

# Brighton & Hove City Council

## Standards for Licensable Houses in Multiple Occupation

## 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 assessed 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

<b>Amenity Standards in Relation to Number of Persons</b>	
1-4 persons	No requirement for wash hand basins in sleeping rooms  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 persons	1 wash hand basin required in each sleeping room plus  1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom)
6-10 persons	1 wash hand basin required 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)
11-15 persons	1 x wash hand basin in each sleeping room plus  3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms)

\*Bathroom means a room containing a bath or shower.

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

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

**All** bathrooms must be suitably and adequately heated and ventilated (see heating section at Page 9 below - adequate mechanical ventilation in accordance with Approved Document F of the Building Regulations 2006.)

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

Each bathroom or shower room should be of an appropriate size to provide adequate changing and drying space for the users

Landlords should ensure the provision of suitable floor covering to WCs, bathrooms and kitchens; these should be slip resistant, impervious and easily cleansable.

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

No toilet should open directly onto an area of kitchen where food is prepared unless mechanical extract ventilation and a wash hand basin is provided

Personal washing or WC facilities should not normally be more than one floor distant from the living 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 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 a sufficient quantity for the number of those sharing the facilities- (greater flexibility should the landlord provide additional kitchen facilities i.e. where a dishwasher is provided).

(1) sinks with draining boards;

(2) an adequate supply of cold (from rising main) and 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 and cooking utensils;

(7) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);

(8) appropriate refuse disposal facilities;

(9) appropriate extractor fans, fire blankets and fire doors

(c) there should be suitable dining facilities, either within the kitchen or in a separate room on the same storey.

<b>FACILITY</b>	<b>MINIMUM STANDARD</b>	<b>UP TO &amp; INCLUDING 5 PERSONS</b>	<b>&gt;THAN 5 PERSONS – UP TO 9</b>
<i>sinks with draining boards; an adequate supply of cold &amp; constant hot water to each sink supplied;</i>	A fixed impervious sink, with a drainer. It should be provided with an adequate and wholesome supply of cold water and an adequate supply of constant hot water	1 for up to 5 occupiers	1 per 4 occupiers or part thereafter
<i>installations or equipment for the cooking of food; (Cooker)</i>	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
<i>electrical sockets;</i>	30amp supply for an electrical cooker. Points should be set at a convenient height and safe position.	6 sockets (3 doubles) Additional dedicated sockets are required for a cooker, refrigerator and washing machine.	An additional double for each two persons over 5 sharing. Additional sockets are needed for additional cookers, refrigerators and washing machines.
<i>worktops for the preparation of food;</i>	The worktops should be secure, fixed and of an impervious material	1500mm (length) x 600mm (depth)	Additional 500mm length per user.
<i>cupboards for the storage of food or kitchen &amp; cooking utensils;</i>	Single cupboard (wall or floor mounted) per person. This excludes any cupboard under a sink.		Capacity to be increased proportionately for each additional occupant.
<i>refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezer);</i>		A standard sized combined fridge/freezer	Additional fridge/freezer for up to 9 persons
<i>appropriate refuse disposal facilities;</i>	The refuse facilities should not cause problems of hygiene or attract pests and should not obstruct the means of escape in case of fire.	A sufficient number of refuse receptacles must be provided for the storage of refuse awaiting collection both internally and externally	A sufficient number of refuse receptacles must be provided for the storage of refuse awaiting collection both internally and externally

<i>appropriate extractor fans;</i>	Electrical extractor fan in accordance with Approved Document F under the Building Regulations 2006.	As minimum standard	As minimum standard
<i>appropriate fire blankets;</i>	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

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

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

Kitchen ceilings to be in good repair.

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

## PART 2 – BEDSIT / NON-SELF CONTAINED UNITS

### Shared Bathrooms

Amenity Standards in Relation to Number of Persons	
1-4 persons	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 persons	1 bathroom AND 1 separate WC with wash hand basin (but the WC can be contained within a second bathroom)
6-10 persons	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 persons	3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms)

### Individual Bathrooms

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

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

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

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

**All** bathrooms must be suitably and adequately heated and ventilated (see heating section at Page 9 below - adequate mechanical ventilation in accordance with Approved document F of the Building Regulations 2006.)

**All** bathrooms and toilets must be of an adequate size & layout.

Each bathroom or shower room should be of an appropriate size to provide adequate changing and drying space for the users

Landlords should ensure the provision of suitable floor covering to WCs, bathrooms and kitchens; these should be slip resistant, impervious and easily cleansable.

## Kitchens

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;
- (b) A sink with an adequate supply of cold (from rising main) and 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 and crockery;
- (f) A refrigerator

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

## PART 3 – ALL HMOS

### HEATING

Each unit of living accommodation in an HMO should be equipped with adequate means of space heating capable of reaching and maintaining 21°C when the external temperature is +5°C.

- Adequate fixed space heating should 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.
- 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 loft insulation and, where they exist, cavity walls should be insulated.

### ROOM SIZES

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

(2) the minimum room sizes that should be provided, as below, are also subject to each room being of a shape offering adequate useable living space:

<u>Shared Houses</u>	<u>No. of Persons</u>	<u>Size</u>
Lounge*	Up to 5	11m <sup>2</sup>
Kitchen (with lounge)*	Up to 5	7m <sup>2</sup>
Kitchen (without lounge)*	Up to 5	10m <sup>2</sup>
Kitchen with dining*	Up to 5	11.5m <sup>2</sup>
Bedroom - single	1	6.5m <sup>2</sup>
Bedroom - double	2	10.2m <sup>2</sup>
<u>Bedsit Rooms</u>	<u>No. of Persons</u>	<u>Size</u>
Bedsit with kitchen in room	1	13m <sup>2</sup>
	2	15m <sup>2</sup>
Bedsit with separate kitchen	1	10.5m <sup>2</sup>
	2	14m <sup>2</sup>
Separate Kitchen		4.6m <sup>2</sup>

\* If there are 6 – 9 people occupying the building, the size of the room provided should be increased by an additional 1m<sup>2</sup> per person. If there are 10+ occupiers, additional rooms of the same dimensions should be provided.

## **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 should be carried out by a qualified engineer (i.e., CORGI registered). The Gas Safety and Use Regulations 1998 require an inspection to be carried out annually.

A safety certificate should 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 must be in a safe condition. Declarations as to the safety of the appliances must 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 (preferably N.I.C.E.I.C or E.C.A) to show that the installation is safe and satisfactory and may have been obtained within the last 5 years or as recommended by the engineer. Further information may be obtained from the Institute of Electrical Engineers (website [www.tee.org.uk](http://www.tee.org.uk)).

## **FIRE PRECAUTIONS**

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Requirements will be in accordance with relevant British Standards, Building Regulations and other guidance/advice documents for the time being in force.

## **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 and 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 safety in respect of furnishings may be sought from the council's Trading Standards Department.

## **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 licence holder must provide tenants with a written statement of their tenancy rights and obligations, which should include a clause on anti-social behaviour. This may be displayed in a suitable position and be readily visible to residents in the house. Licence holders should require tenants to take reasonable care to avoid causing damage in the property or any nuisance to their neighbours and should advise tenants 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 must ultimately bear some responsibility for any nuisance caused by tenants and should undertake to discuss complaints from neighbours with tenants.

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

The manager or licence holder must clearly display a notice in a suitable position in the house containing the name and address and telephone number of the person managing the house. This should include an emergency contact number. The manager or licence holder should ensure that any necessary amendments are made to the notice.

## **DISPOSAL OF RUBBISH**

The control of storage and disposal of refuse is a particular problem in Houses in Multiple Occupation. The council requires that the licence holder or manager of the HMO shall ensure that refuse is not allowed to accumulate in the house except where properly stored pending disposal.

There must be:

1. Suitable 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.

Except for areas of the city where there are street-sited communal refuse bins, the local authority collects the refuse from the HMO on a certain day once per week. 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 landlord may have to make arrangements for extra collections.

## **GENERAL MANAGEMENT CONDITIONS**

The license holder must comply with all the requirements of the Housing Act 2004 and relevant regulations which relate to the management of HMOs. They must ensure the common parts of the house are repaired and maintained in a clean condition and in good order and similarly, that the living accommodation, which is let by the person responsible is let in a suitable condition.

In shared properties it is recognised that the cleaning of shared facilities is usually the tenant's responsibility. However, it is the license holder's responsibility to ensure this is monitored and addressed should any problems arise.

### **ADVICE**

The current regulations relating to the management of HMOs subject to licensing under the Housing Act 2004 are The Management of Houses in Multiple Occupation (England) Regulations 2006. For help and advice, telephone (01273) 293156 or email [psh@brighton-hove.gov.uk](mailto:psh@brighton-hove.gov.uk).

For help and advice on fire safety in respect of furnishings, telephone 08454 040506.

For help and advice on noise or other nuisances, telephone Hove Area (01273) 292424, Brighton Area (01273) 292400.

For help and advice about the Special Needs Housing Officer, telephone (01273) 293111.

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