

Appendix 1

Standards for Licensable Houses in Multiple Occupation

The proposed new standards are underlined and highlighted

The associated current standards are typed in bold text

The reasons to change the standard are typed in italics

Standards for Licensing of Houses of Multiple Occupation

These are the standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or individuals.

These Standards should be read alongside the Operating Guidance scheduled in the Housing Health and Safety Rating System and The Licensing & Management of Houses in Multiple Occupation & Other Houses (Miscellaneous Provisions) (England) Regulations 2006 - Schedule 3.

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PART 1 - SHARED HOUSES

Washing Facilities

Amenity Standards in Relation to Number of Persons	
1 - 4 occupiers	<p>At least 1 bathroom and 1 WC (the bathroom and WC may be in the same room)</p> <p>Wash hand basin required in bathroom and in separate WC (if provided)</p>
5 occupiers	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom)</p>
<p>Proposed 6 - 8 occupiers</p> <p>Current 6-10 occupiers</p> <p><i>Reason</i></p>	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>2 bathrooms with 2 WCs and wash hand basins</p> <p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms).</p> <p><i>Some smaller houses with 6, 7 and 8 occupiers cannot accommodate the separation of two WC compartments.</i></p>
9 – 10 occupiers	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms)</p>
11-15 occupiers	<p>1 wash hand basin required where practicable in each sleeping room plus</p> <p>3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms)</p>

Bathroom means a room containing a bath or shower.

- All baths, showers & wash hand basins should be equipped with an adequate supply of cold & constant hot water and be connected to an appropriate drainage system.
- All baths, showers & wash hand basins should be equipped with adequate splashbacks (300mm to baths & wash hand basins, full heights for showers) with an adequate waterproof seal between the splashbacks and the fitting.

Current All baths, showers & wash hand basins should be equipped with adequate splashbacks (300mm to baths & wash hand basins, full heights for showers) **with an adequate waterproof seal.**

Reason: To clarify the requirement for an effective waterproof seal.

- All bathrooms should be suitably & adequately heated & ventilated (see heating section above- adequate mechanical ventilation in accordance with Approved document F of the Building Regulations 2006.)
- All bathrooms & toilets should be of an adequate size & layout.
- All bathrooms should be of an appropriate size to provide adequate changing & drying space for the users
- All WCs and bathrooms should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.
- All bathrooms & WCs should be conveniently and suitably located in or in relation to the living accommodation in the HMO
- All WC compartments should contain a wash hand basin equipped with adequate splashbacks and waterproof seal

Current: Not included in standards

Reason: To improve standard of amenities.

- No WC compartment should open directly onto an area of kitchen where food is prepared unless mechanical extract ventilation and a wash hand basin is provided in the compartment
- Personal washing or WC facility should not normally be more than one floor distant from the sleeping accommodation

Kitchens

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

- (a) there should be a kitchen, normally not more than one floor distant, suitably located in relation to the living accommodation, & of such layout and size and equipped with such facilities so as to safely enable those sharing the facilities to store, prepare and cook food;

(b) the kitchen should be equipped with the following equipment, which should be fit for the purpose & supplied in a sufficient quantity for the number of those sharing the facilities:

- (1) sinks with draining boards;
- (2) an adequate supply of cold (from rising main) & constant hot water to each sink supplied;
- (3) installations or equipment for the cooking of food;
- (4) electrical sockets;
- (5) adequate worktops for the preparation of food
- (6) cupboards for the storage of food or kitchen & cooking utensils;
- (7) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer);
- (8) appropriate refuse storage and disposal facilities;
- (9) appropriate extractor fans, fire blankets & fire doors;
- (10) dining facilities (either within the kitchen or in a separate room on the same storey)

FACILITY	MINIMUM STANDARD	UP TO & INCLUDING 5 PERSONS	>THAN 5 PERSONS – UP TO 9
sinks with draining boards; an adequate supply of cold & constant hot water to each sink supplied;	A fixed impervious sink, with a drainer. It should be provided with an adequate and wholesome supply of cold water & a adequate supply of constant hot water	1 for up to 5 occupiers	1 per 4 occupiers or part thereafter – a dishwasher may be considered as an alternative to an additional sink Current: Not included in stds <i>Reason: To give landlords an option in smaller kitchens.</i>
installations or equipment for the cooking of food; (Cooker)	The primary facility should comprise an electric or gas hob with 4 rings and an oven with a grill.	1 for up to 5 occupiers	1 per 4 occupiers or part thereafter – a microwave oven may be considered as an alternative to an additional cooker
electrical sockets;	30amp supply for an electrical cooker. Points should be set at a convenient and safe position.	6 sockets (3 doubles) Additional dedicated sockets are required for a	An additional double for each two occupiers over 5 sharing. Additional dedicated sockets

		cooker, refrigerator and washing machine.	are needed for additional cookers, refrigerators and washing machines.
worktops for the preparation of food;	The worktops should be secure, fixed & of an impervious material	1500mm (length) x 600mm (depth)	Additional 500mm length per user.
cupboards for the storage of food or kitchen & cooking utensils;	Single cupboard (wall or floor mounted) per person. This excludes any cupboard under a sink.		Capacity to be increased proportionately for each additional occupant.
refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer);		A standard sized combined fridge/freezer	Additional fridge/freezer for up to 9 occupiers
appropriate refuse disposal facilities;	The refuse facilities should not cause problems of hygiene or attract pests & should not obstruct the means of escape in case of fire.	A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally & externally	A sufficient number of refuse receptacles should be provided for the storage of refuse awaiting collection both internally & externally
appropriate extractor fans;	Electrical extractor fan in accordance with approved document F under the Building Regulations 2006.	As minimum standard	As minimum standard
appropriate fire blankets;	To be supplied but not to be sited immediately adjacent to or over a cooker	To be supplied but not to be sited immediately adjacent to or over a cooker	To be supplied but not to be sited immediately adjacent to or over a cooker

Kitchens **should be provided with suitable floor coverings** that are slip resistant, impervious and easily cleansable.

Current: Kitchen floors should be slip resistant, impervious and easily cleansable.

Reason: To confirm that kitchen floors should have a floor covering.

Kitchen walls adjacent to cookers, sinks and food preparation areas should be provided with impervious splash backs.

If there are 10 or more occupants a second fully equipped kitchen should be provided.

Room Sizes

(1) a child (regardless of age) will be considered as a separate occupant in terms of these standards

(2) the minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space:

Proposed:

<u>Shared Houses</u>	<u>No. of Occupiers</u>	<u>Size</u>
<u>Kitchen (without dining facilities)</u>	<u>5</u>	<u>10m²</u>
<u>Kitchen (with dining facilities in it)</u>	<u>5</u>	<u>15m²</u>
<u>Separate dining room</u>	<u>5</u>	<u>10m²</u>
Bedroom - single	1	6.5m ²
Bedroom - double	2	10.2m ²

If there are 6 – 9 occupiers of the building, an additional 1m² per occupier is required. If there are 10+ occupiers, additional rooms of the same dimensions are required.

Conservatories which do not have suitable fixed heating and thermal insulation in accordance with current Building Regulations, will not be counted as a bedroom, lounge, dining room or kitchen.

Current:

Shared Houses	No. of Persons	Size
Lounge*	Up to 5	11m²
Kitchen (with lounge)*	Up to 5	7m²
Kitchen (without lounge)*	Up to 5	10m²
Kitchen with dining*	Up to 5	11.5m²

The table was included with 'Bedsits'. The entry regarding conservatories is not included in the current standards.

Reason:

- The current standards for licensable 'shared' HMOs require a space for dining, which may be in the kitchen, a lounge or dining room. A separate lounge is not a requirement.
- Some landlords have changed rooms used as a lounge and separate dining room in traditional 'family' homes into bedrooms and allocated space for dining in the kitchen. This has increased the number of occupiers in the house.
- The small increases in the room sizes proposed above will ensure that tenants have adequate space for safety in the kitchen.
- Where the kitchens are too small, a dining room will need to be provided. .
- The new proposed table of room sizes clarifies the requirements and is more user friendly.
- Where conservatories have been created and used as the only shared living and / or dining space issues of thermal comfort have arisen for occupiers and noise and light issues have been reported by neighbours. It is therefore proposed that only conservatories which fully comply with Building Regulations, including suitable fixed heating and thermal insulation, will be considered as meeting the room standards for HMO licensing purposes. This will avoid excess cold issues for the tenants and insulation may also provide a noise barrier for neighbours.

PART 2 – BEDSIT / NON-SELF CONTAINED UNITS

Shared Bathrooms

Amenity Standards in Relation to Number of Persons	
1- 4 occupiers	At least 1 bathroom and 1 WC (the bathroom and WC may be combined) Wash hand basin required in bathroom and in separate WC (if provided)
5 occupiers	1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom)
6 - 8 occupiers	2 bathrooms with 2 WCs and wash hand basins
Current 6-10 occupiers	1 wash hand basin required where practicable in each sleeping room plus 2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms).
<i>Reason</i>	<i>Some smaller houses with 6, 7 and 8 occupiers cannot accommodate the separation of two WC compartments</i>
9 – 10 occupiers	2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms)

11 -15 occupiers	3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms)
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Individual Bathrooms

Where there are no adequate shared washing facilities provided for a unit of living accommodation, an enclosed & adequately laid out & ventilated room with a toilet & bath or fixed shower supplying adequate cold & constant hot water should 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.

These amenities should be located not more than one floor distant from the unit of accommodation.

All baths, showers & wash hand basins should be equipped with taps providing an adequate supply of cold & constant hot water and be connected to an appropriate drainage system.

All baths, showers & wash hand basins should be equipped with adequate splashbacks (300mm to baths & wash hand basins, full heights for showers) with an adequate waterproof seal between the splashbacks and the fitting. (See above)

All bathrooms should be suitably & adequately heated & ventilated (see heating section above- adequate mechanical ventilation in accordance with Approved document F of the Building Regulations 2006.)

All bathrooms & toilets should be of an adequate size & layout to provide adequate changing & drying space for the users.

All bathrooms should be provided with suitable floor coverings that are slip resistant, impervious and easily cleansable.

Kitchens

Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, & there are no other kitchen facilities available for that household, that unit should be provided with –

- (a) Adequate appliances & equipment for the cooking of food;
- (b) A sink with an adequate supply of cold (from rising main) & constant hot water;
- (c) A work top for the preparation of food;
- (d) Sufficient electrical sockets;
- (e) A cupboard for the storage of kitchen utensils & crockery;
- (f) A refrigerator;
- (g) A slip resistant, impervious and easily cleansable floor covering.

Current: Not included

Reason: To improve standards

FACILITY	MINIMUM STANDARD	EACH UNIT
a sink with an adequate supply of cold & constant hot water;	A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and a adequate supply of constant hot water	Per unit
adequate appliances & equipment for the cooking of food;	A cooker with at least two rings with an oven and a grill. Rings should be at a height level with adjacent worktops.	Per unit
sufficient electrical sockets;	Points should be set at a convenient height & safe position.	4 sockets (2 doubles) Additional dedicated sockets are required for a cooker & refrigerator.
a work top for the preparation of food;	The worktop should be secure, fixed & of an impervious material	Minimum size 600mm X 1000mm (in useable sections – do not include area underneath microwave or cooker) Current: Not included <i>Reason: microwaves and cookers have been placed on worktops and the area is unusable.</i>
a cupboard for the storage of kitchen utensils & crockery;	Standard floor or wall mounted cupboard. The space below the sink unit is not acceptable to comply with this standard.	
a refrigerator	A standard refrigerator	A refrigerator with a minimum capacity of 0.15m ³

Room Sizes

(1) a child (regardless of age) will be considered as a separate occupant in terms of these standards

(2) the minimum room sizes are also subject to each room being of a shape and floor to ceiling height offering adequate useable living space:

Bedsit Rooms	No. of occupiers	Size
Bedsit with kitchen in room	1	13m ²
	2	15m ²

Bedsit with separate kitchen	1	10.5m ²
	2	14m ²
Separate Kitchen		4.6m ²

Conservatories which do not have suitable fixed heating and thermal insulation in accordance with current Building Regulations, will not be counted as a bedroom, lounge, dining room or kitchen.

Current: Not included

Reason: See above

PART 3 – ALL HMOS

HEATING

Each unit of living accommodation in an HMO shall be equipped with adequate means of space heating capable of reaching and maintaining 21°C **regardless of the weather**.

Current: heating capable of reaching and maintaining 21°C when the external temperature is +5°C.

Reason: The current requirement is confusing to landlords and tenants

- Adequate fixed space heating to be provided in every room including bathrooms and (where space allows) kitchens.
- The heating should be provided with controls to allow the occupants to regulate the temperature within each individual letting room.
- Heating systems should be designed to be of adequate size for the dwelling.
- Adequate structural thermal insulation should be provided to the building. This would include minimum 270mm of mineral wool insulation material in any loft or accessible eaves area, **or equivalent insulation value if alternative material is used, e.g. ridged insulation board.**

Current: Not included

Reason: To provide an alternative

GAS SAFETY

If gas is supplied to the property, the licence holder must provide the Council with a copy of the current gas safety certificate(s) to cover the common ways and all rented parts of the property. This certificate should state that the full gas installation, covering the supply pipes, flues and gas appliances are safe for operation.

The annual inspection must be carried out by a **Gas Safety Registered Engineer**. (No longer 'CORGI' in the regulations). The Gas Safety and Use Regulations 1998 (as amended) require an inspection to be carried out annually.

A safety certificate must be retained for at least two years following its issue. The safety of the gas installation and appliances must be constantly maintained.

ELECTRICAL SAFETY

All electrical appliances made available by the licence holder should be in a safe condition. Declarations as to the safety of the appliances should be provided.

The licence holder must provide the Council with a copy of Form 6 produced by the Institute of Electrical Engineers for a periodic inspection and report based on Appendix 6 of BS 7671 which is used when carrying out routine periodic inspection and testing of existing electrical installations. The report must cover the whole installation. The inspection must be carried out by a competent electrical engineer to show that the installation is safe and satisfactory and may have been obtained within the last 5 years. Further information may be obtained from the Institute of Electrical Engineers (website www.iee.org.uk). **As a minimum requirement carry out all work required to rectify recommendations by the report classified as 1- 'requires urgent attention', 2 'Requires Improvement' and 3 'Requires further investigation'.**

Current: Not included in standards

Reason: To provide more information to landlords on the safety requirements

FIRE PRECAUTIONS

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. **For guidance see the Local Government Regulation publication: LACORS Housing - Fire Safety Guide, (website www.lacors.gov.uk).**

Current: Not included in standards

Reason: To provide more information to landlords on the safety requirements

TESTING OF FIRE ALARMS AND EMERGENCY LIGHTING

When a fire alarm and emergency lighting system have been installed, the licence holder must provide the logbook for inspection by the council. This logbook will need to demonstrate that correct maintenance of the systems has been carried out. Correct maintenance will include annual tests and periodic checks, in accordance with British Standard 5839 Part 6 & Part 1. The applicant must make provision for future inspections to be carried out.

FURNISHINGS

All soft furnishings supplied by the landlord to tenants must comply with the relevant safety tests (as prescribed under the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)).

All furniture will be labelled to show that it complies with these tests. These labels must not be removed.

Advice on fire and furnishings may be sought from Trading Standards, telephone 08454 040506.

LANDLORD AND TENANT RIGHTS AND OBLIGATIONS

There is a need to ensure that tenants are aware of their rights and also their obligations and that these will be enforced. The council requires that the licence holder should provide tenants with a written statement of their tenancy rights and obligations to include a clause on anti-social behaviour. This may be displayed in a suitable position and be readily visible to residents in the house. Tenants will be required to take reasonable care to avoid causing damage in the property and any nuisance to their neighbours and that if these requirements are disregarded the licence holder may instigate possession proceedings.

The licence holder should undertake to inform tenants about rubbish collection, causing excessive noise and other potential causes of conflict and about their responsibility to comply with any reasonable arrangements made in respect of the means of escape from fire and anything provided by way of fire precautions. All occupiers regardless of tenure should recognise their responsibility with regard to these matters. The licence holder should ultimately bear some responsibility for any **continuing** nuisance caused by tenants and should undertake to discuss complaints from neighbours with tenants and, **when**

asked to do so by the council, should produce evidence to show that they are taking appropriate action to enforce tenancy conditions relating to nuisance prevention.

Current: Not included in standards

Reason: When neighbours of HMOs complain of noise, some landlords do not take appropriate action to try and prevent noise nuisance and the inclusion of the above will highlight that they have responsibility to do so.

A licence holder may seek help from the council's Housing Options Team in relation to difficulties with tenants arising from drug and alcohol misuse. This Team can help support private sector landlords by helping vulnerable tenants to meet their tenancy obligations and retain their accommodation.

The manager or licence holder must display a visible notice in a suitable position in the house containing the name and address and telephone number of the person managing the house including an emergency contact number and ensure that necessary amendments are regularly made to this notice.

DISPOSAL OF RUBBISH

The Local Authority requires that the licence holder or manager of the HMO should ensure that refuse is not allowed to accumulate in the house except where properly stored pending disposal. There must be:

1. Suitable **and appropriately sited** refuse containers provided which are on a scale adequate to the requirements of the residents;
2. Supplementary arrangements for the disposal of refuse from the house as may be necessary having regard to any service provided by the local authority.

Other than in areas of the city where communal street bins are provided for use by residents, the local authority undertakes to collect the refuse from properties on a certain day once per week **and recycling once per fortnight.** **The licence holder should notify the tenants of the collection days for refuse and recycling.**

If there is no adequate space to store rubbish within the boundaries of the house from week to week and no way of providing extra space, the licence holder / Manager may have to make arrangements for extra collections.

The Licence Holder should ensure that at the end of each tenancy any rubbish or unwanted household goods left behind should be removed and disposed of appropriately before the start of the next tenancy. In particular, any rubbish or goods left in front or back gardens or the pavement in the front of the HMO should be removed immediately.

Current: Not included in standards

Reason: To improve the areas in front of the HMOs where rubbish is stored and to avoid unsightly accumulations of rubbish which are a nuisance to neighbours and attract vermin.

ENERGY PERFORMANCE CERTIFICATES

Energy Performance Certificates (EPCs) give information on how to make your home more energy efficient and reduce carbon dioxide emissions. All rented homes require an EPC. The Local Authority requires that the licence holder or manager of the HMO must

provide a copy of the most recent EPC for the property, including the recommendation report with suggestions on how to reduce energy use and carbon dioxide emissions.

Current: Not included in standards

Reason: Advice on new legislation

ADVICE

The license holder / Manager should comply with all the requirements of the Housing Act 2004 and relevant regulations, which relate to the Housing Health & Safety Rating System and the management of HMOs. There is more information available on these matters on the Private Sector Housing pages of the council's website www.brighton-hove.gov.uk.

Current: Not included in standards

Reason: To provide advice on legislation.

At the start of a tenancy, each unit of accommodation must be in a clean condition and good repair before the tenants move in. The manager must ensure the common parts of the house are repaired and maintained in a clean condition and in good order.

In shared properties it is recognised that the cleaning of shared facilities is usually the tenants' responsibility. However, it is the licence holder's responsibility to ensure this is monitored and addressed should any problems arise. Where the tenants have separate tenancies, it is the responsibility of the Manager to ensure that all common parts and shared facilities are cleaned on a regular basis, e.g. by employing a cleaner.

Current: Not included in standards

Reason: To improve conditions for tenants. Some landlords/letting agents do not adequately clean the property prior to new tenants moving in and also promise that repairs will be carried out but do not so.

The current regulations relating to the management of Houses in Multiple Occupation are The Housing (Management of Houses in Multiple Occupation) Regulations 2006. For help and advice telephone (01273) 293156 or email psh@brighton-hove.gov.uk.

For help and advice on fire and furnishings telephone 08454 040506 or email trading.standards@brighton-hove.gov.uk.

For help and advice on noise or other nuisances telephone: Hove Area (01273) 292424, Brighton Area (01273) 292400 or email EHL.environmentalprotection@brighton-hove.gov.uk.

For help and advice about the Tenancy issues telephone (01273) 294400 or email housing.advice@brighton-hove.gov.uk.

For help and advice on storage and collection of waste telephone (01273) 274674 or email at cityclean@brighton-hove.gov.uk.

If the HMO comprises of bedsits and or self-contained flats you may be required to carry out a Fire Safety Risk Assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005. Further information can be obtained from the East Sussex Fire and Rescue Service on 0845 130 8855 or www.esfrs.org. Detailed written guidance can be found in the Government's guide to fire safety in buildings where there are "sleeping risks". This can be obtained from bookshops, The Stationery Office Online (www.tsoshop.co.uk) or see the Government web site <http://www.firesafetyguides.communities.gov.uk> for details of how to download it.

For advice on Energy Performance Certificates see the website www.direct.gov.uk

Current: Not included in standards

Reason: To provide advice on new legislation.