



Broxbourne Borough Council Amenity Guidance for Houses in Multiple Occupation and Other Houses December 2006 (amended March 2008)

INTRODUCTION

This document gives advice to anyone involved with letting out housing in the private rented sector, whether as an individual letting or as a House in Multiple Occupation (HMO). Higher risk HMOs require licences and this guidance may well form the basis of conditions attaching to a licence.

CONTENTS

	Page No
Introduction	3
Definitions & Categories	4
1 Heating	6
2 Washing Facilities, Sanitary Conveniences (Shared).....	7
3 Kitchens (Shared)	9
4 Units of Living Accommodation Without Shared Basic Amenities	12
5 Fire Precautionary Facilities	15
Other Standards	15
6 Natural and Artificial Lighting	15
7 Ventilation	16
8 Drainage	16
9 Refuse, Storage and Disposal	17
10 Electrical Supply.....	17
11 Gas Safety.....	18
12 Furniture Safety.....	18
13 Personal Safety and Security.....	19
14 Thermal Efficiency.....	19
15 Asbestos	19
16 Space Standards.....	20
17 Management	23
• Introduction	
• General Management Duties	
• Enforcement	
• Prosecution	

Management of Houses in Multiple Occupation (England)
Regulations 2006

INTRODUCTION

This document gives advice to anyone involved with letting out housing in the private rented sector, whether as an individual letting or as a House in Multiple Occupation (HMO). Higher risk HMOs require licences and this guidance may well form the basis of conditions attaching to a licence.

The document sets out the legal framework and gives guidance for living space, amenities, fire safety and good management, adopted in this local authority area. 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 legislation.

Legislative Background.

Part 1 of the Housing Act 2004 introduced a new method of assessing whether housing conditions are a risk to the health of the occupiers, called the Housing Health & Safety Rating System, or 'HHSRS'. It looks at 29 hazards such as falls on stairs, and assesses the likelihood of an incident occurring that causes harm, and the likely severity of that harm. If the local authority assesses a hazard as Category 1 (severe), 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 requiring the owner of a property to carry out improvements, prohibiting the use of parts of a property, the authority taking emergency action itself, serving an enforcement notice or, where appropriate, requiring the demolition of the 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 on whether enforcement action is needed to remedy unsatisfactory conditions, and the action to be taken.

The Management of Houses in Multiple Occupation (England) Regulations 2006 (SI2006/372) sets out the responsibilities of the manager of an HMO. Section 17 gives further information and the actual regulations are attached as Appendix A.

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). 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.

This guidance has been based on those recommended by the Chartered Institute of Environmental Health and subsequently amended following changes in the law. They have been prepared in co-operation with all local authorities in Hertfordshire and Bedfordshire to provide a consistent approach to housing across the counties. This authority has considered local needs before adopting them for use in this borough.

The structure of this document identifies

- **legal requirements which are set out in bold type**, and

- Guidance that gives greater explanation of what is required is set out in boxes that follow each legal requirement.

Definitions and Categories of Property.

House in Multiple Occupation A house which is occupied by people who do not form a single household and share basic amenities such as bathroom, toilet and kitchen facilities.

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

- a single person;
- co-habiting couples whether or not of the opposite sex;
- families of related people.

Licensable HMO An HMO that is

- 3 or more storeys high including habitable basements and attics and commercial property, **and**
- occupied by 5 or more people, **and**
- occupied by people as their only or main home.

Further Advice and Information .

If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, contact

Environmental Health, Borough of Broxbourne, Bishops College

Churchgate Cheshunt Herts EN8 9XB Tel: 01992 785511

Email: envhealth@broxbourne.gov.uk

Planning permission may be required if an owner is considering major conversions, extensions or a change of use from a single family home or if the property has protected status. Contact

Planning, Borough of Broxbourne, Bishops College Churchgate Cheshunt

Herts EN8 9XB Tel: 01992 785555

Email: planning@broxbourne.gov.uk

Building Regulation approval may be required if an owner is considering conversion, adaptation or structural alterations.

Building Control, Borough of Broxbourne, Bishops College Churchgate

Cheshunt Herts EN8 9XB Tel: 01992 785555

Email: buildingcontrol@broxbourne.gov.uk

1 HEATING

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

.1 Heating shall be provided in every habitable room and bathroom capable of maintaining a temperature of 20 degrees Celcius (°C) when the outside temperature is -1 °C. (The provision of insulation can assist in meeting this standard.)

.2 The heating provision must be capable of being safely used at any time and be suitably guarded.

.3 Heating may be by means of:-

.1 Central Heating, or

.2 Gas heaters connected to a suitable flue and terminal outlet, or

.3 Oil heaters connected to a suitable flue and terminal outlet, or

4 Electricity. In some circumstances, the sole use of electricity may be acceptable to heat a dwelling but if you propose to use this method of heating you must discuss it with your local authority. Individual heaters (except oil filled radiators) must be a fixed installation.

.5 Solid Fuel (in the form of an authorised smokeless or alternatively solid fuel burnt in a smokeless appliance.) If solid fuel is used, proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation.

.4 Wherever practicable, heaters (excluding radiators) shall be fixed to an existing chimney breast or otherwise positioned so as to direct heat towards the centre of the room.

.5 All such appliances shall be maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the Gas Safety (Installation & Use) Regulations 1994.

.6 The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited under any circumstances, whether provided by the landlord or the tenant.

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) where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom);
 - (b) where there are five or more occupiers sharing those facilities there must be:
 - (i) one separate toilet with wash hand basin and appropriate splash back for every five sharing occupiers; and
 - (ii) at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

The provision of **washing facilities** shall be for exclusive use wherever possible but otherwise, as follows:

Number of occupiers sharing	Washing Facilities
Up to 5 people	One bathroom with wash basin and bath or shower
6 to 10 people	Two bathrooms

.1 **Wash Basins**

One standard sized washbasin, (approx 550mm x 400mm) with a 300mm waterproof splash back with cold and constant hot running water shall be supplied in each shared bath/shower room serving a maximum of five occupiers.

.2 **Bath and Shower Facilities**

A readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room 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, the splash back shall be 150mm above the showerhead and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls or a complete self-standing cubicle.

Toilet Facilities

Number of occupiers sharing	Toilet Facilities required
1- 4 occupiers	1 toilet may be incorporated within the bathroom
5 occupiers	1 toilet to be separate from the bathroom (although may be in second bathroom)
6 – 8 occupiers	2 toilets may be sited within 2 separate bathrooms
9-10 occupiers	2 toilets. 1 toilet must be separate from any bathrooms
11+ occupiers	3 toilets. 1 toilet must be separate from any bathrooms or provision of a 4th toilet separate from any bathroom.

.3 Each separate toilet compartment shall be provided with a suitable wash basin with cold and constant hot water and a 300mm tiled splash back.

.2 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, where reasonably practicable there must be a wash basin with appropriate splash back in each unit except where a sink has been provided

.1 In some circumstances, a wash basin may not be required, you will need to discuss this with your Environmental Health Officer. Where wash basins are required, the splash back to a wash basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be

.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.

.1 The bath/shower, with adequate cold and constant hot water supplies, shall be available at all times.

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

.1 Heating provisions are detailed in 1.1 above and the ventilation provisions are detailed in paragraph 7.0 below.

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

.1 See space standards and room sizes in '16', below.

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

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

.2 All sanitary fittings must be of non-absorbent material and capable of being easily cleaned.

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

.1 A bathroom shall be no more than one floor distant in relation to the bedroom.

.2 A toilet shall be no more than one floor distant from living and bedrooms.

.3 Where shared these facilities must be accessible from a common area.

3 KITCHENS (Shared)

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;

.1 A suitable sink and drainer in good condition and of minimum dimensions 500 x 1000 mm set on a stable base or support shall be supplied at the ratio of one sink for 5 occupiers.

.2 Where a house is occupied by 6 -10 occupiers, either the provision of a double bowled sink or a dishwasher in addition to a single sink may be treated as meeting this requirement, where the Council considers that such provision adequately meets the occupiers needs. Where practicable, a waterproof splash back shall be provided to the sink and draining board and all joints shall be adequately sealed. The sink(s) shall be connected to the drainage system via a suitable trap and provided with a plug and chain or equivalent.

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

.4 An adequate supply of cold drinking water and constant hot water. Stand alone water heaters are not a satisfactory supply of hot water.

(iii) installations or equipment for the cooking of food;

Number of occupiers sharing	Cooking Facilities required
1- 5 occupiers	1 full sized cooker with a minimum of 4 ring burners, a standard size oven and a grill.
6-10 occupiers	2 full sized cookers with a minimum of 4 ring burners, a standard size oven and a grill or 1 full size cooker plus microwaves as required.

(iv) electrical sockets;

- .5 Four sockets per five occupiers sharing the kitchen shall be provided to be sited above the worktops, plus one socket for each fixed appliance. See 4.1.4.
- .6 Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.
- .7 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;

- .8 A worktop or table of smooth and impervious material of minimum size 500mm x 1500mm per 5 occupiers and suitably located; this 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;

- .9 Each separate occupancy shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or a single base unit is required per occupancy for the storage of dry goods and utensils, although occupancies comprising more than one individual will require additional space. If located in a communal kitchen, the dry goods storage shall be lockable or otherwise secure. The space in a 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);

- .10 If possible, separate fridges should be provided per occupancy. Otherwise, each separate occupancy shall be provided with at least one shelf of 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 9.0); and

(ix) **appropriate extractor fans, fire blankets and fire doors** (for fire precautions see 5.0).

.11 All kitchens shall be ventilated by means of suitably sited extractor fan providing a minimum of one air change per hour. Cooker hoods are not suitable unless extracting to the outside air

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

.1 The minimum requirement is two rings/hot plates together with a minimum of a 1cubic foot/28litre oven and a grill for one person, or four rings/hot plates together with a minimum of a full size oven and a grill if provided for more than one person. A microwave oven could be substituted for one or two rings subject to agreement with the licensing officer. 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;

.2 A full size sink with a draining board with a plug and a chain and a waterproof splash-back 300mm high to be provided. A wash basin shall not be used in place of a sink. Stand alone water heaters are not a satisfactory supply of hot water.

(c) a work top for the preparation of food;

.3 A worktop or table of smooth and impervious material that is capable of being easily cleaned and of minimum size 500mm x 1000mm for single person units, or 500mm x 1500mm for two person units. A suitable waterproof splash-back 300mm high should be provided where any work surface abuts a wall and all joints shall be adequately sealed.

(d) sufficient electrical sockets;

.4 Four power sockets in addition to any serving major appliances set at a convenient height and safe position above the work surface.

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

.5 Each separate occupancy shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or a single base unit is required per occupancy for the storage of dry goods and utensils, although occupancies comprising more than one individual will require additional space. If located in a communal room, the dry goods storage shall be lockable or otherwise secure. The space in a unit below the sink will not be accepted for the above purposes.

(f) a refrigerator.

.6 If possible, separate fridges should be provided per occupancy. Otherwise, each separate occupancy shall be provided with at least one shelf of refrigerator space in a readily accessible room. Adequate freezer space shall also be provided.

4.2 Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2 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.

- .1 Washing facilities should ideally be for exclusive use but where this is not possible the following should apply
- .2 "Reasonable proximity to the living accommodation" shall mean no more than one floor away from the living accommodation.
- .3 One standard sized wash basin, (approx 550mm x 400mm) with a 300mm waterproof splash back with cold and constant hot water shall be supplied in each shared bath/shower room serving a maximum of five occupiers.
- .4 Each occupancy shall be provided, where practicable, with a bath or shower in a separate room. Otherwise, a readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room 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, the splash back shall be 150mm above the shower head and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls or a complete free standing cubicle.
- .5 Each separate toilet compartment shall be provided with a suitable wash basin with cold and constant hot water and a 300mm tiled splash back.
- .6 External toilets shall be ignored.
- .7 The bath/shower, with adequate cold and hot water supplies, shall be available at all times.
- .8 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being easily cleaned.
9. All sanitary fitments must be of non-absorbent material and capable of being easily cleaned.

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.

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

Guidance is available in a separate document entitled - 'Guide to Fire Precautions in Houses in Multiple Occupation'

OTHER MATTERS

The following matters are not covered specifically in the Regulations but must be considered in regard to the Housing Health and Safety Rating System and for the purposes of HMO licensing they may form part of the licence conditions.

6 NATURAL AND ARTIFICIAL LIGHTING

.1 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 1/10th of the floor area and to extend normally to a point 1.75m above floor level. The window shall be so positioned that the light from the window is able to illuminate most of the room.

.2 Windows to bathrooms and toilets are to be glazed with obscured glass.

.3 Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets. All lighting to common parts to be provided, maintained and paid for by the landlord. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect and be illuminated for ease of location. Two way switches shall be provided on stairs and passageways as necessary.

7 VENTILATION

- .1 All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th of the floor area of that room. Alternatively a whole house ventilation system, suitable for use in habitable rooms will satisfy this standard providing it is installed and serviced in accordance with manufacturers recommendations and has room by room control.
- .2 All bathrooms shall have mechanical ventilation providing a minimum of 4 air changes an hour. Such an installation shall be fitted with an overrun device. In the case of bathrooms, this will usually be to the lighting circuit of the room but in certain cases, for example, where the fan is humidity controlled, this may not be possible.
- .3 All toilet compartments must have either an openable window or mechanical ventilation providing at least one air change per hour.
- .4 A kitchen shall have extract ventilation capable of providing at least one air change per hour.
- .5 See 16.4 for how to measure a room

8 DRAINAGE

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

9 REFUSE, STORAGE AND DISPOSAL

- .1 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.
- .2 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.

10 ELECTRICITY SUPPLY

- .1 Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as follows:

Living room	- 6 sockets
Bedroom/study	- 6 sockets
Bedroom within a letting comprising more than one room	- 4 sockets
Bedsits containing cooking facilities	- 4 in kitchen area plus 6 elsewhere
- .2 In bedsit kitchen area, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- .3 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.
- .4 All new electrical installations shall comply with Building Regulations and shall be suitably certified.
- .5 Installations must be checked at 5 yearly intervals and a certificate obtained.
- .6 Portable appliances provided by the landlord must be visually inspected either on a change of tenancy or at least annually, whichever comes first. Portable appliances must be tested at regular intervals (to be discussed with the local authority), with a certificate being provided by a competent person on completion of testing.

11 GAS SAFETY

Gas Installations

- .1 The Gas Safety (Installation and Use) Regulations 1998 requires landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. An annual safety check must be carried out by a CORGI registered plumber and records kept for 2 years. A copy of the safety record must be provided to each tenant and if the HMO is licensed, a copy must be sent to the Council.
- .2 The landlord must comply with the requirements of the Gas Safety (Installation & Use) Regulations 1994 (as amended). These Regulations are enforced by the Health and Safety Executive but are a requirement under the Management Regulations 2006 and form part of the licence conditions.

12 FURNITURE SAFETY

- .1 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 accommodation that is made available for let complies with the fire safety requirements detailed in the regulations. Landlords, estate agents and letting agents who let accommodation during the course of a business therefore have duties under the above regulations.
- .2 In a licensed premises the furniture safety requirements form part of the licence conditions. Further information can be obtained from your local Trading Standards Service or from the Department of Trade and Industry.

13. PERSONAL SAFETY AND SECURITY.

.1 Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and tenant's own rooms to prevent unauthorised access but permit safe egress. Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire. 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 Police Crime Prevention Officer must be acted on. Simple locks must be provided to communal bathrooms and toilets to provide privacy.

14 THERMAL EFFICIENCY

.1 All dwellings should be capable of achieving and maintaining a suitable room temperature without undue heat loss. To achieve this, you may need to install cavity wall insulation and/or loft insulation and or other works. You should contact your local authority or your energy provider for details of any grant aid that may be available.

15 ASBESTOS

.1 Landlords have a duty to identify and manage any Asbestos containing materials in their property. If the material is in good condition and not liable to damage or disruption, for example during alteration work, then it is normally appropriate to leave it alone. If in doubt, you should seek further advice. 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 etc, and date and sign the record to show that you have done this.

16. SPACE STANDARDS

- .1 The number of people sharing includes babies and children. Everyone must have their own allocation of space.
- .2 Everyone over the age of 10 years must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative or with someone of the opposite sex unless they are living together/co-habiting.
- .3 'Close relative' means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.
- .4 All habitable rooms, kitchens, bathrooms, and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over half of the floor area of the room. Measurements shall be taken on a plane 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded.
- .5 The standards are based on usable floor area. Certain layouts may require an increase in floor area.

.1 One Person Units of Accommodation

(i) One room units

including kitchen facilities in the room **11m²**

separate individual or shared kitchen **8m²**

Note: These room sizes can be reduced by up to 1.5m² down to a minimum of 6.5m² 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 standards.

(ii) Two or more room units

As a guide, rooms in two or more roomed units of accommodation should meet the following sizes:

Each living room/kitchen **10m²**

Each Living room **8.5m²**

Each bedroom **6.5m²**

Note: Trade off between room sizes in 2 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 14.5m²

.1 A staircase, landing or any room, which has been appointed as a kitchen or bathroom, shall not be used as sleeping accommodation.

.2 Two Person Units of Accommodation

(i) One room units

including kitchen facilities **16m²**

where provided with a separate individual or shared kitchen **13m²**

NB. Not normally suitable for persons who are not either married couples or co-habitees.

Note: Room sizes can be reduced by up to 2m² 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 standards.

Note: Trade off between room sizes in 2 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 19.5m²

.3 Common Rooms

(i) Kitchens

If more than 5 occupiers are sharing a kitchen and there is no separate dining area then the facilities must be doubled and the installation and circulation space must be adequate. The kitchen must be sited no more than one floor distance from the bedroom or suitable dining area.

	Numbers Sharing	Minimum Floor Area
(i) Kitchens		
	Used by 1-5 occupiers	6m²
	Used by 6-10 occupiers	11m²
The kitchen must be sited no more than one floor distant from the bedroom or living/dining room.		
(ii) Dining/kitchens		
	Used by 1-5 occupiers	8.5m².
	Used by 6-10 occupiers	12.5m².
(iii) Living Rooms or Dining Rooms		
	Used by 1-5 occupiers	8.5m².
	Used by 6-10 occupiers	12.5m².

Note: If more than 5 occupiers are sharing a kitchen, additional sets of facilities are required (See Section 3).

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 kitchen for the number of users.

A staircase, landing or any room, used as a kitchen or bathroom, shall not be used as sleeping accommodation.

.4 Hostel/ Dormitory/ Board and Lodgings

This is dealt with under separate guidance. Please ask your local officer for details.

17 MANAGEMENT

.1 Introduction

.1 The manager of the house is ultimately responsible for maintaining standards within the building. Where the manager is not resident he or she must make suitable arrangements to ensure that conditions and facilities are kept in good order.

In order to fulfil their duties managers must undertake to regularly visit the property either personally or via a representative to ensure standards are maintained and where necessary improved.

.2 General Management Duties

.1 The manager of an HMO must comply with the Management Regulations 2006. These are set out in Appendix A.

A good standard of management shall be observed in the house. In particular this shall ensure the repair, maintenance, cleaning and good order of -

- a) all means of water supply and drainage in and serving the house;
- b) all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions and alarm;
- c) kitchens, bathrooms and toilets in common use;
- d) Sinks and wash basins in common use; common staircases, corridors and passages, and outbuildings, yards and gardens in common use;
- e) The repair and maintenance of all lettings and facilities within lettings;
- f) And to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions

.3 Enforcement

1 The Council will encourage owners to comply with their legal obligations with information, advice and support. Where owners or managers are unwilling to meet their obligations or where failures are significant, the Council will take appropriate enforcement action in accordance with the enforcement policy to protect the health, safety or well-being of occupiers and others affected.

This may include

- any of the actions available to the Council in Part 1 of the Housing Act 2004 following a Housing Health & Safety Rating System ('HHSRS') assessment;
- prosecution for breaches of the Management Regulations or licence conditions;
- the making of Interim and Final Management Orders where the health, safety or wellbeing of tenants is of serious concern, and,
- taking action to revoke the licence.

.2 Where formal enforcement action is taken this may affect future decisions as to whether someone associated with a licence or property is a fit and proper person and future applications for the grant, renewal or variation of licences.

.4 PROSECUTION

.1 A Council can prosecute a manager if it can show that there were relevant defects in the house and that the defendant failed to comply with the Regulations without reasonable excuse.

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

(S.I. 2006 No. 372)

STATUTORY INSTRUMENTS

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 fire fighting 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 that are provided 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