



## **Guide to Houses in Multiple Occupation (HMO) Space and Amenity Standards**

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## Introduction

This document provides landlords, HMO managers and proposed licence holders with a guide to implementing the standards required under mandatory HMO licensing. Where the property is an HMO that does not require a licence (i.e., HMO's having less than five occupiers), all sections of the standards can be taken as guidance and the Council will have regard to these.

The document sets out the information so that it is clear which part of the Housing Act 2004, or the regulations made under it, the standards are designed to achieve. It tells the reader the physical location the standard applies to, the steps that can be taken to achieve it, and where appropriate gives recommendations of good practice.

Mandatory licensable properties have a set of national *minimum* standards relating to:

- Sanitary conveniences (toilets);
- Personal washing facilities; and
- Bedroom sizes.

These are prescriptive standards and in licensable properties the Council must apply these when setting the number of occupants permitted in the house.

Where the Government has not prescribed standards, the Council must still consider other facilities in the house. Accordingly, the Council has adopted this local guidance relating to other amenities to promote consistency across HMO properties. The Council considers this guidance as providing a baseline that ensures that HMO occupiers have safe and convenient access to facilities within in their home.

The Council will normally expect amenities in the property to meet the guidance set out in this document. The Council will consider representations from landlords/applicants to deviate from this guidance, but it is the responsibility of the landlord/applicant to demonstrate any alternative proposal will be satisfactory.

Officers will have regard to the guidance in this document when considering those amenities not prescribed by law and in assessing hazards at the property. National standards and local guidance are marked in the following pages.

For all licensable properties, the following shall be taken into account:

- All properties shall be free of Category 1 hazards, as determined using the Housing Health and Safety Rating System (HHSRS). A category 1

hazard is one which the Council has a duty to ensure that the proposed licence holder removes.

- Where the installation of additional amenities are required as a condition of the licence (in particular bathrooms), licence holders must be aware of the minimum room sizes, to ensure that the installation of the bathroom or other amenity does not result in another room becoming too small to use.
- Planning Permission or Building Regulations approval may be required; in particular, building works and the installation of bathrooms and other facilities requiring drainage will require building regulation approval. Please note that there is no Article 4 directive within Cannock Chase controlling the development of HMO properties.
- The granting of a HMO licence or compliance with the HMO standards in this guide, does not mean that planning permission or building regulations approval will be granted. The Development Control and Building Control teams enforce these requirements under separate legislation. You are urged to consult these departments directly.

## **HMO Definitions and types**

If you let a property which fits one of the following definitions it is a House in Multiple Occupation:

- An entire house or flat which is let to three or more tenants, who form two or more households and who share a kitchen, bathroom or toilet facilities.
- A house which has been converted entirely into bedsits or other non-self-contained accommodation, and which is let to three or more tenants who form two or more households, and who share a kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self-contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by three or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats, if the conversion did not meet the standards of the 1991 Building Regulations, and more than one-third of the flats are let on short-term tenancies. In order to be an HMO the property must be used as the tenant's only or main residence, and it should be used solely or mainly to house tenants.
- A house let by a resident landlord with three or more lodgers (plus themselves or family members).
- Domestic refuges and properties let to students/migrant workers will be treated as the occupant's only or main residence may also be HMO's.

Most of the accommodation arrangements commonly encountered are covered by this document, however it is recognised there may be circumstances which do not. If this is the case please contact the Private Sector Housing Team for guidance.

### **Licensing and Management**

Under the national mandatory licensing scheme, any HMO must be licensed if it has five or more tenants, living as two or more households, and there are shared facilities such as a kitchen, bathroom or toilet. You can find more information [here](#) on .GOV including applying for a HMO Licence online.

Whilst there are many HMO's within Cannock Chase which do not currently fall within the licensing requirement, it is important that the appropriate standards of amenity provision, fire precautions and room size are met.

[The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) apply to all HMOs except those consisting entirely of self-contained flats. For HMOs consisting of self-contained flats, then [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#) apply.

Under these Regulations the person in control of or managing the HMO has a number of duties:

- Provision and display of the manager's contact information to the occupiers
- Maintenance of common parts, fixtures, fittings and appliances
- Maintenance of living accommodation
- Safety measures, including fire safety
- Supply and maintenance of gas and electricity
- Maintenance of water supply and drainage
- Provision of waste disposal facilities

### **Types of HMO**

The main categories of HMO can be summarised as:

- Category A - bedsit-type accommodation
- Category B - shared houses
- Category D - supported accommodation, hostels/B&B
- Category F - self-contained flats

Bedsit accommodation relates to properties that are occupied by a number of unrelated persons, who live as more than one household, and who are on individual tenancy agreements. There may be little interaction between the occupiers. Within this overall category, there are broadly two sub-categories as follows:-

#### **Bedsit accommodation with cooking facilities within the let**

Houses occupied as individual rooms where there is some exclusive occupation (usually the bedroom/living room) and some sharing of amenities (bathrooms and/or toilets). Cooking and food preparation facilities are provided within the individual units of accommodation. Bedroom doors will usually be lockable. There is usually no communal living room, and each occupant lives independently of other occupants.

#### **Bedsit accommodation with shared kitchen facilities (this is the most common form found in Cannock Chase)**

Houses occupied as individual rooms where there is some exclusive occupation (usually the bedroom/living room) and some sharing of amenities (bathrooms,

toilets and kitchens). Cooking and food preparation facilities are provided within a communal shared kitchen/s.

A communal living room may also be provided in some cases. Bedroom doors will usually be lockable. Initially there may be little or no social interaction amongst the residents, although this may change over a period of time, particularly where there is a communal living room and slow turnover of residents.

### **Shared Houses**

To be considered a shared house HMO, particularly for the purposes of [fire safety](#), the property would need to be let on one single tenancy to an identifiable group. There would be no lockable bedroom doors etc within this scenario with the tenants living as one group.

Where this does not fit the way the property is used, the HMO will more likely be considered a bedsit with shared kitchen facilities.

## Space standards

### SHARED LIVING/DINING SPACE

Minimum Bedroom Size	Persons occupying HMO	Minimum Kitchen Size	Minimum Living/Dining Space
1 OCCUPANT - 6.51m <sup>2</sup>	3-5 people	7m <sup>2</sup>	11m <sup>2</sup> separate living room OR 17m <sup>2</sup> combined kitchen/living room
2 OCCUPANTS - 10.22m <sup>2</sup>	6-10 people	10m <sup>2</sup>	14m <sup>2</sup> separate living room OR 17m <sup>2</sup> combined kitchen/living room with additional 1m <sup>2</sup> for each person above 5.

### SEPARATE LIVING/DINING SPACE

Minimum Bedroom Size	Persons occupying HMO	Minimum Kitchen Size	Minimum Living/Dining Space
1 OCCUPANT - 6.51m <sup>2</sup>	3-5 people	7m <sup>2</sup>	No additional living space required
2 OCCUPANTS - 10.22m <sup>2</sup>	6-10 people	10m <sup>2</sup>	No additional living space required

- Ensuite rooms:

The space to accommodate an ensuite facility would be in addition to the floor area detailed in the tables above.

- The minimum kitchen area must be provided in all cases.
- A living room will be accepted as a dining room and vice versa, provided minimum sizes are achieved.

#### General note:

The dimensions and areas specified shall normally be regarded as the minimum. However, it is recognised that existing buildings cannot always achieve this. A degree of flexibility will sometimes be possible if other compensating features are present. Conversely it should be noted that irrespective of the dimensions, the shape and useable living space of any room is a determining factor in the calculation of the maximum number of people for which it is suitable.

Any floor space that has a ceiling height of less than 1.5m (5ft) shall be disregarded for the purpose of measuring the total space.

The area taken by fixed fittings such as built-in cupboards within the room shall be included in the floor area. Under stair cupboards accessed from within a sleeping room where the ceiling height is at least 1.5m shall be included in the floor area.

### **HMO's used as Temporary & emergency accommodation**

For Licensable HMOs accepted as providing temporary, B&B accommodation, the following room size standards apply:

<b>Floor Area of Sleeping Room</b>	<b>Maximum Permitted Number of Persons</b>
4.64 m <sup>2</sup> – 6.5 m <sup>2</sup>	0.5
6.51 m <sup>2</sup> – 10.21 m <sup>2</sup>	1
10.22 m <sup>2</sup> – 14.9 m <sup>2</sup>	2
14.9 m <sup>2</sup> - 19.6 m <sup>2</sup>	3
19.6 m <sup>2</sup> – 24.2 m <sup>2</sup>	4
>24.2 m <sup>2</sup>	5

*In this type of accommodation only, and only for the purpose of calculating maximum occupancy of individual rooms:*

*Children between 0 -10 years = 0.5 persons*

*Children over 10 years = 1 person    Adult = 1 person*



# Fire Safety

## Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require appropriate fire precaution facilities and equipment must be provided of such type, number and location as considered necessary. The Regulatory Reform (Fire Safety) Order 2005 requires all HMOs to have a sufficient risk assessment with regard to fire. The HMO Management Regulations require fire fighting equipment and fire alarms to be maintained in good working order.

## Local requirements

Cannock Chase Council consider the fire precautions, facilities and equipment outlined in the LACORS national guidance should be used as the principle document: [Fire Safety - Guidance on fire safety provisions for certain types of existing housing, published by LACORS – July 2008](#).

This document contains advice for landlords and fire safety enforcement officers in both local housing authorities and fire and rescue authorities on how to ensure adequate fire safety. The [Homestamp guide](#) also is a very useful resource for further information and is used by numerous Midlands local authorities.

The information below is summarised from these Fire Safety Guidance documents and provided to help landlords understand their responsibilities regarding fire safety in HMOs. However, landlords should refer to the full guide as the text below provides a brief summary only.

### **1. Fire Risk Assessment**

A Fire Risk Assessment is required. A Fire Risk Assessment is an organised and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. The aims of a Fire Risk Assessment are: to identify fire hazards; to reduce the risk of those hazards causing harm to as low as reasonably practicable; to decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in the premises if a fire does start.

### **2. Fire precaution requirements**

The requirements expected by Cannock Chase Council will vary according to the observations and findings arising from any inspection undertaken and will be based on the advice detailed in the LACORS Fire Safety guide.

Landlords should also be aware that where premises are occupied in a manner other than that intended under the original construction, compliance with the Building Regulations at the time of that construction will not necessarily negate the requirement for additional fire safety measures.

Although an exhaustive list of likely requirements cannot be given in this document necessary measures may include fire doors on high risk rooms, fire separation, a fire blanket in the kitchen and automatic fire detection systems.

Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standards.

Grade D fire alarm systems should be tested weekly. All detectors must be cleaned at least annually. Testing and maintenance must be in accordance with the manufacturer's instructions. Landlords can self-certify this has been completed.

Grade A fire alarm systems should be tested weekly. The system must be inspected and serviced at periods not exceeding six months in accordance with the recommendations of BS 5839. An inspection and servicing certificate should be issued by a suitably qualified and competent person.

Emergency lighting systems should be tested regularly, and a full system test and service must be completed annually by a competent person in line with BS5266.

Landlords are required to service fire fighting equipment annually.

## Personal Washing Facilities and WC's

### Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for the number of bathrooms/showers and toilet facilities in HMOs.

Number of people irrespective of age	Facilities required
1–4 people	<p>If a child under 10 lives in the property, a bath must be provided</p> <p>The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin</p> <p>The bathroom and toilet may be in the same room.</p>
5 people	<p>The minimum provision is 1 bathroom with a bath or shower and 1 separate toilet with wash hand basin</p> <p>The separate toilet may be located in a second bathroom.</p>
6–10 people	<p>The minimum provision is:</p> <ul style="list-style-type: none"> <li>• 2 bathrooms containing a bath or shower</li> <li>• 2 toilets with wash hand basins, one of which must be in a separate room.</li> </ul>
11–15 people	<p>The minimum provision is:</p> <ul style="list-style-type: none"> <li>• 3 bathrooms containing a bath or shower</li> <li>• 3 toilets with wash hand basins, one of which must be in a separate room.</li> </ul>
Bedrooms with en-suites	<p>Where a room is provided with a complete en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant then that occupant will be disregarded when considering the provision of sanitary facilities.</p> <p>For example where there are six occupants and one occupant has exclusive use of an en-suite, the requirement for the remaining occupants would be as for five people.</p> <p>If, however, the en-suite only provides one facility (either a bath/shower or a WC) then the occupant will not be disregarded for the missing amenity.</p>

## General Specification of Personal Washing & WC Facilities

### Description of legislation

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended).

**Applicable to:** Wash hand basins, baths, showers and WC's

National Prescribed Standard	
<i>Where occupiers are sharing bathing and toilet facilities, there must be:</i>	
1	An adequate number of baths/showers, toilets and wash-hand basins suitable for personal washing for the number of persons sharing these facilities; and
2	Where reasonably practicable there must be a wash hand basin with appropriate splashback in each occupiers living accommodation.

Locally agreed Guidance	
<i>The following guidance has been agreed to promote a reasonable standard of bathroom and toilet amenities within properties, so that occupiers are able to access these facilities without unnecessary delay.</i>	

- Bathrooms or shower rooms shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a common area. Facilities must be inside the building.
- Bathrooms must have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any window(s). The system is to be either coupled to the light switch and incorporate a suitable over-run period, or an appropriately set humidistat. This is in addition to any openable windows.
- A tiled splash-back shall be provided to all baths and wash hand basins. Shower cubicles shall have fully tiled walls and be provided with a suitable water-resistant curtain or door to the cubicle.

- Bathrooms and shower rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip resistant.
- Bathrooms and shower rooms must be constructed to ensure privacy. Any room containing a toilet must also contain a wash hand basin.
- The following minimum dimensions shall apply:

Item	Minimum Size
Wash hand basin	500mm x 400mm
Splash back	300mm high
Bath	1700mm x 700mm
Shower	800mm x 800mm

## Facilities for the storage, preparation and cooking of food

Shared HMO's, with no cooking facilities in bedrooms

<b>Number of persons sharing the amenity</b>	<b>Cooker</b> (Minimum 4 ring hob, oven and grill)	<b>Sink and drainer</b>	<b>Fridge freezer</b> (minimum capacity – 150 litres fridge / 70 litres freezer)	<b>Worktop length</b> (Minimum depth 500mm)	<b>Double electric sockets over worktop</b>	<b>Single standard wall / base unit</b> (Minimum 500mm Base or 1000mm wall unit)
3	1	1	1	1.5m	3	3
4	1	1	1	1.75m	3	4
5	1	1	1	2m	4	5
6	<b>2 or</b> 1 cooker & 1 combination microwave oven and grill.	<b>2 or</b> full size double sink and drainer <b>or</b> 1 sink & 1 dishwasher	2	2.25m	4	6
7	<b>2 or</b> 1 cooker & 1 fixed two hob ring & 1 combination microwave oven and grill.	<b>2 or</b> 1 sink & 1 dishwasher	2	2.5m	5	7
8	2	2	2	2.75m	6	8
9	2	2	2	3m	7	9
10	2	2	2	3.25m	8	10
11	<b>3 or</b> 2 cookers & 1 combination microwave oven and grill.	<b>3 or</b> 2 sinks & 1 dishwasher	3	3.5m	8	11
12	<b>3 or</b> 2 cookers & a two hob ring & 1 combination microwave oven and grill.	<b>3 or</b> 2 sinks & 1 dishwasher	3	3.75m	9	12
13	3	3	3	4m	10	13
14	3	3	3	4.25m	10	14
15	3	3	3	4.5m	10	15
16 or more	Contact the HMO team.					

**NB: The standard for larger HMO's can be achieved through multiple kitchens.**

**In addition to the above table the following notes also apply.**

- In general, there shall be a ratio of one (1) set of amenities to every five (5) occupants using the shared amenity, or part thereof.
- A combination microwave oven and grill shall be a minimum capacity of 27 litres.
- Dishwasher means floor mounted dishwasher and shall be as a minimum of slimline size.
- A double oven may be provided instead of a combination microwave oven and grill, but each oven compartment must be of similar size.
- Where more than one set of hobs are provided there shall be a minimum of 500mm width worktop between them.
- All kitchens shall have suitably located mechanical extraction (ducted to the outside, not the re-circulating type) providing a minimum extraction rate of 60 litres per second.
- All kitchens to have a 30-litre refuse container per 5 occupants or part thereof.
- Fire blanket(s) suitably sited shall be provided securely fixed to the wall adjacent to an exit door. A fire door with overhead self-closer and intumescent strips shall be fitted to the kitchen, where appropriate.
- Double sockets above the work surface do not include those for washing machine, refrigerator, cooker etc.
- A sink means a bowl and drainer with hot and cold-water supply.
- Storage under a sink shall not be included in the calculation for food storage. All the equipment and facilities in kitchens shall be fit for purpose and the kitchens shall be of such layout and size to adequately enable those sharing to safely store, prepare and cook food.
- All kitchens shall be suitably located in relation to the living accommodation.
- Any shared dining space shall be suitably and conveniently located such that food can be carried from the kitchen to the dining area without going up or down stairs.

**Note: These standards will generally be enforced as the minimum acceptable.**

**However, consideration will be given to the circumstances of each case. Facilities may exist or be proposed in certain combinations which allow a variation to the guidance as stated above.**

**Where conflict between residents over communal food storage occurs food storage units within rooms should be provided.**

## Kitchen facilities for the exclusive use of an individual household

<b>Cooker</b>	Minimum 2 hob rings and grill and oven shall be provided for a one-person household. 4 hob rings and grill and oven shall be provided for a household of two or more persons.
<b>Sink</b>	A bowl and drainer with an adequate supply of cold and constant hot water shall be provided.
<b>Worktop</b>	Minimum 500mm depth and 1 metre length for one person. Increased proportionately for larger households.
<b>Electrical sockets over worktop</b>	2 double sockets excluding those for washing machine, refrigerator, cooker etc.
<b>Dry food storage</b>	Double wall unit or single base unit for single person. Increase proportionately for larger households. Storage under a sink shall not be included in this calculation.
<b>Refrigerator with freezer compartment</b>	Standard size refrigerator with freezer compartment. (Minimum size fridge compartment 90 litres).

- All the equipment and facilities in kitchens / kitchen areas shall be fit for purpose
- All kitchens / kitchen areas shall be suitably and safely located in relation to the living accommodation.
- All kitchens / kitchen areas shall be of such layout and size to adequately enable those sharing to safely store, prepare and cook food.
- Adequate ventilation shall be provided in the kitchens / kitchen areas as per shared kitchens with mechanical extraction provided.

**Note: These standards will generally be enforced as the minimum acceptable.**



**However, consideration will be given to the circumstances of each case. Facilities may exist or be proposed in certain combinations which allow a variation to the guidance as stated above.**

## Heating

### Description of legislation

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. Regulation 8 and Schedule 3 (1)

### Item standard applied to:

Individual Bedrooms and bedsits, all shower rooms.

National Prescribed Standard	
	Each bedroom or bedsit within the HMO shall be equipped with an adequate means of space heating (unless indicated otherwise).

Locally agreed Guidance	
1	<p>The Council believes this can be achieved by complying with the following:</p> <p>The heating appliance is capable of maintaining an internal temperature of 19°C when the outside temperature is -1°C;</p> <p>The heating appliance is controllable by the occupier, either directly or by the use of features such as thermostatic radiator valves.</p> <p>Heating appliances should be permanently fixed (not portable) to reduce the risk of fire. Adverse health effects are known to begin once the internal temperature falls below 19°C. It is important that occupiers have control of temperature in their individual rooms.</p>
2	<p>The Council's locally agreed standard requires that each shower room or bathroom requires a suitable fixed heating appliance capable of maintaining the room at a temperature of 19°C when the outside temperature is -1°C, unless deemed unnecessary upon inspection. As a guide, bathrooms with external walls should have heating.</p>
3	<p>The reason for the above is to reduce the likelihood of localised spots of excessively hot or cold conditions in the building that may cause harm to health and also to help reduce damage due to condensation.</p>

	<p>When selecting heating arrangements, applicants are advised to take into account any existing insulation arrangements.</p> <p>NB: Landlords must ensure that the property meets the requirements of the Minimum Energy Efficiency Standards Regulations and at least an EPC rating of E is achieved where applicable. Government guidance can be found <a href="#">here</a>.</p>
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## Waste Management and Recycling Provision

### Legal requirement

The Management of Houses in Multiple Occupation (England) Regulations 2006 require Landlords to provide adequate bins for the storage of refuse, having regard to the disposal services provided by the Local Authority.

### Local requirements

Cannock Chase Council will collect no greater quantity of domestic waste from refuse bins than from recycling bins and will not collect recycling or refuse material unless correctly presented in a bin meeting Council's specification.

All properties must have equal or greater recycling bin capacity to green refuse bin capacity.

The minimum requirements in HMOs are:

- HMOs of up to six occupants – a standard 240 litre green rubbish and recycling bins are provided free of charge. Telephone our Contact Centre on 01543 462621 or email [customerservices@cannockchasedc.gov.uk](mailto:customerservices@cannockchasedc.gov.uk) for more information.
- HMOs of seven or more occupants – Landlords will be provided free of charge with waste and recycling bins suitable for the number of occupiers set by Cannock Chase Council. Telephone our Contact Centre on 01543 462621 or email [customerservices@cannockchasedc.gov.uk](mailto:customerservices@cannockchasedc.gov.uk) for more information.