts should be kept. Ensure vacuum cleaners are remembered when carrying out testing.

## **11. GAS SAFETY**

### **The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 6(4)**

**'The manager must not unreasonably cause the gas or electric supply that is used by any occupied within the HMO to be interrupted.'**

### **The Gas Safety (Installation and Use) Regulations 1998 Regulation 2 & 3**

**'Every landlord shall ensure that there is maintained in a safe condition— (a)any relevant gas fitting; and (b)any flue which serves any relevant gas fitting, so as to prevent the risk of injury to any person in lawful occupation or relevant premises.**

**'A landlord shall ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety (whether such check was made pursuant to these Regulations or not)'**

- i. Landlords are required to ensure that gas appliances, fittings and flues provided for tenants' use are safe.
- ii. An annual safety check must be carried out and records kept for 2 years.
- iii. A copy of the Gas Safety Certificate must be provided to each tenant at the start of the tenancy.

## **12. FURNITURE SAFETY**

- i. The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require that certain furniture included in rented accommodation complies with the fire safety requirements detailed in the regulations.
- ii. Any relevant furniture supplied as part of the letting will need to comply.
- iii. For licensable HMOs, the furniture safety requirements form part of the licence conditions.
- iv. Further information can be obtained from the local Trading Standards Department.



### **13. PERSONAL SAFETY AND SECURITY**

- i. Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and bedrooms to prevent unauthorised access but permit safe egress in case of fire (see Section 5).
- ii. Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire.
- iii. Windows from the First Floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows
- iv. Appropriate arrangements must be in place to control the issue and return of house keys on changes of tenancy, or the changing of locks. Any advice on crime prevention measures provided by the Crime Reduction Officer must be acted on. Contactable on the Police Non-Emergency number 101.
- v. Simple locks must be provided to communal bathrooms and toilets to provide privacy.
- vi. Where necessary, the installation of external security lights is recommended. This can be by means of a sensor or by using a 'dawn till dusk' light.

### **14. THERMAL EFFICIENCY**

- i. Where possible, every property should have cavity wall insulation and loft insulation installed to current standards. At the time of review the minimum depth of loft insulation is 270mm.
- ii. Heating should be professionally installed. The controls should be in the communal area and easily accessible by each occupant.
- iii. There should be means of providing low level background ventilation without excessive heat loss or draughts. This can be by the installation of trickle vents or lockable ventilation latches on the window.
- iv. Properties with an EPC of F or below must not be let unless measures have been taken to improve the energy performance to E or above or the property has a registered exemption. Where the property has an exemption you should contact the Private Sector Housing Team as improvements may still be required before the property is let.

## 15. ASBESTOS

- i. Landlords have a duty to identify and manage any asbestos containing materials in their property.
- ii. Management of asbestos containing material involves identifying its location and condition, ensuring it is effectively sealed or making it inaccessible to prevent damage, labeling it and keeping a record of its location in the building.
- iii. If the material is in good condition and not liable to damage or disruption (for example during work or alteration) then it is normally appropriate to leave it alone. Where the asbestos is already damaged or is likely to be damaged or disturbed, an assessment needs to be made and action taken to repair, seal, enclose or remove it with professional advice.
- iv. If you are aware of any asbestos containing materials you should keep a record of the location and type of material and confirm that it is in a sound condition. You should then check every 6 months to see there has been no damage and date and sign the record to show that you have done this.
- v. Any contractors must be advised of the location of possible asbestos containing materials before commencing work.
- vi. There are specific requirements for working with asbestos material and you should seek further advice from a qualified asbestos surveyor if you suspect asbestos is present in your property. Information is also available on the [Health and Safety Executive website](#).

## 16. SPACE STANDARDS

### GENERAL REQUIREMENTS

- i. Rooms used for sleeping are not suitable for occupation by more than two people. No persons should share a room unless:
  - They are married or living together as if married.
  - They are a parent or close relative and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if opposite sex).
  - They are related children of the same family and are both of the same sex, e.g. two brothers (if under 10 years of age, opposite sexes can share a room).
  - The room meets the minimum size as given below

The number of people sharing includes babies and children. Everyone must have their own allocation of space

- ii. Close relative means: parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.
- iii. All rooms, including: kitchens, bathrooms and toilet compartments shall have a minimum floor to ceiling height of 2.13m. In the case of rooms with sloping ceilings, there shall be a minimum height of 2.13m over half of the floor area of the room. Measurements shall be taken on a plane, 1.5m above the floor. Any floor area where the ceiling height is less than 1.5m high shall be disregarded.
- iv. The room sizes outlined in the tables below are minimum sizes. Only usable space may count towards the room size. If a room is of an unusual shape, it has a sloped ceiling or a ceiling height of less than 1.5m some of the floor area may not be counted. The space directly behind the door may not be counted. A staircase, landing, or any room which is used as a kitchen or bathroom, shall not be used as sleeping accommodation.

## 16.1 Bedroom sizes

Statutory requirements for the minimum floor area for sleeping accommodation were introduced in [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#) . The minimum sizes are given in the box below.

All rooms used as bedrooms must be of a minimum size as outlined in the table below.

Legal Minimum Bedroom Size		
1 Adult	2 Adults	1 Child under 10 years
6.51m <sup>2</sup>	10.22m <sup>2</sup>	4.64m <sup>2</sup>

**Any room in an HMO with a floor area of less than 4.64 square metres must not be used as sleeping accommodation.**

**Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room.**

**Note:** Bedrooms must be occupied by a **maximum** of two people as outlined in the general space standard requirements.

In order for a bedroom of minimum size to be accepted, a member of the Private Sector Housing Team must determine that suitable communal space is available to tenants.

### **One Person Units of Accommodation**

One room units

including kitchen facilities in the room	<b>11m<sup>2</sup></b>
separate individual or shared kitchen	<b>8m<sup>2</sup></b>

Note: These room sizes can be reduced by up to 1.49m<sup>2</sup> down to a minimum of 6.51m<sup>2</sup> at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

Two or More room units

Each living kitchen/diner	<b>10m<sup>2</sup></b>
Each living room	<b>8.5m<sup>2</sup></b>
Each bedroom	<b>6.5m<sup>2</sup></b>

Note: Tradeoff between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 14.5m<sup>2</sup>.

**Two Person Units of Accommodation**  
**One room units**

including kitchen facilities in the room	<b>16m<sup>2</sup></b>
separate individual or shared kitchen	<b>13m<sup>2</sup></b>

Note: These room sizes can be reduced by up to 1.78m<sup>2</sup> down to a minimum of 10.22m<sup>2</sup> at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

**Two or More room units**

Each kitchen/diner	<b>10m<sup>2</sup></b>
Each living room	<b>8.5m<sup>2</sup></b>
Each bedroom	<b>11m<sup>2</sup></b>

Note: Trade off between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 19.5m<sup>2</sup>.

**Communal Rooms**

<b>Numbers sharing</b>	<b>Minimum Floor Area</b>
<b>Kitchens</b>	
Used by 1 – 5 occupiers	<b>6m<sup>2</sup></b>
Used by 6 – 10 occupiers	<b>11m<sup>2</sup></b>
A kitchen must be sited no more than one floor distant from the bedroom or living/dining room	
<b>Kitchen/Diners</b>	
Used by 1 – 5 occupiers	<b>8.5m<sup>2</sup></b>
Used by 6 – 10 occupiers	<b>12.5m<sup>2</sup></b>
<b>Living Rooms</b>	
Used by 1 – 5 occupiers	<b>8.5m<sup>2</sup></b>
Used by 6 – 10 occupiers	<b>12.5m<sup>2</sup></b>

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 of the room for the number of users.

It is unlikely that communal rooms intended for use by more than 10 people will be accepted.

## 17. MANAGEMENT

### 17.1 Management Requirements

#### [Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)

The manager of an HMO must comply with the above regulations. A copy of the regulations can be found in the Appendix.

The Manager is the owner, or lessee of the property, who receives rent from the residents, either directly or through an agent or trustee. The manager is legally responsible for maintaining the standards within an HMO. There may be more than one person who falls under the definition of manager.

If you are unsure as to who has responsibility under the management regulations, please contact the Private Sector Housing Team on 01707 357 672 to discuss the property in question.

In order to fulfil their duties, managers must undertake regular inspections of the property either personally or via a representative; to ensure standards are maintained and where necessary, improved. Tenants must be given at least 24 hours' notice of a visit and should be advised of the reason for the visit. In the event of an emergency, 24 hours' notice may not be possible, e.g. in the event of a fire, gas leak or flood.

Management checks should be carried out monthly. Written records of the checks carried out and any action taken must be kept and should be available on request.

All landlords and managers should maintain a good standard of management.

In particular, managers have a duty to:

- Provide information to occupiers.
- Take safety measures.
- Maintain water supply and drainage.
- Supply and maintain gas and electricity.
- Maintain common parts, fixtures, fittings and appliances.
- Maintain living accommodation.
- Provide waste disposal facilities.

## **Certification**

There are a number of safety checks and certificates which must be provided for houses rented out as HMOs. The certificates which are required and the regularity at which they are required are outlined in the table.

### **For all HMOs**

<b>Type of Certificate</b>	<b>How Often it is Needed</b>
Fire Alarm Test Certificate	Annual
Emergency Lighting Test Certificate	Annual
Gas Safety Certificate	Annual
Portable Appliance Test Certificate (PAT)	Annual
Electrical Installation Condition Report (EICR)	5 yearly

Where there is an earlier date or time period specified on a current certificate this must be complied with.

For licensable HMOs, the [Regulatory Reform \(Fire Safety\) Order 2005](#) places an obligation on the landlord to undertake and record a fire risk assessment and to update the assessment necessary. It should be reviewed annually or at change of tenancy, whichever is soonest.

There is a risk of Legionnaire's disease in any residential property and managers of rented properties must assess this as part of their duty of care to their tenants. A Legionella Risk Assessment is required for all licensed properties.

## **Deposits**

Where deposits are taken, they must be placed in a Government backed tenancy deposit scheme within 30 days. The tenants must be provided with certain information as to where their deposit is held and how to get it back at the end of the tenancy period. The specific details will vary dependant on which scheme is used.

In the setting of deposits and any other fees or charges the landlord must take into account the restrictions in the [Tenant Fees Act 2019](#).

## **Priority of Repairs**

It is recommended that the following timescales for 'priority of repairs' are followed.

### **Priority One – Emergency Repairs (24 hours)**

Any repairs required in order to avoid a danger to health, risk to the safety of residents or serious damage to buildings or internal contents

**– Within 24 hours of report of defect.**

In circumstances where this is not practicable, managers will make best temporary arrangements.

Examples include:

- Damage that puts people or building at serious risk.
- Fire alarm system not working.
- Fire precautions not in good working order.
- Obstructed escape route.
- Total loss of heating in winter months.
- Total loss of gas supply.
- Total loss of electrical power.
- Loss of water supply or a burst water main.
- Serious water leaks/flooding.
- Insecure outside doors or windows.
- Blocked or leaking foul drain or soil stack.
- Blocked or non-flushing toilet (if the only toilet in the property).

### **Priority Two – Urgent Repairs (3 days)**

Repairs to defects, which materially affect the comfort or convenience of the residents

**– Within three working days of report of defect.**

Examples include:

- Blocked drains, sinks, basins and toilets (where there is another one working in the property).
- Total loss of hot water in summer months (except vulnerable households).
- Minor plumbing leaks.
- Minor electrical faults.
- Defective flooring or stair treads if causing trip hazard.

### **Priority Three – Non Urgent Day-to-Day Repairs (30 days)**

Reactive repairs not falling within the above categories

**– Within 30 working days of report of defect.**

Examples include:

- General joinery repairs.
- Non-urgent electrical work not listed above.



## 17.2 Enforcement

The Council endeavour to work closely with owners and managers to ensure they are able to comply with their legal obligations by providing information, advice and support.

If owners or managers are unwilling to meet their obligations or where failures are significant, the Council may undertake more formal enforcement action in accordance with their enforcement policy to protect the health, safety and well-being of occupiers and others affected.

Where necessary, the Council will seek to

- Prosecute owners or managers who fail to comply with the Housing Act 2004 or any of the associated regulations, in particular the Management of Houses in Multiple Occupation (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations, 2006.
- Serve an Improvement Notice under Part 1 of the Housing Act 2004.
- Serve a Prohibition Order under Part 1 of the Housing Act 2004.
- Take emergency action under Part 1 of the Housing Act 2004.
- The Housing and Planning Act 2016 also enables Local Authorities to impose Civil Penalties as an alternative to prosecution for certain offences under that Act or the Housing Act 2004. Civil Penalties. The amount of penalty is set by the Local Authority but can be up to a maximum of £30,000 per offence.

**Where formal enforcement action is taken, it would be taken into account and may affect future decisions as to whether someone associated with a licence or property is a 'fit and proper person'.**

## **APPENDIX**

### **The Management of Houses in Multiple Occupation (England) Regulations 2006**

**(S.I. 2006 No. 372)**

#### **STATUTORY INSTRUMENTS**

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**2006 No. 372**

### **HOUSING, ENGLAND**

#### **The Management of Houses in Multiple Occupation (England) Regulations 2006**

*Made* 15th February 2006

*Laid before Parliament* 22nd February 2006

*Coming into force* 6th April 2006

The Secretary of State, in exercise of the powers conferred by section 234 of the Housing Act 2004 makes the following Regulations:

#### **Citation, Commencement and Application**

1. 1) These Regulations may be cited as The Management of Houses in Multiple Occupation (England) Regulations 2006 and shall come into force on 6th April 2006.
- 2) These Regulations apply to any HMO in England other than a converted block of flats to which section 257 of the Act applies.

#### **Interpretation**

2. In these Regulations-

- a) "the Act" means the Housing Act 2004;
- b) "fixtures, fittings or appliances" are-
  - i. lighting, space heating or water heating appliances;
  - ii. toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
  - iii. cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
  - iv. washing machines or other laundry appliances; and
- c) "the manager", in relation to an HMO, means the person managing the HMO.

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

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

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

4. 1) The manager must ensure that all means of escape from fire in the HMO are-
  - a) kept free from obstruction; and
  - b) maintained in good order and repair.
- 2) The manager must ensure that any firefighting equipment and fire alarms are maintained in good working order.
- 3) Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.
- 4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to-
  - a) the design of the HMO;
  - b) the structural conditions in the HMO; and
  - c) the number of occupiers in the HMO.
- 5) In performing the duty imposed by paragraph (4) the manager must in particular-
  - a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
  - b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.
- 6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

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

5. 1) The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that-

- a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and
  - b) any water fitting which is liable to damage by frost is protected from frost damage.
- 2) The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.
  - 3) In this regulation "water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

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

6. 1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.
- 2) In paragraph (1), "recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.
- 3) The manager must-
  - a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;
  - b) obtain a certificate from the person conducting that test, specifying the results of the test; and
  - c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.
- 4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

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

7. 1) The manager must ensure that all common parts of the HMO are-
  - a) maintained in good and clean decorative repair;
  - b) maintained in a safe and working condition; and
  - c) kept reasonably clear from obstruction.

- 2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that-
  - a) all handrails and banisters are at all times kept in good repair;
  - b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
  - c) any stair coverings are safely fixed and kept in good repair;
  - d) all windows and other means of ventilation within the common parts are kept in good repair;
  - e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
  - f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.
- 3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- 4) The manager must ensure that-
  - a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
  - b) any garden belonging to the HMO is kept in a safe and tidy condition; and
  - c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.
- 5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

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

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

8. 1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.
- 2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that-
- a) the internal structure is maintained in good repair;
  - b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order; and
  - c) every window and other means of ventilation are kept in good repair.
- 3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.
- 4) The duties imposed under paragraphs (1) and (2) (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- 5) For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

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

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

## **Duties of occupiers of HMOs**

10. Every occupier of the HMO must-
  - a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
  - b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;
  - c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;
  - d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;
  - e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and
  - f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

## **General**

11. Nothing in these Regulations shall-
  - a) require or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or
  - b) oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.

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

Signed by authority of the First Secretary of State

*Kay Andrews*

Parliamentary Under Secretary of State Office of the Deputy Prime Minister

15th February 2006