

BASINGSTOKE AND DEANE BOROUGH COUNCIL

HOUSING ACT 2004

**GUIDANCE ON STANDARDS FOR DECIDING THE
SUITABILITY FOR OCCUPATION OF A HOUSE IN MULTIPLE OCCUPATION BY A
PARTICULAR MAXIMUM OF HOUSEHOLDS OR PERSONS**

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1. What is a HMO?

A house in multiple occupation (HMO) can be any building or a part of a building used for living accommodation by more than two people who are not part of the same family, where they occupy the property as their only or main residence, where they share one or more basic amenities, and they pay rent for their accommodation. The full definition of an HMO is contained in sections 254 - 260 of the Housing Act 2004.

In general terms, a house in multiple occupation (HMO) can be any one of the following:

- A **shared house** lived in by people who belong to more than one family sharing one or more basic amenities, such as a toilet, personal washing facilities and cooking facilities.
- A **house in bedsits** lived in by people who belong to more than one family sharing one or more basic amenities.
- An **individual flat** lived in by people who belong to more than one family sharing one or more basic amenities.

To be of the same family, the occupants must be married to each other, live together as husband and wife, live together in a same sex relationship, or be related to each other, such as a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.

Certain **converted blocks of flats** may also be an HMO where a building has been converted into, and consists of self-contained flats. To be determined as an HMO, the works of conversion did not comply with the appropriate building standards and still do not comply with them, and less than two-thirds of the self-contained flats are owner-occupied.

“Appropriate building standards” means –

- (a) in the case of a converted block of flats completed before 1st June 1992, or which was dealt with by the Building Regulations 1991, and which would not have been exempt under those Regulations, the building standards equivalent to those imposed by those Regulations as they had effect on 1st June 1992; and
- (b) in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under the Building Act 1984.

The fact that certain converted block of flats may be classed as an HMO does not affect that status of any flat in the block being an HMO.

2. When does a HMO require a licence?

To require a licence, the HMO must have five or more people in residence, forming two or more separate households. This means that at least two of the occupants are not related to one another. This is regardless of the number of storeys in the property. This includes any HMO which is a building or a converted flat where householders lack or share basic amenities such as a toilet, personal washing facilities or cooking facilities. It also applies to purpose built flats where there are up to two flats in the block and one or both are occupied as an HMO.

The following HMO's do not require a licence:

- A building managed by a Registered Social Landlord
- A building managed by a health service body
- A dwelling occupied by the owner and their family, with no more than two lodgers

3. What must the owner/manager of an HMO do?

- Should the HMO require a licence, the owner/manager must apply for a licence. To operate an HMO which requires a licence without one is an offence liable to a maximum fine or civil penalty of up to £30,000. To apply for a licence, please visit the HMO Licensing pages on our website, www.basingstoke.gov.uk
- The owner/manager should be satisfied that the HMO meets the minimum standards detailed in section 4.1 below.
- The owner/manager should ensure that the HMO is free from any avoidable category 1 and category 2 hazards, or minimise any such hazards which are unavoidable. Further details on hazards can be found on the Basingstoke and Deane website www.basingstoke.gov.uk.
- The owner/manager must manage the property in compliance with The Management of Houses in Multiple Occupation (England) Regulations 2006 and the additional provisions regulations that came into force in 2007.

4. What standards are required in an HMO?

Most of the standards for a licensed HMO are prescribed by Government and are therefore a minimum requirement. Other standards are given as a guide to what the Council believes are reasonable for the health and safety of the occupants. Consideration shall be given to the individual circumstances of the dwelling and what is reasonably practicable in determining the level of amenities and space standards in any particular HMO. The legal requirements and guide to compliance for these standards are set out as follows:

Heating

Adequate controllable heating must be provided within the property. This must include fixed, wall-mounted heaters (can be radiators or other suitable heaters) in every bedroom, lounge, dining room, bathroom, kitchen and other habitable rooms, together within the general circulation areas (e.g. hallways, landings, etc).

Washing facilities

Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for washing facilities as below:

1. Bath/showers shall be provided in the ratio of at least one to every five persons sharing.
2. The 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.
3. Bathrooms and shower rooms must be of adequate size and be laid out in such a way as to enable persons to undress, dry and dress themselves in a safe manner.
4. Each bath, shower and wash hand basin shall be provided a continuous and adequate supply of hot and cold running water, designed to ensure reasonable temperature control.
5. Bathrooms and shower rooms must have adequate lighting, heating and ventilation.
6. Bathrooms must be fit for the purpose.

Guide to compliance:

1. An efficient and safe fixed space-heating appliance that is capable of maintaining each room at a minimum temperature of 18°C when the outside temperature is -1°C should be provided. The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs) or a fixed electrical appliance. The heating must be under the control of the occupiers for timings and temperature settings.
2. Bathrooms should 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 windows.
3. A tiled splash-back should 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 should have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.

Toilet facilities

Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for sanitary conveniences.

1. Where there are four or fewer occupiers sharing facilities there must be one toilet which may be situated in the bathroom.
2. Where there are five or more occupiers there must be one separate toilet with wash hand basin for every five sharing occupiers.
3. Toilets are to be provided in bathrooms or separate compartments of an adequate size and layout. The 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.
4. Toilets 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.
5. A toilet provided in a separate compartment must have a wash hand basin with an appropriate splash-back.

Guide to compliance

1. Separate toilet compartments should be a minimum dimension of 1300mm×900mm with 750mm in front of the toilet.
2. Each toilet in a separate compartment is required to have a window equivalent to 1/20th of the floor area or mechanical ventilation to the outside air at a minimum extraction rate of six litres/second.
3. An efficient and safe fixed space-heating appliance that is capable of maintaining each room at a minimum temperature of 18°C when the outside temperature is -1°C must be provided. The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs), or a fixed, hardwired electrical appliance. The heating must be under the control of the occupiers for timings and temperature settings.
4. A wash hand basin must be provided in the same compartment as the toilet.

Sharing ratios for washing and toilet facilities

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.

1. Where there are four or fewer occupiers sharing facilities there must be one bathroom with fixed bath or shower and a toilet (which may be situated in the bathroom).
2. Where there are five or more occupiers sharing facilities, there must be: One separate toilet with wash hand basin for every five sharing occupiers. One bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

The table below explains this requirement in more detail:

Number of people	Facilities required
1–4 people	The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin The bathroom and toilet may be in the same room.
5 people	The minimum provision is 1 bathroom with a bath or shower and 1 separate toilet with wash hand basin The separate toilet may be located in a second bathroom.
6–10 people	The minimum provision is: <ul style="list-style-type: none">• 2 bathrooms containing a bath or shower• 2 toilets with wash hand basins, one of which must be in a separate room.
11–15 people	The minimum provision is: <ul style="list-style-type: none">• 3 bathrooms containing a bath or shower• 3 toilets with wash hand basins, one of which must be in a separate room.
Bedrooms with en-suites	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. Six occupants and one occupant had exclusive use of a fully equipped en-suite. The requirement for the remaining occupants would be for five people. 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.

Facilities for the storage, preparation and cooking of food

Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require:

1. 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.
2. The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:
 - (i) Sinks with draining boards
 - (ii) An adequate supply of cold and constant hot water to each sink supplied
 - (iii) Installations or equipment for the cooking of food
 - (iv) Electrical sockets
 - (v) Worktops for the preparation of food
 - (vi) Cupboards for the storage of food or kitchen and cooking utensils
 - (vii) Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers)
 - (viii) Appropriate refuse disposal facilities; and
 - (ix) Appropriate extractor fans, fire blankets and fire doors.

Guide to compliance

1. Location

The kitchen should be contained in the main building and located not more than one floor distant from the bedrooms. If this is not practicable in HMOs of not more than three storeys and not more than 10 persons, communal kitchens may be provided up to two floors distant from some bedrooms. All kitchen facilities must be available for use 24 hours a day.

2. Layout

The kitchen layout must be safe, convenient and allow good hygienic practices. Cookers should be located away from doorways and have enough floor space for items to be safely retrieved from the oven.

It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.

Examples of approved and poor layout

This layout is not suitable as neither the cooker nor the sink can be practically or safely used.



This layout meets the minimum requirements as there is adequate worktop to both sides of the cooker and suitably located extraction.

The cooker is in an unsafe location due to its proximity to the door.



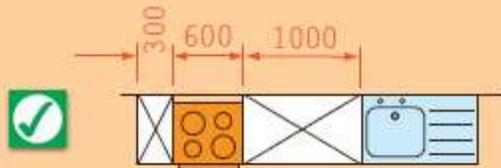
This cooker location meets the minimum requirements for a suitably sited cooker with sufficient worktop to both sides of it.

Examples of approved and poor layout



Good practice

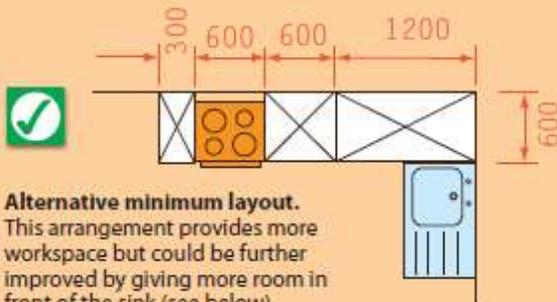
A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require splash-backs and power points must be suitably located.



This is the minimum provision for a kitchen.

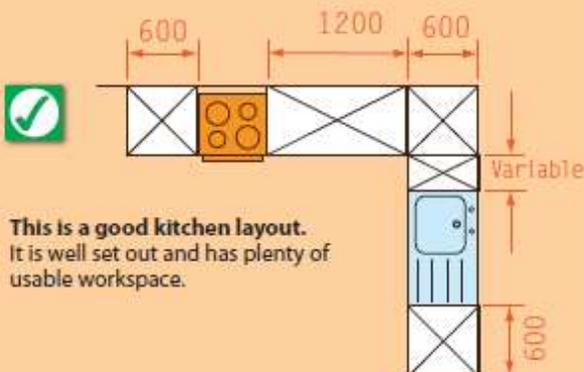
It incorporates worktop on both sides of the cooker and working space both sides of the sinkbowl.

Note 300mm is a minimum width and should be made wider where possible.



Alternative minimum layout.

This arrangement provides more workspace but could be further improved by giving more room in front of the sink (see below).



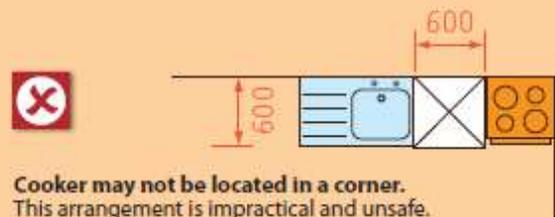
This is a good kitchen layout.

It is well set out and has plenty of usable workspace.



Unacceptable

Cookers cannot be safely used if they are located in corners, do not have adequate worktop on both sides or are too close to sinks. Sinks require space to put dirty utensils on one side and clean on the other.



Cooker may not be located in a corner.

This arrangement is impractical and unsafe.



The sink bowl must not be located in a corner.

This is an impractical arrangement and because there is no worktop next to the bowl and it is impossible to separate clean and dirty utensils, it also creates a hygiene hazard.



Neither cooker nor sink can be practically or safely used with this arrangement.



The cooker is free-standing and improperly located in relation to the sink. Both the cooker and sink also lack worktops.

This arrangement is impractical and unsafe. Adding worktops will still not give a practical and safe kitchen.

3. Size

- For three to five residents kitchens shall have a usable floor area of at least 7m².
- For six to ten residents kitchens shall have a usable floor area of at least 10m².
- The width of the kitchen must be at least 1.8m to allow safe movement of occupants.

4. Quantity of equipment

A complete set of kitchen facilities should be provided for every five persons as in the table below.

Number of residents irrespective of age	Minimum provision of kitchen facilities
3–5 people	<p>A complete set of kitchen facilities consisting of the following items must be provided for every five persons:</p> <p>Sink: A stainless steel sink, integral drainer and a tiled splash-back, on a base unit. The sink must have constant supplies of hot and cold running water and be properly connected to the drains. The cold water must come directly from the rising water main. . It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.</p> <p>Cooker: A gas or electric cooker with four ring burners, oven and grill, that are capable of simultaneous use. The cooker is to be located away from doorways with a minimum of 300mm worktop to both sides.</p> <p>Electrical sockets: At least three double 13amp electrical power points (in addition to those used for fixed appliances, such as washing machines).</p> <p>Worktop: A kitchen worktop that is level, secure and impervious. The minimum dimensions are 1000mm length and 600mm width.</p> <p>Storage: A food storage cupboard for each occupant that is at least one 500mm wide base unit or a 1000mm wide wall unit. This may be provided within each occupant’s room. (The space in the unit beneath the sink and drainer is not allowable for food storage).</p> <p>Fridge/Freezer: A refrigerator with a minimum capacity of 130 litres plus a freezer with a minimum capacity of 60 litres. If not in the kitchen the fridge/freezer must be freely accessible and adjoining the kitchen.</p> <p>Refuse disposal: Appropriate refuse disposal facilities must be provided.</p> <p>Ventilation: Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.</p> <p>Fire precautions: Please see fire safety section.</p>

Number of residents irrespective of age	Minimum provision of kitchen facilities
6–7 people	Two complete sets of kitchen facilities as above with a 1500mm x 600mm work surface. However <ul style="list-style-type: none"> • a combination microwave is acceptable as a second cooker • a dishwasher is acceptable as a second sink.
8–10 people	Two complete sets of kitchen facilities as above with a 2000mm x 600mm work surface.
11–12 people	At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 2500mm x 600mm of work surface. However <ul style="list-style-type: none"> • a combination microwave will be acceptable as a third cooker • a dishwasher will be acceptable as a third sink • Two x 130 litre refrigerators with an additional 20 litres capacity of refrigerator space per person over 10 • Two x 60 litre freezer space with an additional 10 litres capacity of freezer space per person over 10.
13–15 people	At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 5000mm x 600mm of work surface.

Means of escape from fire and other fire precautions

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 Management Regulations require fire fighting equipment and fire alarms to be maintained in good working order.

Guide to compliance

Basingstoke and Deane Borough Council consider the necessary fire precaution facilities and equipment are in the national guidance **Fire Safety, Guidance on fire safety provisions for certain types of existing housing, published by LACORS, Housing – July 2008 (ISBN 978-1-84049-638-3)**. 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 information below is summarised from the Fire Safety Guidance document and provided to help landlords understand their responsibilities and the fire safety precautions judged necessary for HMOs.

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; and
- 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 Basingstoke and Deane 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, and may be in consultation with the Hampshire Fire and Rescue Service.

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 Clause 45 of BS 5839-1:2013. An inspection and servicing certificate of the type contained in H.6 of BS 5839-1:2013 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.

3. Non-standard layout / Higher risk homes

If the property is of a non-standard layout or if the occupants present a higher risk due to factors such as drug/alcohol dependency or limited mobility then the risk may increase and additional precautions may need to be taken. This must be factored into your Fire Risk Assessment.

4. Examples

The following examples are based on typical properties with a simple layout i.e. where all bedrooms lead onto the means of escape (i.e. the landing and hallway) and do not have to pass through any other room. These are also based on low risk occupants.

(a) For properties let on a joint contract with shared kitchen facilities the following requirements apply:

- A grade D, LD2 fire detection system with interlinked smoke alarms located in:
 - Each letting
 - Throughout the escape route
 - Any rooms used for storage
 - Any communal rooms (such as living rooms)
 - Any cellar
 - And all rooms with cooking facilities to have an interlinked heat alarm.
- All kitchens to have a fixed fire blanket on the wall.
- Emergency lighting only required if the escape route is complex **and/or** it does not have effective borrowed light. Where emergency lighting is required it must be designed to comply with BS 5266.
- Final exit sign and signage along the escape route to be provided if escape route is complex.
- A 30 minute protected escape route is required, including 30 minute fire resistant construction and self-closing FD30S doors fitted to:
 - Each letting
 - Any rooms used for storage
 - Any communal rooms (such as living rooms)
 - Any cellar
 - Kitchen
 - Any cupboards that house electrical items or sockets
- All final exit doors from the property as well as all exit doors to the individual lettings to be fitted with locks/catches which are openable by the occupiers from the inside without the use of a removable key.
- Combustible surface finishes to walls, ceilings and soffits are not permitted within the escape route and should, as far as practicable be avoided in all other locations

(b) Higher risk shared houses / bedsit properties

Where properties are let on individual contracts with shared kitchen facilities, these are higher risk situations. Properties where kitchen facilities are within bedrooms are also higher risk. There will be little or no communal living between tenants. These properties require additional fire precautions. Please contact the Environmental Health Team before undertaking works.

Room sizes and space standards

Legal requirements

Schedule 4 of the Housing Act 2004 (as amended) sets out mandatory room sizes for sleeping accommodation in licensable HMOs:

- the floor area of any room in used as sleeping accommodation by 1 person aged over 10 years is not less than 6.51m²
- the floor area of any room used as sleeping accommodation by 2 persons aged over 10 years is not less than 10.22m²
- the floor area of any room used as sleeping accommodation by 1 person aged under 10 years is not less than 4.64m²
- any room with a floor area of less than 4.64m² must not be used as sleeping accommodation

In addition the licence holder is required to notify the local housing authority of any room with a floor area of less than 4.64 square metres.

For non-licensable HMOs the minimum size for a bedroom occupied by one person is to be 6.5m² and for two people 10.2m². This is stated in the Housing Act 1985.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require kitchens, bathrooms and WCs to be of adequate size, as set by this guide.

Waste Disposal and Recycling

Legal Requirements

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.

For licensed HMOs, the licence holder is required to comply with the authority waste disposal scheme in relation to the storage and disposal of household waste pending collection.

5. What are the management standards for HMO's?

All HMO's are subject to the requirements of The Management of Houses in Multiple Occupation (England) Regulations 2006.

These Regulations make provision for ensuring that the manager of an HMO observes proper standards of management. Failure to comply with these Regulations is a criminal offence.

The manager must:

- provide information to the occupiers by ensuring his name, address and any telephone number are clearly displayed in the HMO;
- ensure that each unit of living accommodation and any furniture supplied with it are in a clean condition at the beginning of a person's occupation of it;
- ensure the internal structure of any living accommodation is maintained in good repair and any fixtures, fittings or appliances belonging to the owner/manager are maintained in good repair and in clean working order;
- ensure all common parts, fixtures, fittings and appliances are maintained in good and clean decorative order, maintained in a safe and working condition, and kept clear from

obstruction;

- ensure all means of escape in case of fire are kept free from obstruction and are maintained in good order and repair;
- ensure all reasonable measures are taken to ensure the HMO is safe for the occupiers;
- ensure the water supply, all water fittings and drainage system are maintained in good, clean and working condition, and not to unreasonably interrupt these services;
- not unreasonably interrupt the supplies of gas or electricity;
- ensure all outbuildings, yards and forecourts used in common are maintained in repair, clean condition and good order, and any garden belonging to the HMO is kept in a safe and tidy condition; and
- ensure adequate provisions for the storage of refuse.

The manager must also:

- supply the latest gas appliance test certificate to the Council within 7 days of receiving a request; and
- ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a qualified person, and supply a certificate to the Council within 7 days of receiving a request.

6. Planning requirements

In July 2011, following public consultation, a decision was taken to impose an “Article 4 Direction” in Basingstoke and Deane. This means that anyone wishing to create a HMO in the area it covers will have to apply for planning permission. The planning application would be considered in consultation with the Council's planning policies.

Planning permission is needed for conversion to a HMO in Basingstoke town, Chineham and the surrounding villages of Old Basing, Oakley and Sherborne St John, including West End.

The proposal is aimed at keeping a balance between the need for this type of housing to be available in the Borough and ensuring that changes to the kind of housing does not have an impact on established communities. The areas were chosen to address specific concerns in Basingstoke town centre and avoid any detrimental effect on surrounding areas.

For more information on the Article 4 direction and a map of the areas covered by it please visit our planning website pages:

<https://www.basingstoke.gov.uk/HMO-planning-control>