

Cabinet - 14 February 2018

Houses in Multiple Occupation Adoption of Minimum Property and Management Standards.

Portfolio: Councillor D Coughlan – Social Care

Related portfolios: All

Service: Money Home Job

Wards: Borough Wide

Key decision: No

Forward plan: Yes

1. Summary

- 1.1 Walsall Council is a key member of the West Midlands Homestamp Partnership (Homestamp) which works with private landlords and others in the sector with the aim of improving the quality of privately rented dwellings. Other key partners include; West Midlands Fire Service; the National Landlords Association and; the Association of Residential Letting Agents.
- 1.2 Homestamp developed a series of minimum property and management standards (Contained in Appendix 1) for Houses in Multiple Occupation (HMOs) which are used by Councils in the West Midlands. A number of Councils (Birmingham, Coventry and Wolverhampton) have formally adopted the standards and as such use them in responses to town planning consultation and when working directly with landlords and tenants. Through council adoption the standards can also be formally enforced under the Housing Act 2004.
- 1.3 This report recommends that Cabinet adopts the standards for HMOs for Walsall.

2. Recommendations

- 2.1 That Cabinet adopt the Minimum Property and Management Standards (contained in Appendix 1) for Houses in Multiple Occupation in Walsall.

3. Report Detail

- 3.1 As highlighted in 1.2 above the Council assisted in partnership working to develop a series of Minimum Property and Management Standards for the West Midlands. A range of councils have already adopted these same standards. It is proposed to adopt the standards (contained in Appendix 1) in Walsall to help continue to tackle poor accommodation in the borough.
- 3.2 It is noted that the government proposes to extend the range of HMOs covered by mandatory licensing during 2018 as a result of a range of concerns raised nationally about

the housing standards and management of the same. The proposed adoption of the standards is in line with this national approach.

- 3.3 The impacts of poor quality and badly managed HMOs was highlighted in a statement issued on 28 December 2017, Housing and Planning Minister Alok Sharma, *“Every tenant has a right to a safe, secure and decent home. But some are being exploited by unscrupulous landlords who profit from providing overcrowded, squalid and sometimes dangerous homes.”*

4. Council Corporate Plan Priorities

- 4.1 Adopting the Standards has the potential to have a direct positive impact on the Council’s abilities to deliver to its priorities as stated in the Corporate Plan 2017-2020 – ‘Reducing Inequalities, Maximising Potential in particular;
2. People - To make a positive difference to the lives of Walsall people
 3. Place - Safe, resilient and prospering communities.
- 4.2 It is noted that this work can also have a disproportionate positive effect on some of the Council’s most vulnerable customers as HMOs are often occupied by those in most financial hardship.

5. Risk management

- 5.1 There are no risks associated with this proposal.

6. Financial Implications

- 6.1 The administration and enforcement of the standards will be undertaken by existing Housing Standards staff at no additional cost. Any income from fines / penalty notices issued will be used in line with the adopted Housing Enforcement Policy (approved by Cabinet October 2017).

7. Legal implications

- 7.1 The Housing Act 2004 defines House in Multiple Occupation (HMO). The power to adopt standards for Houses in Multiple Occupation is contained within the Housing Act 2004 section 65 (2).
- 7.2 The standards in Appendix 1 of this document will:
- be operated in line with the Council’s adopted Housing Enforcement Policy (October 2017);
 - apply to all HMOs including those subject to or already having a mandatory licence under the Housing Act 2004.
 - A person who is convicted of such an offence may be fined an unlimited amount or the Council may seek to impose a civil penalty of up to £30,000. This applies to both the manager of a property and to the occupiers as appropriate.

8. Procurement reporting

8.1 There are no procurement implications.

9. Property implications

9.1 The Council has a limited amount of residential property and this all meets the standards in Appendix 1 of this document.

10. Health and wellbeing implications

10.1 Improving standards in the private rented sector and in particular HMOs is in full accordance with the Marmot Review (Fair society healthy lives) as there are numerous direct links between improvement in housing conditions and health and wellbeing improvements.

10.2 There are complex interconnections between living conditions, deprivation and health problems. The Council has a statutory duty to tackle what are known as Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS). The HHSRS has 29 hazards that are caused by defects in housing that have a direct impact on health. These include but are not limited to for HMOs:

- Crowding and space
- Damp and mould
- Falls
- Fire
- Electrical hazards
- Excess cold

11. Staffing implications

11.1 The administration and enforcement of the standards will be undertaken by existing Housing Standards staff at no additional cost. The Council Housing Standards Service will use the adopted minimum standards in advice, consultation and enforcement to seek to improve the private housing sector. This work will have direct links with partners such as the West Midlands Fire Service.

12. Reducing Inequalities

12.1 The implications for reducing inequalities have been taken into account and assessed as set out below.

12.2 This scheme is expected to have positive equal opportunities implications in that it seeks to address key issues relating to substandard private sector accommodation, and as such seeks to target resources towards improving the lives of financially disadvantaged or vulnerable households living in non-decent homes.

12.3 The impact of deprivation in private renting is shown in a range of factors for example, the disproportionately high level of enquiries to the Council's specialist debt advice service in Money Home Job. The table below shows the rates of enquiries for help for private tenants where tenure is recorded.

	2014	2015	2016
% of Debt Enquiries from private tenants	16%	18%	22%
Estimated level of private renting in Walsall (2011 census)	12%	12%	12%

13. Consultation

13.1 The standards in Appendix 1 of this document were developed jointly by Councils across the West Midlands and key partners including but not limited to:

- West Midlands Fire Service;
- the National Landlords Association and;
- the Association of Residential Letting Agents.

13.2 A copy of the Standards will be available on-line and local estate agents and members of the Midland Landlord Accreditation Scheme and local landlord forum will be advised of its formal adoption.

Background papers

None

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Acting Executive Director for
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14 February 2018



Signed
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Portfolio holder Social Care

14 February 2018

Housing Act 2004

Minimum Property and Management Standards Applicable to Houses in Multiple Occupation (HMOs) in Walsall.

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Section 1 – Legal definitions and procedures

1.1 Introduction

This document sets out the Council's adopted minimum standards for Houses in Multiple Occupation (HMOs) in Walsall and will be used in line with the Housing Act 2004 including but not limited to section 65(2).

Most of the accommodation arrangements commonly encountered are described however it is recognised that there will always be circumstances which do not match those given. If this is the case then it is always advisable for a landlord to contact the Housing Standards Team for further guidance.

This document also provides basic information about the definition of HMOs. For information on statutory licensing of HMOs please see the Council's website under "Licensing Guide for landlords". Alternatively you may wish to refer to the Government's website www.propertylicenc.gov.uk

1.2 What is a HMO?

Under the changes in the Housing Act 2004, if you let a property which is one of the following types, it is a House in Multiple Occupation:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form 2 or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains 1 or more flats which are not wholly self contained (ie. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form 2 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.

To be an HMO the property must be used as the tenants only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

1.3 What is a Household?

A household is:

- Couples married to each other or living together as husband and wife and couples in same sex relationships
- Relatives living together, including parents, grandparents, children and step children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins.

Half-relatives are treated as full relatives. A foster child living with his or her foster parent is treated as living in the same household as his/her foster parent.

Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person who they are working for.

More household examples

- Three friends sharing together would be considered as three households
- A couple sharing with a third person would be classed as two households
- A family renting a property is a single household. If that family had an au pair to look after their children that person would be included in their household.

1.4 Which HMOs Need a Licence?

Under the national mandatory licensing scheme any HMO must be licensed if it has:

- Three or more storeys and
- Five or more tenants living as two or more households and
- Shared facilities such as kitchen, bathroom and toilet.

It is likely that the three or more storey criteria (above) will be removed as from April 2018 meaning that all HMOs that meet the other 2 criteria will be required to be licensed.

1.5 How do I work out how many storeys there are at the property?

When you count the number of storeys in a building you need to include:

- Basement and attics if they are occupied or have been converted for occupation or, are in use by residents.
- Any storeys which are occupied by you and your family if you are a resident landlord
- All storeys in residential occupation, even if they are self-contained
- Any business premises or storage space on the ground floor or any upper floor.

You don't need to count basements used for business or storage unless the basement is the only, or principal, entrance to the HMO from the street.

1.6 Types of Houses in Multiple Occupation

A wide variety of properties fall within the definition as being houses in multiple occupation (HMOs). These include:

CATEGORY A (Bedsits)

CATEGORY B (Shared Houses)

CATEGORY C (Halls of Residence)

CATEGORY D (Hostels and Bed and Breakfast Establishments)

CATEGORY F (Self- Contained Flats)

Properties previously designated as Category E (Care Homes) are no longer classified as HMOs as these are now fully regulated through the National Commission for Social Care Inspection.

Details of the standards applicable to each Category of HMO are given in section 2

1.7 How Will Standards Be Applied To Licensable HMOs?

To issue a licence the Council must be satisfied amongst other things that the property in question is reasonably suitable for occupation by a specified maximum number of persons and / or households. To be able to make an assessment as to what counts as reasonable for occupation a set of regulations entitled 'The Licensing and Management of Houses in Multiple occupation and other Houses (Miscellaneous provisions) (England) Regulations 2006 have

been issued which prescribe the minimum standards every local authority must have regard to in terms of:

- Washing and toilet facilities
- Kitchen facilities
- Heating
- Fire precautions

Each local authority is able to set its own standards but these must not be to a lesser standard than as specified in these regulations. The regulations do not specify minimum sizes for rooms however it is considered that this is an important factor when setting maximum occupancy levels and for this reason room sizes are specified in this standards document according to the category of HMO and room type.

A property which fails to meet the standards as specified would not normally be cause for refusal to grant a licence and in such cases it is intended that a licence would be issued with conditions attached requiring that the property be brought up to standard over a period of time. Differing periods for compliance may be set for different works according to the assessed urgency. The decision on this rests with the council.

Properties which are clearly well below the minimum prescribed standard and where there appears to be little prospect of work being carried out within a reasonable period or where the health, safety or welfare of the occupiers is at imminent risk may result in refusal to grant a licence.

Where a licence is issued with conditions, it is an offence to fail without reasonable excuse to comply with any such conditions within the specified time limit(s) and may result in an unlimited fine upon prosecution or a civil penalty of up to £30,000.

1.8 How Will Standards Be Applied To Non-Licensable HMOs?

The Regulations mentioned in section 1.7 above only apply to licensable HMOs (that is those HMOs which fall within the mandatory licensing description or within any additional licensing scheme).

There are however many HMOs throughout the borough which do not fall within any licensing requirements at the present time as there are no additional licensing schemes in operation - (for instance two storey HMOs, those having less than five occupants or houses converted entirely in to self contained flats prior to the 1991 Building Regulation standard).

In these cases it is considered important that appropriate standards of amenity provision, fire precautions and room size should be achieved wherever possible. This document sets out the minimum standards which will be applied alongside the Housing Health and Safety Rating System (HHSRS) plus associated enforcement powers to deal with any hazards identified in all HMOs.

Section 2 – Physical Property Standards

This section sets out the minimum required room sizes plus the minimum provisions of amenities, fire precautions and heating for the various categories of HMO. Further details of the required standard of materials and installation of the basic amenities and associated services are specified in Section 3.

Fire protection standards across all HMO types:

In addition to specific details under each Category of HMO please note that:

Full details of the required level of fire protection can be found in an advice booklet entitled “ A guide to Fire Protection in Multi – Occupied Residential Properties” which has been produced by a consortium of West Midlands Councils plus the West Midlands Fire Service and West Midlands Police acting in conjunction with the Association of Midlands Landlords.

The consortium operates under the title ‘Homestamp’ and a copy of the advice booklet mentioned above can be found on the website www.homestamp.com or by telephoning the licensing Helpline on 01922 652168/72 to request a copy.

We can arrange for a copy of the booklet to be provided on request.

2.1 Category A HMOs (Bedsit Type)

Definition: Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing amenities (bathrooms and / or toilets). Cooking and food preparation facilities are usually provided within the individual units of accommodation but some occupants may share a communal kitchen. There is usually no communal living room and each occupant lives otherwise independently of all others.

Room Sizes and Permitted Occupation

The following are the minimum floor areas required:-

(a) One person units of Accommodation

(i) One Room Units

- A single room including kitchen facilities 13 m²
- A bed /sitting room with a separate kitchen 10 m²

(ii) Two or more roomed units

- Each combined living room / kitchen 11 m²
- Each living room (without kitchen facilities) 9 m²
- Each bedroom 6.52 m²
- Each separate kitchen 3.5 m²

(b) Two or more persons units of Accommodation

(i) One room units

- A bed sitting room including kitchen facilities for two persons 20 m²
- A bed sitting room for two persons with separate kitchen facilities. 15 m²

(ii) Two or more Roomed Units

- Each combined living room / kitchen 15 m²
- Each living room 12 m²
- Each bed /sitting room 15 m²

- Each single bedroom 6.52 m²
 - Each double bedroom 10.23 m²
 - Each separate kitchen for exclusive use of up to 3 occupants, living as 1 household 4.5 m².
- NB. A unit of bedsit type of accommodation is unlikely to be occupied by more than three persons. In cases where more than three persons are or are likely to be accommodation within any particular unit of accommodation then the advice and agreement of the City Council must be sought.

General Principles of Occupation

- Children below the age of 10 years count as a whole person
- In no case shall any room be occupied by more than two persons
- Persons of the opposite sex over the age of 12 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple or partners shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping / living accommodation.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft)
- A single bed/sitting room containing cooking facilities is not suitable for accommodating a child below the age of 5 years.

Kitchen Facilities for Bedsits

Each unit of accommodation must be provided with adequate facilities for the storage, preparation and cooking of food and the disposal of waste water. Wherever possible, such facilities should be for exclusive use and be located within the unit of accommodation. Where this is not practicable, the kitchen must be located not more than one floor distant from the accommodation. In exceptional circumstances whereby the provision of kitchen facilities for exclusive use is not practicable or appropriate, shared facilities may be provided on the basis that no more than three units of single person occupation have use of each set of facilities in any one kitchen. The shared kitchen is to be not more than one floor distant from any individual letting having use of it.

The kitchen facilities appropriate for any of the circumstances mentioned above are: -

- (a) Bedsitting Room With Combined Kitchen (this is the most usual situation)

The facilities shall comprise as a minimum: -

Cooking

Single person: a gas or electric cooker with two burners/hobs, oven and grill

Two persons: a gas or electric cooker with four burners/hobs, oven and grill

A microwave oven may be substituted for one or two of the burners/hobs respectively or in place of a conventional oven

A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water

Sufficient fixed work surface to enable each user to prepare food safely and hygienically. A minimum of 500 mm clear run of work surface will be required for a single person bedsit and 1000 mm for a double room.

A suitable refrigerator of sufficient size to store an average person's dietary requirements on a day to day basis. A freezer compartment is desirable but not essential in a single person bedsit.

Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.

Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

Additional requirements specific to kitchen areas within bed sitting rooms:-

- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker ie:- they must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

(b) Separate Kitchen Directly off the Bed sitting Room

The kitchen must be of sufficient size and layout to enable food to be prepared safely and hygienically. A minimum floor area of 3.5 m² for a single person letting and 4.5 m² for a two person letting is normally required for this purpose. The facilities to be provided are as those for kitchens within the bed sitting room.

(c) Separate Kitchen for Exclusive Use But Accessed From Outside the Unit of Accommodation

The facilities are as those for separate kitchens off a bed sitting room. The kitchen is to be not more than one floor distant from the unit of accommodation.

(d) Communal Kitchen Shared With Other Units of Accommodation

- A set of kitchen facilities must be provided for each five single person units of accommodation having use of the shared kitchen
- There shall be no more than two sets of facilities within any one kitchen
- Kitchens for use by 2 to 3 persons shall have a minimum floor area of 7 m² and 4 to 5 persons a minimum floor area of 10m²
- The kitchen is to be not more than one floor distant from any unit of accommodation having use of it.

• A set of kitchen facilities shall comprise: -

- A gas or electric cooker with four burners/hobs grill and oven. A combination microwave oven/grill may be used in place of a conventional oven.
- A metal or ceramic sink and drainer with a constant supply of hot and cold water
- Sufficient fixed work surface to enable each user to prepare food safely and hygienically. A minimum 500 mm clear run of work surface per person will be required.
- Two twin switched electric power sockets set at a convenient height and safe position in relation to the kitchen facilities in addition to any sockets serving any major appliances.

Shared kitchens within bedsit type accommodation should not be used for communal food storage purposes (either refrigerated or dry food storage). This is due to the fact there may be little interaction between each occupancy which could result in poor storage practice and the likelihood of conflict between residents. A suitable refrigerator and food storage cupboard should therefore be provided within each unit of accommodation.

Personal Washing and Bathing Facilities for Bedsits

(a) Baths and Showers

Each occupancy shall be provided where practicable with a bath or shower in a separate room. Otherwise a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of one bath or shower to every 5 persons sharing.

Bathrooms intended to be shared by two or more households are to be accessible from a common area. A shower facility installed over a bath will not count as an additional shower

(b) Wash Hand Basins

Each separate occupancy shall be provided with a wash-hand basin together with constant supplies of hot and cold water and sited within the unit of accommodation.

If a sink is provided in a single bedsit room, then a separate wash hand basin will not be required. All bathrooms or separate compartments containing a WC must be provided with a wash-hand basin.

Toilet Facilities for Bedsits

Toilet facilities being not more than one floor distant from any user shall be provided in the following ratios: (with respect to the total number of occupants of the house)

1 – 4 persons - 1 WC which may be separate or located within a bathroom

5 persons - 1 WC which must be separate from the bathroom but can be contained within a second bathroom

6 – 10 persons - 2 separate WCs but one of the WCs can be contained within a bathroom

11 – 15 persons - 3 separate WCs but two of the WCs can be contained within two bathrooms

.This sequence would continue proportionally for every additional five persons.

Fire precautions in bedsits

(a) 3 or 4 storey properties

The required fire protection scheme will in most cases consist of

- A protected escape route which is created by fitting half hour fire resisting self-closing fire doors to all risk rooms adjoining the communal escape route in accordance with British Standard 476 Part 22.

- Installing a mixed automatic fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade A giving a Category LD2 level of coverage plus stand alone single point smoke alarms within each unit of accommodation in accordance with British Standard 5839 Part 6: 2004 Grade D.
- Installing an emergency lighting system to the communal escape route in accordance with British Standard 5266.

It is known that many bedsit type properties should have had a fire alarm system installed in the 1990s which does not comply with the latest standard in that rooms containing cooking facilities will only have a heat detector fitted and no single point smoke alarm.

In such cases it is intended that the fire alarm systems will need to be upgraded to the latest standard through the setting of licence conditions giving a reasonable period for compliance.

(b) 2 Storey Properties

- The protected route and emergency lighting system are as for a 3 storey property
- The fire alarm system differs in that both the interlinked system and the stand alone single point smoke alarms need only to comply with B.S. 5839 Part 6: 2004 Grade D (ie no control panel or fire resistant cables are needed).

(c) Properties of More Than 4 Storeys Or Mixed Residential/Commercial Use

Properties of this description will require individual consideration by the Council and West Midlands Fire Service.

In general, the standards may be similar to that for a 3 or 4 storey property but additional structural Protection or an alternative means of escape may be required.

Heating in Bedsits

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room (which in the case of a bedsit will usually be the only room), the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C. Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Heaters which use full price electricity are not normally acceptable as the main form of heating. Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable.

In fully insulated and draught – proofed accommodation, full price electricity may be a viable option if it can be shown that the overall costs are affordable. All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with a fixed form of heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.2 Category B HMOs (Shared Houses and Shared Flats)

Definition

Houses or flats occupied on a shared basis usually by members of a defined social group (for example students, asylum seekers, refugees or groups of young single adults etc). Each occupier has exclusive use of a bedroom but would share kitchen, bathroom and toilet facilities. In most cases there is a communal living room.

Room Sizes and Permitted Occupation

The following are the minimum floor areas required:

(a) One Person Units of Accommodation

(i) Each bedroom/study where all occupants of the house have access to a separate communal living room – 6.52 m²

(ii) Each bedroom/study where all occupants of the house do not have access to a separate communal living room – 10 m²

NB It is recognised that many houses which are used to provide shared accommodation for students may have one bedroom which is marginally below the required floor area of 6.52 m². In such cases it is acceptable to allow for up to ten per cent shortfall in floor area subject to the following conditions:

- The occupiers must have approached the landlord/managing agent as a group wishing to rent the house under the terms of a joint contract.
- The fact that one bedroom is marginally below the required floor area must be drawn to the attention of any potential occupiers prior to the signing of a tenancy agreement.
- The group of occupiers must decide amongst themselves who will occupy the small bedroom.
- Compensatory measures such as the use of a cabin-type bed with desk and storage space beneath should be employed.

The use of an undersized bedroom will not be permitted where there is a lesser degree of communality between occupants, i.e. where the occupants have individual tenancy agreements or licences or where accommodation is allocated through some other organisation or agency, e.g. housing provided through a NASS contract, supported lodgings, etc.

(b) Two Person Units of Accommodation

- Each bedroom/study where all occupants have access to a separate communal living room 11 m²

- Each bedroom/study where all occupants do not have access to a separate communal living room 15 m²

(c) Communal Rooms

(i) Kitchens

- Kitchens for 2 to 5 persons 7 m²
- Kitchens for 6 to 10 persons 10.5 m²
- Kitchens for 11 to 15 persons 13.5 m²

NB A single kitchen would not normally be suitable for use by more than 15 persons regardless of its size. In cases where more than 15 persons are using or are likely to have use of a kitchen, the advice and agreement of the Council must be sought.

(ii) Dining Kitchens (only applicable where provided)

- Dining kitchens for 2 to 5 persons 11.5 m²
- Dining kitchens for 6 to 10 persons 19.5 m²
- Dining kitchens for 11 to 15 persons 24 m²

(iii) Combined Living Rooms and Dining Rooms

- Living room and dining room for 2 to 5 persons 11 m²
- Living room and dining room for 6 to 10 persons 16.5 m²
- Living room and dining room for 11 to 15 persons 21.5 m²

General Principles of Occupation

- Children below the age of 10 years now count as a whole person.
- In no case shall any room be occupied by more than two persons.
- Persons of the opposite sex over the age of 12 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal/migrant workers who occupy a property in connection with their employment.)
- Only rooms designated as living rooms, bedroom or bed/sitting rooms may be used for living or sleeping purposes.
- Each separate bedroom within a shared house is regarded as a unit of accommodation for the purpose of assessing amenity standards.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping/living accommodation.
- Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

Kitchen Facilities for Shared Houses

A shared kitchen should ideally be not more than one floor distant from any unit of accommodation having use of it. It is however, acceptable for a kitchen to be a maximum of

two floors distant where there is a communal dining room adjacent to the kitchen or where the kitchen is of sufficient size to serve as a kitchen/dining room.

Each shared kitchen shall comprise as a minimum:

(a) Cooking Facilities

- The kitchen must be provided with sufficient cooking appliances suitably located to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:
 - For every five persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.
 - For up to and including 7 persons a microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.
 - For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

(b) Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 persons a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

(c) Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. At least 0.5 metre run of work surface for each user will generally be acceptable for this purpose.
- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.
- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

(d) Food Storage

- Adequate refrigerated food storage must be provided either within the shared kitchen or within a room directly adjacent to the kitchen if space is a particular problem.

For every 3 persons there must be a standard domestic refrigerator of at least 100 litres capacity and a freezer compartment of at least 15 litres capacity.

Alternatively a tall upright fridge freezer will be acceptable for every 5 persons. These usually have a fridge capacity of around 140 to 180 litres and a freezer capacity of around 70 to 90 litres.

A combination of separate larder refrigerators and freezers will also be acceptable provided they give an approximate equivalent standard.

- Adequate dry/canned food storage and utensil storage cupboards must also be provided. A half standard base unit or standard single wall unit per person will be acceptable for this purpose. The space beneath a sink is not acceptable for food storage purposes.
- In shared kitchens where it is likely that there will be a high degree of communality (for example students or professionals) it is not normally a requirement for refrigerators or storage cupboards to be locked.

In shared kitchens where a lesser degree of communality may be expected, the sharing of refrigerators and storage cupboards may lead to poor storage practice and conflict between residents.

Lockable cupboards and refrigerators may be appropriate in certain circumstances although providing them in each individual unit of accommodation will always be preferable where there is any doubt as to how the residents will interact.

Personal Washing and Bathing Facilities for Shared Houses

(a) Baths and Showers

A bathroom containing a bath or shower shall be provided on a ratio of at least one bath or shower to every 5 persons sharing. A shower facility installed over a bath will not count as an additional shower. Bathrooms in a house accommodating up to 5 persons should, wherever possible, be situated not more than one floor distant from any bedroom.

In recognition of the fact that many such terraced type houses have a single bathroom situated in a ground floor extension, it will be acceptable for the bathroom to be situated up to two floors distant.

In larger houses accommodating more than 5 persons, there will always be a need for more than one bathroom, in which case one of the bathrooms must never be more than open floor distant from any bedroom.

(b) Wash Hand Basins

For HMO licensing purposes, shared houses accommodating 5 or more persons must be provided with a wash hand basin together with constant supplies of hot and cold water in each separate bedroom.

For houses accommodating less than 5 persons in total, a wash hand basin situated within a shared bathroom will be acceptable.

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin.

Toilet Facilities for Shared Houses

Toilet facilities shall be provided in the following ratios:

1 – 4 persons - 1 WC which may be separate or located within a shared bathroom.

5 persons - 1 WC which must be separate from the bathroom but can be contained within a second bathroom.

6 – 10 persons - 2 separate WCs but one of the WCs can be contained within a bathroom.

11 – 15 persons - 3 separate WCs but 2 of the WCs can be contained within 2 bathrooms

This sequence would continue proportionally for every additional five persons.

In houses accommodating up to and including 5 persons, the WC may be situated up to a maximum of 2 floors distant from any bedroom. In houses accommodating more than 5 persons there will always be a need for more than one WC in which case one of the WCs must never be more than one floor distant from any bedroom.

Fire Precautions in Shared Houses

(a) 3 or 4 Storey Properties

The required fire protection scheme will in most cases consist of:

- A protected escape route which is created by fitting half hour fire resisting self-closing fire doors to all risk rooms adjoining the communal escape route in accordance with British Standard 476: Part 22.
- Installing an automatic fire detection and warning system in accordance with British Standard S839 Part 6 : 2004 Grade A, giving a category LD2 level of coverage (ie smoke detectors in each bedroom, communal living room, hall, landings and any walk-in cupboards and cellars (where appropriate) plus heat detectors in each shared kitchen all linked to a control panel).
- Installing an emergency lighting system to the communal escape route in accordance with BS5266.
- Providing a fire blanket within each shared kitchen.

It is known that many 3 or more storey shared houses should have had a fire alarm system previously installed which gives an equivalent level of coverage but does not fully comply with the latest standard in that there will be no control panel and the cabling will be in standard domestic twin and earth cable.

In such cases it is acceptable to retain the existing system provided it is properly maintained and an annual test certificate can be supplied from a competent electrician.

When a system is no longer serviceable it must be replaced with a new system which conforms to the latest standard as described above.

In cases where a house has been provided with a partial system only, then this would need to be replaced or upgraded to the current standard accordingly.

Supplementary Information to the Homestamp Fire Protection Guidance Booklet with Respect to Certain Three Storey Houses.

Three storey shared houses in which the staircase comes down directly in to the rear living room give rise to particular problems when designing an adequate fire protection scheme.

This is because a fire occurring in the rear living room would have an immediate and direct effect on the ability of people to escape from the bedrooms above.

In a two storey house, escape windows can be relied upon for escape from the first floor bedrooms (see standard plan 2 on page 12 of the Homestamp Booklet).

Escape windows cannot however be relied upon for escape from the second floor. This means that a person occupying a second floor bedroom would have no alternative but to come down into a rear living room fire in order to attempt to escape.

It has to be assumed that the first floor bedroom doors may be locked and therefore access to the first floor bedrooms in order to escape via the windows cannot be relied upon for any occupant of a second floor bedroom.

If, however, the house has a communal bathroom or kitchen or a landing window at first floor level then it may be possible to install an escape window which should be accessible at all times. Such communal facilities are not however usually available in this type of house at first floor level.

In the majority of houses of this type, there are two approved methods of providing an adequate means of escape from fire:

(i) To provide a half hour fire protected route through the rear living room by the construction of a timber stud and plasterboard partition from the foot of the staircase to the front hallway (similar to plan 1 on page 9 of the Homestamp booklet).

This method is however very unpopular as it takes up a great deal of usable space from what is usually used as a shared living room.

(ii) In order to avoid the necessity of constructing a protected route it has been agreed by the West Midlands Fire Service that an acceptable alternative would be to install a domestic fire sprinkler system to the entire ground floor area (including kitchen and bathroom) in accordance with British Standard 9251.

All other fire protection measures for a three storey house (ie fire alarm system, emergency lighting and fire doors) would still need to be installed, including a fire door incorporating a vision panel to the doorway between the rear living room and the staircase.

(b) 2 Storey Properties

The required fire protection scheme will in most cases consist of:

- A protected escape route which is created by fitting half hour fire resisting self-closing doors to all risk rooms adjoining the communal escape route in accordance with British Standard 476: Part 22.

The fitting of a half hour fire resisting self-closing door to the kitchen only is however acceptable where all bedroom windows at first floor level meet with escape window specifications.

- Installing an interlinked automatic fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade D giving a category LD2 level of coverage. No control panel is required for such system and cabling is carried out using standard domestic twin and earth cable.

- Installing an emergency lighting system to the communal escape route in accordance with BS5266.

- Providing a fire blanket within each shared kitchen.

Again, further details can be found in the Homestamp fire protection guidance booklet.

Heating in Shared Houses

All habitable rooms within a shared house must be provided with an adequate fixed form of heating.

Bedrooms in shared houses are used not only for sleeping purposes, but also serve as study/living rooms therefore adequate heating is particularly important.

Within all bedrooms plus any communal living room or dining room, the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Heaters which use full price electricity are not normally acceptable as the main form of heating. Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of the general rental charges or general energy charges rather than any type of prepayment meter. Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Paraffin heaters, LPG heaters and freestanding plus in electric heaters are not acceptable. In fully insulated and draught-proofed accommodation, full price electricity may be a viable option if it can be shown that the overall cost is affordable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with a fixed form of heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.3 Category C HMOs (Halls of Residence)

Definition

Houses or buildings occupied by people whose occupation is ancillary to their education or employment. These are normally operated by the employer or education establishment but increasingly by private accommodation providers. Each occupier has exclusive use of a bedroom but would share kitchen facilities. Bathroom and toilet facilities may also be shared or may be en-suite.

Such properties would normally be occupied by students or professional groups such as nurses, doctors, police, etc. It should be noted that properties which are owned or managed by public organisations such as universities, the NHS, Police, Fire Service etc are usually exempt from the definition of HMO. Some smaller independent colleges with living accommodation may be included however.

Room Sizes and Permitted Occupation

The following are the minimum floor areas required.

(a) One Person Units of Accommodation

(i) Each bedroom/study where all occupants of the building or relevant part of the building have access to a communal living room 6.52 m2

(ii) Each bedroom/study where all occupants of the building or relevant part of the building do not have access to separate communal living room 10.23 m2

(b) Two Person Units of Accommodation

(i) Each bedroom/study where all occupants of the building or relevant part of the building have access to a communal living room 11 m2

(ii) Each bedroom/study where all occupants of the building or relevant part of the building do not have access to separate communal living room 15 m2

(c) Communal Rooms

(i) Kitchens (self catering)

- Kitchens for 2 to 5 persons 7 m2
- Kitchens for 6 to 10 persons 10 m2
- Kitchen for 11 to 15 persons 14 m2

Plus an additional 1 m2 for each person above 15.

(ii) Dining Room/Kitchen (self catering)

- Dining/kitchen for 2 to 5 persons 12 m2
- Dining/kitchen for 6 to 10 persons 20 m2
- Dining/kitchen for 11 to 15 persons 24 m2

Plus an additional 1 m2 for each person above 15.

(iii) Dining/Living/Kitchen (self catering)

- Dining/living/kitchen for 2 to 5 persons 18 m2
- Dining/living/kitchen for 6 to 10 persons 24 m2
- Dining/living/kitchen for 11 to 15 persons 30 m2

Plus an additional 1 m2 for each person above 15.

(iv) Separate Dining/Living Rooms

- Dining/living room for 2 to 5 persons 11 m2
- Dining/living room for 6 to 10 persons 16 m2
- Dining/living room for 11 to 15 persons 22 m2

Plus an additional 1 m2 for each person above 15.

General Principles of Occupation

- Children below the age of 10 years now count as a whole person.
- In no case shall any room be occupied by more than two persons.
- Persons of the opposite sex over the age of 12 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.

- The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal/migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedroom or bed/sitting rooms may be used for living or sleeping purposes.
- Each separate bedroom within a hall of residence is regarded as a unit of accommodation for the purpose of assessing amenity standards.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping/living accommodation.
- Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

Kitchen Facilities for Halls of Residence

(a) Fully Catered Accommodation

Where all meals are provided, it will not generally be necessary for any additional kitchen facilities to be installed for occupiers to prepare their own meals.

It is, however, customary for limited facilities to be made available for occupiers to prepare light snacks and hot drinks. In many cases vending machines may be sufficient for this purpose. It is not intended to set any specific standards for this type of accommodation at this stage.

All meals provided on a catered basis must be prepared in accordance with the provisions of the Food Safety Act and Food Hygiene (England) Regulations 2006.

Further information on food hygiene requirements can be found on the following website: www.food.gov.uk. Follow the link to 'Safer Food Better Business'.

(b) Partially Catered and Self Catered Accommodation

In Halls of Residence type accommodation it is usual for shared kitchen facilities to be provided either within a cluster unit serving between 5 and 8 bedrooms, or on a floor by floor basis in which case the kitchen may serve well above this number of users.

A shared kitchen should never be more than on one floor distant from the bedroom of any person having use of it.

Each shared kitchen shall comprise as a minimum:

(i) Cooking Facilities

The kitchen must be provided with sufficient cooking appliances suitably located to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:

- For every five persons, there must be a conventional gas or electric cooker with at least four burners/hobs, oven and grill.
- For up to and including 7 persons a combination microwave oven/grill of minimum 20 litres capacity suitably located on a fixed work top may be provided in place of an additional conventional cooker.

- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided. This ratio of cookers to persons will continue accordingly for every five additional users.

(ii) Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 persons a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

(iii) Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. At least 0.5 metre run of work surface for each user will generally be acceptable for this purpose.
- For properties with more than 10 occupants sharing the same kitchen a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.
- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

(iv) Food Storage

- Adequate refrigerated food storage must be provided within the shared kitchen. For every 3 persons there must be a standard domestic refrigerator of at least 100 litres capacity and a freezer compartment of at least 15 litres capacity. Alternatively a tall upright fridge freezer will be acceptable for every 5 persons. These usually have a fridge capacity of around 140 to 180 litres and a freezer capacity of around 70 to 90 litres. A combination of separate larder refrigerators and freezers will also be acceptable provided they give an approximate equivalent standard.

- Adequate dry/canned food storage and utensil storage cupboards must also be provided. A half standard base unit or standard single wall unit per person will be acceptable for this purpose. The space beneath a sink is not acceptable for food storage purposes.
- In shared kitchens where it is likely that there will be a high degree of communality (for example students or professionals) it is not normally a requirement for refrigerators or storage cupboards to be locked. In shared kitchens where a lesser degree of communality may be expected, the sharing of refrigerators and storage cupboards may lead to poor storage practice and conflict between residents.

Lockable cupboards and refrigerators may be appropriate in certain circumstances although providing them in each individual unit of accommodation will always be preferable where there is any doubt as to how the residents will interact.

Personal Washing and Bathing Facilities for Halls of Residence

(a) Baths and Shows

Bedrooms with en-suite facilities are becoming increasingly common in halls of residence type property. This is the ideal standard to aim for. However, in many older buildings, bathroom and toilet facilities continue to be shared in which case the following minimum provisions shall apply:

A bathroom containing a bath or shower shall be provided on a ratio of at least one bath or shower to every 5 persons sharing. a shower facility installed over a bath will not count as an additional shower.

Any bathrooms should, wherever possible, be situated on the same floor as the accommodation having use of it. Consideration should be given as to whether separate bathroom facilities for males and females should be provided in mixed sex accommodation.

(b) Wash Hand Basins

Each separate bedroom shall be provided with a wash hand basin, together with constant supplies of hot and cold water. (In most cases this will be within the en-suite bathroom).

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin.

Toilet Facilities for Halls of Residence

Toilet facilities shall be provided on the same floor as the accommodation of any person having use thereof and in the following minimum ratio of toilets to persons:

1 – 4 persons - 1 WC which may be separate or located within a shared bathroom.

5 persons - 1 WC which must be separate from the bathroom but can be contained within a second bathroom.

6 – 10 persons - 2 separate WCs but one of the WCs can be contained within a bathroom.

11 – 15 persons - 3 separate WCs but 2 of the WCs can be contained within 2 bathrooms

This sequence would continue proportionally for every additional five persons.

Fire Precaution in Halls of Residence

Having regard to the potentially large scale and complex layout often encountered in halls of residence, it is not possible to specify any standard scheme.

Each case must be given individual consideration acting in consultation with West Midlands Fire Service in order to design an appropriate fire protection scheme for the building in question.

Buildings constructed recently to current Building Regulation Standards should provide a satisfactory standard of fire protection.

Heating in Halls of Residence

All bedrooms and communal rooms must be provided with adequate fixed form of heating, capable of maintaining indoor temperatures of 21oC when the temperature outside is –1oC.

Where central heating or night storage heating is provided, it is acceptable for this to be operated via a pre-set timer programmed to ensure that the building as a whole is kept adequately heated.

In such cases it is acceptable for the residents not to have control of the heating system at all times, provided there is a procedure in place to report any problems of inadequate or excessive heating, and that steps can be quickly take to adjust the heating input accordingly. Where individual fixed electric heaters using full price electricity are provided within bedrooms, it must be shown that the operating costs are affordable.

Gas or electric heaters which have glowing radiants are not generally acceptable in a bedroom/study unless there is sufficient space to position the bed at least 2 metres away from the heater. Such heaters must also not be positioned beneath or adjacent to any window where there is any possibility of the curtains/blinds catching fire.

Any open flued gas heater provided in a room used for sleeping purposes must be of modern design and fitted with an automatic oxygen depletion cut off device. Paraffin heaters, LPG heaters and free-standing plug-in electric heaters are not acceptable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's instructions and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use, must also be provided with a fixed form of heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmosphere.

2.4 Category D HMOs (Hostels and Bed and Breakfast Establishments)

Definition

Houses generally referred to as 'hostels', 'guest houses' and 'bed and breakfast hotels' or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by local authorities to house homeless families or persons pending permanent placement, and similar establishments which provide accommodation for people who would otherwise be homeless.

It would also include bona fide hotels used for such purposes even on a casual basis and hotels housing a mixture of homeless households and visitors.

Normally each occupant (or family) has exclusive use of a room but would share bathroom and toilet facilities, although in some cases there may be en-suite facilities.

Some or all meals may be provided on a catered basis, however, some hostels operate on a fully self catering basis. There is usually a communal living room and dining room.

Room Sizes and Permitted Occupation for Hostel Type Accommodation

(a) General Principles of Occupation

(i) The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple or partners shall be permitted only where both persons give their consent.

(ii) In general no bedroom shall be occupied by more than two unrelated persons. It is, however, acceptable for a room to be occupied by a maximum of three unrelated persons provided the room is large enough (i.e. meets the family room standard for three persons – see details later) and the persons concerned have lived together for a prolonged period of time such that they have become interdependent.

In such cases the occupation must reduce to a maximum of two when one or more of the group naturally leaves the property or agrees to move to another room.

It is not acceptable to permit any new occupation agreements to arise resulting in the multiple sharing of a room (i.e. more than two unrelated persons) as from July 2006.

(iii) Provided a bedroom is large enough it may be used for occupation by more than two persons subject to them all being members of the same family (family includes married couples, or couples living as husband and wife or equivalent same sex relationship, parent, grandparent, child, step-child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin).

(iv) Persons of the opposite sex and of age 12 or over shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.

An exception to this general rule may be considered appropriate in cases whereby a family is placed in emergency accommodation and their stay does not exceed five nights. For example, a mother with a son aged 13 and a daughter aged 14 may, in exceptional circumstances, be allowed to occupy a family room for a maximum of five nights if there is no other appropriate accommodation available within the same premises or within the locality.

(v) Family rooms are considered to be suitable for use only as temporary accommodation and for a maximum of four persons. Occupation must be limited to a maximum of 30 nights unless exceptional demand otherwise. Such circumstances must be agreed by the local housing authority.

(vi) Rooms containing cooking facilities are not suitable to accommodate families with children below the age of five years.

(vii) Children below the age of ten years now count as a whole person.

(viii) No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal/migrant workers who occupy a property in connection with their employment).

(ix) Only rooms designated as bedrooms may be used for sleeping purposes.

(x) Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, roof spaces etc, shall be deemed unsuitable for use as sleeping/living accommodation.

(xi) Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

(b) The following are the minimum floor areas required:

(i) Bedrooms where kitchen facilities are separately provided:

1 person 6.52 m² (10.23 m²)

2 persons 11.0 m² (15 m²)

3 person family room 15.0 m² (20 m²)

4 person family room 19.5 m² (24 m²)

(ii) Bedrooms where kitchen facilities are provided within the room

1 person 10.0 m² (13 m²)

2 persons 14.0 m² (20 m²)

3 person family room 18.5 m² (24 m²)

4 person family room 23.0 m² (28 m²)

The above room sizes are based upon the assumption that communal living space is also available for use by all occupants. In cases where there is no communal room available, the appropriate room sizes are indicated in brackets.

(iii) Communal Rooms

In general need or short term accommodation there must be a communal living room (or rooms) provided unless the bedrooms meet the higher room area standard as detailed above. A communal living room of at least 15 m² must be provided for the first four persons in occupation plus 1 m² for each additional person thereafter.

In long term accommodation where occupiers are likely to reside for periods of more than six months, perhaps for the purposes of rehabilitation etc, an additional 2 m² for each additional person shall be required.

Kitchen Facilities for Hostel Type Accommodation

(a) Where any meals are provided for residents, all food must be stored, handled, prepared and served in accordance with the provisions of the Food Safety Act 1990 and associated regulations (in particular the Food Hygiene (England) Regulations 2006).

All persons who are employed to handle food must have received appropriate and approved food hygiene training and the operation must be registered as a food business with the Regulatory Services Department.

Kitchens must be adequately equipped according to the number of meals expected to be served on a daily basis.

Further information on food hygiene matters and the adequacy of kitchen facilities can be found on the Government's website www.food.gov.uk and follow the link to 'Safer Food Better Business'.

Advice leaflets are also available from both the Regulatory Services Department and the Housing Department

The following general principles apply to catered accommodation.

- Meals must be served and consumed in the premises in which the occupants reside (ie residents should not be expected to travel to another hostel/hotel or café premises in the locality to obtain their meals). It is acceptable for hotels which have an annexe building within the same cartilage to serve meals in the main building provided there is safe and well lit access between the buildings.

- Where there are insufficient catering facilities within a particular premises, meals may be prepared elsewhere and brought in, provided the food is prepared in a food safety compliant kitchen and transported in hygienic conditions under proper temperature control.
- An appropriate dining room must be provided together with sufficient tables and chairs for the number of users. (Meals may be served on a sitting basis, however.)
- Residents must not generally have access to any catering kitchen in order to prepare their own meals.
- In some small hostels (i.e. those with six or less occupants in total), it may be acceptable for residents to prepare some meals within the kitchen which is also used for catering purposes provided such meals are prepared under the supervision of a person having undertaken appropriate food hygiene training.

This will normally be 'Supported Lodgings' type accommodation where residents are assisted to gain skills which may help them to live independently in the community.

- The extent that meals are provided for residents will vary from premises to premises with some providing breakfast only, and some providing full board. Meal provision may also vary between weekdays and weekends.

There may also be variation from person to person with some choosing to take meals and some choosing to cater for themselves. Whatever the arrangements, all residents must have access to adequate kitchen facilities (separate from any catering kitchen) in order to prepare their own food.

The following separate kitchen facilities shall be provided for use by residents according to the predominant characteristics of the catering operation:

(i) All Meals Provided (Three Meals per Day)

Kitchen facilities must be sufficient for residents to prepare light meals and hot drinks.

One set of facilities shall be provided for every fifteen persons consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or a combination microwave oven/grill of minimum 20 litres capacity,
- A minimum two metre run of fixed work surface (minimum 500mm depth).
- A standard work top domestic refrigerator incorporating a freezer compartment.
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving major appliances.
- Adequate storage for cooking utensils, crockery and cutlery etc.
- A kettle for making hot drinks or a vending machine if considered appropriate.

Such facilities may be located within an appropriately laid out area within a communal room but should preferably be located within a separate kitchen or kitchens.

A minimum floor area of 10 m² per set of such kitchen facilities is required.

(ii) Breakfast and evening Meals Provided

A set of kitchen facilities as described above for premises providing all meals shall be provided on a ration of one set of facilities to every ten persons.

(iii) Breakfasts Only Provided

One set of kitchen facilities shall be provided for every seven persons, consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.

- A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not be generally permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500mm depth).

- Two twin 13 amp switched power sockets suitably sites in relation to the work surface and in addition to any sockets serving any major appliances.

A minimum kitchen floor area of 10m² per set of such kitchen facilities is required.

- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

(b) Self Catering Accommodation

For hostels providing fully self-catered accommodation, food preparation facilities may be located either within each unit of accommodation or within shared kitchens.

(i) Food Preparation Facilities within the Unit of Accommodation.

The facilities shall comprise as a minimum:

• Cooking:

Single Person: a gas or electric cooker with two burners/ hobs, oven and grill

Two Persons or Family Room: a gas or electric cooker with four burners/hobs, oven and grill

A microwave oven may be substituted for one or two of the burners/hobs respectively and a combination microwave oven / grill in place of a conventional oven.

• A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water.

• Sufficient fixed work surface to enable food to be prepared safely and hygienically.

• A suitable refrigerator of adequate size according to the number of occupants. A family room would require a standard work top height refrigerator with freezer compartment.

• Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.

• Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

• The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.

• Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker, i.e. they must not be positioned adjacent to the exit doorway. In particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

(ii) Shared Kitchens

One set of kitchen facilities shall be provided for every five persons, consisting as a minimum of:

• One kitchen sink complete with hot and cold water supplies and trapped waste.

• A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not generally be permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500 mm depth).
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving any major appliances.
- A minimum kitchen floor area of 7 m² per set of such kitchen facilities is required.
- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

Personal Washing and Bathing Facilities for Hostel Type Accommodation

(a) Baths and Showers

Where it is not practicable to provide each unit of accommodation with its own bathroom, a readily accessible bathroom containing a bath or shower shall be provided on a ratio of one bath or shower to every five persons on occupation.

A bathroom must be available within one floor of any unit of accommodation. A shower facility installed over a bath will not count as an additional shower.

Institutionalised bathrooms with communal changing facilities shall not be permitted.

(b) Wash Hand Basins

Each separate occupancy shall be provided with a wash hand basin together with constant supplies of hot and cold water and sited within the unit of accommodation.

If a sink is fitted within a room then a separate wash hand basin will not be required.

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin.

Toilet Facilities for Hostel-type Accommodation

Toilet facilities being not more than one floor distant from any unit of accommodation shall be provided in the following ratios in relation to the total number of occupiers of the accommodation.

1 – 4 persons - 1 WC which may be separate or located within a shared bathroom.

5 persons - 1 WC which must be separate from the bathroom but can be contained within a second bathroom.

6 – 10 persons - 2 separate WCs but one of the WCs can be contained within a bathroom.

11 – 15 persons - 3 separate WCs but 2 of the WCs can be contained within 2 bathrooms

This sequence would continue proportionally for every additional five persons.

Institutionalised toilets where there is more than one WC cubicle within the same room shall not be permitted.

Fire Precautions Hostel Type Accommodation

Hostel type accommodation may vary greatly in its size and complexity, ranging from small 'Supported Lodgings' schemes to large direct access hostels having over 50 bedrooms.

It is therefore difficult to specify standard fire protection schemes and as such each case must be assessed individually in consultation with the West Midlands Fire Service.

For this reason, fire protection schemes for hostels are not included within the Homestamp advice booklet.

In general, hostels of three or more storeys having up to 10 occupants will require an automatic fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade A giving a Category LD2 level of coverage.

Larger hostels or hotels will, in most cases, require a more sophisticated system in accordance with British Standard 5839 Part 1: 2002 giving an L2 level of coverage.

In all cases the communal escape route must be made a protected escape route by fitting half hour fire resisting self-closing doors to all adjoining risk rooms in accordance with British Standard 476 Part 22.

In certain circumstances this may need to be supplemented by providing alternative escape routes, double fire door lobby separation or fire door breaks to long corridors, where escape travel distances are excessive, complex or particularly hazardous.

Communal escape routes and communal lounges or dining rooms etc must always be provided with emergency lighting in accordance with British Standard 5266 and fire escape signage may also need to be fixed in place.

Communal kitchens must be provided with fire blankets and appropriate fire extinguishers. Additional fire extinguishers may be required at appropriate locations throughout the building if staff are employed who have been trained to use them.

The specific advice of the Housing Department should always be sought before carrying out fire protection work to any hostel-type premises.

Heating in Hostel Type Accommodation

All habitable rooms within a hostel or bed and breakfast establishment must be provided with an adequate fixed form of heating capable of achieving a room temperature of 21oC within one hour of turning on when the air temperature outside is -1oC.

For heating to be properly used by residents, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. Heaters which use full price electricity are not normally acceptable as the main form of heating. In many hostels, the heating is operated by timer and under control of the landlord or manager. This is acceptable provided adequate temperatures are maintained and adjustments are quickly made when problems of cold or excessive heat are brought to attention.

Central heating radiators in residents rooms should be fitted with a thermostat under control of the occupier.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains/blinds are likely to catch fire.

Paraffin heaters, LPG heaters and free standing plug-in electric heaters are not acceptable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive use or shared use, must also be provided with a fixed form of heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are design to operate in moist atmospheres.

Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of pre-payment

2.5 Category F HMOs (Self-Contained Flats)

Definition

Houses or buildings which are constructed as or converted entirely in to self-contained flats. Access to the house or building would be via a communal entrance doorway and hallway but thereafter the entrance to each individual flat is via a single doorway. All amenities (ie. WC, wash hand basin, bath or shower plus kitchen facilities) must be accessible from within each individual flat and the flat and the flat must be occupied by a single household to be regarded as self-contained.

Houses which have been converted in to self contained flats to a proper standard in accordance with the 1991 Building Regulations or equivalent are exempted from the HMO definition.

Houses which were converted prior to this date or which have been subsequently converted to a lesser standard not in accordance with Building Regulations are not included within the mandatory licensing requirements. Such houses converted into self contained flats could however become subject to licensing if the City Council were to declare any "additional licensing schemes" at some time in the future.

Larger individual flats which are occupied by groups of 3 or more unrelated persons are regarded as houses in multiple occupation in their own right and those standards relevant to Category B HMOs (shared houses) would be applicable within each such flat .

Room Sizes and Permitted Occupation

The minimum room sizes for existing properties are as given below. Please note that if a house is about to be converted in to self contained flats then Planning consent and Building Regulation approval must be obtained. Planning conditions may call for higher standards than those given.

One Person, Four Room Flat

Bedroom 7.0 m²

Living room 11.5 m²

Kitchen 5.5 m²

Total habitable floor area 24 m²

One Person Flatlet with Separate Kitchen

Bed/living room 14 m²

Kitchen 5.5 m²

Total habitable floor area 19.5 m²

One Person Flatlet with Separate Bedroom

Bedroom 7.0 m²

Kitchen/living room 14.5 m²

Total habitable floor area 21.5 m²

Two Person, One Bedroom Flat

Bedroom 10.5 m²

Living room 13.0 m²

Kitchen 5.5 m²

Total habitable floor area 29.0 m²

Three Person, Two Bedroom Flat

Main bedroom 10.0 m²

Secondary bedroom 7.0 m²

Living room 16 m²

Kitchen 7 m²

Total habitable floor area 40.0 m²

Four Person, Three Bedroom Flat

Main bedroom 10.0 m²

Second bedroom 7.0 m²

Third bedroom 7.0 m²

Living room 18.0 m²

Kitchen 7.0 m²

Total habitable floor area 49.0 m²

General Principles of Occupation

- Children below the age of 10 years now count as a whole person.
- In no case shall any bedroom be occupied by more than two persons for sleeping purposes.
- Persons of the opposite sex over the age of 12 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple or partners shall be permitted only when both persons give their consent.

- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal/migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping/living accommodation.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).
- All bedrooms, living rooms, bathrooms and kitchens must be accessible directly from a lobby or hallway within the flat and not through another room. (except one room flatlets in which case access is usually directly off a communal hallway or landing).
- Each flat shall be provided with a lockable post box situated on the ground floor in a lobby or hallway accessible to the postal delivery service (unless the flat has its own front door accessible directly from the exterior).

Kitchen Facilities for Flats

Kitchen facilities should be provided in a separate kitchen or clearly defined kitchen area within any studio-type flat and consist of the following minimum provisions:

- Cooking

Single person: a gas or electric cooker with two burners/hobs, oven and grill

Two or more persons: a gas or electric cooker with four burners/hobs, oven and grill

A microwave oven may be substituted for one or two of the burners/hobs respectively or in place of a conventional oven

A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water

- Sufficient fixed work surface to enable each user to prepare food safely and hygienically
- A suitable refrigerator of sufficient size according to the number of occupants, A standard worktop height domestic refrigerator with freezer compartment (or equivalent) is required in most cases.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker ie. they must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

Personal Washing and Bathing Facilities for Flats

(a) Baths and Showers

Each flat must be provided with its own bath or shower together with constant supplies of hot and cold water. Wherever possible the bath or shower should be provided in a separate bathroom. Shower cubicles may however be permitted within a bedroom or the bed/living room of a one room single person flatlet provided the following precautions are taken to avoid condensation dampness within the room and electrical hazards:

The room containing the shower must be provided with an automatic humidistat controlled extractor fan of minimum extract capacity 60 litres per second.

Any electrical switches, sockets or equipment must be safely positioned in relation to the shower in accordance with current IEE Regulations and Part P of the Building Regulations.

(b) Wash hand Basins

Each flat must have its own wash hand basin together with constant supplies of hot and cold water. The wash hand basin should be provided within the bathroom but may be located within a bedroom.

Each room or compartment containing a WC must be provided with a wash hand basin.

Toilet Facilities for Flats

Each flat must be provided with its own WC which must be located either within a bathroom or in a separate compartment.

Fire Precautions in Flats

Full details of the required level of fire protection can be found in an advice booklet entitled "A guide to Fire Protection in Multi-Occupied Residential Properties" which has been produced by a consortium of West Midlands Councils plus the West Midlands Fire Service and West Midlands Police acting in conjunction with the Association of Midlands Landlords.

The consortium operates under the title 'Homestamp' and a copy of the advice booklet mentioned above can be found on the website www.homestamp.com or by telephoning the licensing Helpline on 0121 303 4009 to request a copy.

Heating in Flats

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C. Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Heaters which use full price electricity are not normally acceptable as the main form of heating.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable. In fully insulated and draught-proofed accommodation, full price electricity may be a viable option if it can be shown that the overall costs are affordable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms must also be provided with a fixed form of heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.6 Mixed Category A and F (Bedsits and Flats)

In many cases houses are converted to a combination of bedsits (where occupants may share some amenities) and self-contained flats. Such houses will always fall within the HMO definition and may be subject to mandatory licensing. The relevant standards for Category A and Category F houses would be applied as appropriate.

2.7 Temporary Accommodation for Seasonal or Migrant Workers

This type of accommodation is more likely to be prevalent in rural areas (for instance accommodation for fruit pickers etc) and is not known to be widespread in Birmingham. The situation will be kept under review however and specific standards may be developed if considered necessary.

Standards as for Category B (shared houses) or Category D (hostels) would most likely be applied to any such house in residential areas.

Section 3 – Specification for Amenities and Associated Services

General Specification Applicable To Amenities and Associated Services in All Categories of HMO

Kitchens

The Room

All kitchens, whether for exclusive or shared use must have floor coverings which are impervious, reasonably smooth and easily cleansable. Ideally floor coverings should be slip resistant. Walls and ceilings must also be reasonably smooth such that they can be kept clean and easily redecorated.

Ventilation

In addition to any natural means of ventilation, all shared kitchens must be provided with adequate mechanical ventilation. Extractor fans with an extract rate of 60 litres per second venting directly to the extended air will normally be sufficient.

Kitchens for exclusive use may also need to be provided with mechanical extract ventilation where there is inadequate natural ventilation or where a gas cooker is provided and opening a window would lead to excessive draughts, which might extinguish the burner flames.

Lighting

Adequate ceiling mounted electric lighting must be provided to the working area of the kitchen.

Layout

Kitchens must be arranged such that hot food can be prepared and handled safely. In particular cookers must be located away from any door, which might open on to and collide with a person standing in front of the cooker.

There must be adequate space in front of any cooker for persons to retrieve hot food from the oven. There should be fixed work surfaces either side of any cooker to shield any overhanging panhandles and so that hot foods and utensils can be placed down quickly and safely.

Sinks

Must be stainless steel or have a comparable impermeable, easily cleansable surface. They must be provided with a drainer, overflow, supplies of constantly available hot and cold water and all requisite drainage. The sink top (or surface into which it is inset) must be a minimum 900mm x 500mm. Sinks must have a tiled or similar waterproof splash back (where the sink abuts a window reveal, the sill of the window must be clad in waterproof tiles or similar) extending to a minimum height of 150mm above the sink top. There must be a flexible waterproof joint between the sink and the splash back.

Food Preparation Surfaces

Must be of impermeable, heat resistant, durable and easily cleansable materials. Where these are fixed, the joint between the food preparation surface and any abutting units or the wall must be watertight and a tiled splash back as detailed above for sinks must be provided.

Food Storage Cupboards

The internal and external surfaces must be of durable and easily cleansable materials and, where wall mounted, must be fixed securely to take the considerable weight of stored tinned/bottled foods. Food storage underneath a sink is not acceptable.

Cooking Appliances

Must be installed according to the manufacturer's instructions and in particular, electric cookers must be connected via an appropriately rated switch and fuse. Gas cookers must be fitted with a safety restraint to prevent them tipping over.

Compact Domestic Kitchens

Compact domestic kitchens in a modular layout are becoming increasingly available from various manufacturers. Provided such kitchen facilities are installed in accordance with the manufacturers recommendations and give an equivalent level of provision to that specified above, then their use may be acceptable rather than installing individual pieces of equipment. It is advisable to obtain prior approval of the Council before installing this type of kitchen.

Bathrooms (Includes Shower Rooms)

The Room

Bathrooms must be of adequate size to enable users to dry themselves and get dressed without undue restriction. Showers fitted in to small restricted spaces such as under stairs cupboards may therefore not be regarded as being adequate. Floors to bathrooms must be impervious reasonably smooth and easily cleanable. Ideally floor coverings should be slip-resistant. Walls and ceilings must also be reasonably smooth such that they can be kept clean and easily redecorated. Obscured glazing must be provided to bathroom windows and doors as appropriate and all shared bathrooms to be fitted with a privacy lock/bolt.

Ventilation

All bathroom must be adequately ventilated. Mechanical extract ventilation giving an extract rate of at least 15 litres per second must be fitted where there is no openable window to provide natural ventilation. Any extractor fan installed in a bath or shower room must be provided with an "overrun" device which is connected to the artificial lighting circuit in the room and ensures that the fan continues to operate for 20 minutes (or at least one air change) after the artificial room lighting is switched off. This helps to remove moisture from the room, which might otherwise lead

to condensation and black mould growth. Alternatively a humidistat controlled extractor may be provided.

Baths and Showers

Baths should be a minimum 1.67 meters in length and be provided with a tiled splash back to a height of at least 150mm where they abut walls. A waterproof seal between the bath must be provided using a flexible silicon mastic sealant or a sealant gasket with a similar degree (high) elasticity.

Where showers are provided they must either purpose designed waterproof shower cubicles or formed from a proper shower base with waterproof wall tiling and associated waterproof screen/doors. Seals between the shower base and walls must be provided with elastic mastic sealant as specified for baths. Shower trays should be minimum 800 mm x 800 mm.

Showers which rely on a curtain to contain the water spray are not permitted above the ground floor. Baths or showers shall not be provided in kitchens. All baths and showers must be provided with an adequate supply of constantly available hot and cold water and adequate drainage. Hot water to showers must be capable of being delivered at a thermostatically controlled temperature.

Wash Hand Basins

All wash basins must be provided with supplies of constantly available hot and cold water plus adequate drainage. Washbasins must be firmly and securely anchored to the wall which they abut or surface in which they are inset.

Unless there are severe space constraints the minimum dimension of wash-basins shall be 500mm x 400mm.

All washbasins must be provided with an overflow and splash back with a minimum height of 150mm where they abut a wall and be sealed to the splash back using a flexible silicon mastic sealant.

Water Closets

Every separate room or compartment containing a WC must have: -

- An easily cleansable impervious floor covering
- Reasonably smooth wall and ceiling surfaces which can be easily cleaned and redecorated
- Adequate natural or mechanical extract ventilation supplemented by permanent background ventilation in the form of an air brick or trickle vent.
- Obscured glazing to windows and doors as appropriate
- A privacy lock fitted to the door
- WC pedestals must be securely fixed to the floor and properly connected to the drainage system in accordance with current building Regulations
- Be provided with a high or low level cistern fitted with an efficient flushing mechanism.
- WCs accessed from outside do not count towards the overall number of WCs available for use in a property.

Cold Water Supplies

All HMOs must be provided with an adequate water supply via a proper service connection from the public supply provided by the statutory undertaker (in Walsall this is South Staffordshire Water plc).

The supply of water for drinking purposes (i.e. at the sink) must be taken from the rising main. Where there is any doubt as to whether a supply point is suitable for drinking water it shall be conspicuously marked accordingly.

In the rare event that a public water supply is not available the landlord must demonstrate that an adequate supply is available and that arrangements are in place to ensure that the supply is safe for drinking both from a chemical and bacteriological point of view.

The Council will insist on seeing that periodical chemical and bacteriological tests are carried out to verify its wholesomeness. All water supply pipes and any water control valves, apparatus and fittings connected with a supply of water must be protected from frost where they are vulnerable to freezing. This will generally be in any unheated common areas, but landlords should consider insulating all water pipes where central heating is not employed in the house or where the house is not likely to be heated for several days, for example, over the Christmas period. The water supply must be capable of being turned off in case of emergency or to enable repair works to be carried out – stop valves should therefore be provided to isolate individual units of accommodation or each floor within the HMO as appropriate.

Hot Water Supplies

All systems supplying hot water must be designed and installed so that hot water is available at wash-basins, sinks, baths or showers at all reasonable times. “Creda Corvette” type batch boiling appliances are not acceptable as a means of heating water. Electric instantaneous type heaters are only acceptable for sinks if they are rated at 5 Kilowatts or above and are fitted with a proper hot water delivery arm.

The cost of supplying hot water to wash-basins, sinks, baths or showers which are exclusive to particular lets may be met out of general rental charges or may be charged for by meter so long as the occupier of the let has total and exclusive control over the use of that hot water.

Any hot water storage tank must be provided with an accessible stop cock to the down service pipe, and be adequately insulated. Hot water to showers must be capable of being delivered at a thermostatically controlled temperature.

Disposal of Waste Water and Drainage

All waste pipes serving sinks, wash hand basins, baths and showers must be of the appropriate diameter and fitted with a trap. Waste pipes must be adequately supported along their entire length to prevent sagging and to maintain proper drainage falls. Waste water must be discharged in to the correct drainage system in accordance with current Building Regulations and Water Authority Bye-Laws.

Section 4 – Property and Tenancy Management Standards

4.1 The Management of Houses in Multiple Occupation (England) Regulations 2006

These new regulations replace the previous similar management regulations and apply to most HMOs, whether licensable or not, but do not apply to HMOs comprising properties converted into self-contained flats – these will become subject to a separate set of management regulations due to come in to force in October 2006. In the meantime, houses converted entirely in to self-contained flats will continue to be subject to The Housing (Management of Houses in Multiple Occupation) Regulations 1990 which were previously in force.

The new regulations detail the management standards to be met and require the manager of the premises to carry out certain duties to maintain their property, taking account of the age, character, locality and prospective life of the house.

The Regulations are summarised below but a full copy may be obtained by clicking on the link www.opsi.gov.uk. Follow the links to legislation; statutory instruments; year 2006; statutory instrument number 372. They may also be purchased from The Stationery Office Limited.

The duties of the manager are as follows:

To display their contact details – the manager's name, address and contact telephone number must be clearly displayed in a prominent position. On the wall in the entrance hall is usually the best place. (Regulation 3)

To maintain all means of escape from fire – all fire doors must be maintained in a good condition, free from damage and fully self-closing so that they will close fully into the rebates of the frame. The main routes of escape e.g. exit doors, landings, staircases and hallways must be kept free from obstruction. Escape routes must also be clearly indicated by fixing notices in appropriate places in all HMOs having five or more occupants. The fire detection and warning system and emergency lighting system must be tested regularly.

For most small and medium sized HMOs a monthly test by the landlord should suffice in addition to a thorough annual test by a suitably competent person (such as a qualified electrician or specialist fire alarm engineer). For larger HMOs more regular testing may be required. Fire fighting equipment, where provided, must also be maintained in good working order. (Regulation 4).

To take safety measures – all necessary measures to protect the occupiers from injury must be taken, having regard to the design, the structural condition and the number of occupiers in an HMO. In particular this relates to the prevention of accidents associated with access to any roof or balcony and any low window sill (Regulation 4).

To maintain the water supply and drainage system – the water supply or drainage system must be maintained in a good, clean and working condition. They must not be unreasonably interrupted from use by any occupier and any water storage tank must be covered and kept clean. Any water fitting which is liable to damage by frost must be suitably protected (Regulation 5).

To maintain gas and electrical supplies and to provide safety certificates – the gas installation and any appliances must be tested annually by a Gas Safe registered engineer who will issue a 'Landlords gas safety certificate'. This must be supplied to the local authority within 7 days of any request to do so. The electrical installation must be inspected and tested at least every five years by a qualified electrician who must issue a test certificate. Again, this must be supplied to the local authority within 7 days of a written request to do so. Neither the gas or electricity supplies must be unreasonably interrupted (Regulation 6).

To maintain all common parts and installations within the property – all common parts of the HMO e.g. entrance hallways, entrance doors, porches, steps, staircases, landings, shared bathrooms and kitchens plus all shared fittings and appliances must be maintained in a good state of repair and safe and working condition and kept clear from obstruction. Communal areas must also be kept clean and well decorated. In HMOs where the occupants are previously acquainted with each other and rent the house under the terms of a single tenancy agreement, for example a student shared house, it may be acceptable to expect the tenants to undertake the cleaning of the common areas on a group basis.

The manager should visit from time to time, by prior appointment, to ensure that the common areas are being maintained to a satisfactory standard of cleanliness. In all other types of HMO, cleaning of communal areas will normally be the responsibility of the manager (Regulation 7).

To maintain in good order and repair any outbuildings, yards, gardens or boundary fences – any outbuilding, yard, forecourt, boundary wall, fence or railing belonging to the HMO must be maintained in good and safe repair so as not to constitute a danger to the occupiers. Any yard or garden belonging to the HMO must be kept in a safe and tidy condition (also Regulation 7).

To maintain each unit of accommodation – each unit and any furnishings must be clean at the beginning of a person's occupation of it. The internal structure, any fixtures, fittings or appliances, any window or other means of ventilation must be maintained in good repair as long as the tenant has treated the accommodation properly in accordance with the conditions contained within his lease or tenancy agreement (Regulation 8).

To ensure refuse is stored and disposed of adequately – a sufficient number of bins must be provided for the storage of refuse pending disposal. Arrangements must be in place to ensure that all refuse is removed and disposed of on a regular basis, generally this will be undertaken by the Local Authority. It would be expected that one standard refuse bin be provided per three occupiers and that appropriate instructions are provided to each tenant at the beginning of the tenancy as to the refuse collection arrangements. For larger hostel type premises (10 or more occupiers), a Trade Refuse Contract with the local authority would be expected. This may also be necessary for smaller premises, particularly where meals are provided (Regulation 9).

Regulation 10 places a duty on all occupiers of an HMO to:

- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- Allow the manager at all reasonable times to enter any living accommodation to enable him to carry out any duty. Except in the case of emergencies, at least 24 hours notice either in writing or by phone of any intended visit should be given to the occupiers.
- Provide the manager with any information requested to enable him to carry out his duties.
- Take reasonable care to avoid causing damage to the property and its contents.
- Store and dispose of refuse in accordance with the arrangements made by the manager.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

Under Regulation 11, the manager is not expected to carry out any works or actions with respect to the supply of water, gas or electricity or to the drainage of the house where responsibility for a particular fault or problem lies with either the local authority or the supply company. The manager is however expected to bring any such faults or problems to the attention of the appropriate person, authority or company as necessary as soon as he becomes aware of the matter (for example a blocked sewer or power failure).

It is an offence not to comply with these regulations. A person who is convicted of such an offence may be fined an unlimited amount or the Council may seek to impose a civil penalty of up to £30,000. This applies to both the manager of a property and to the occupiers as appropriate.

4.2 Management Arrangements and Competency of the Manager

Management Arrangements

Before issuing a licence, the Council must be satisfied that the management arrangements for the property are satisfactory and that the person involved in the management is a fit and proper

person and competent to do so. Where there are any concerns over the competency of the manager, the Council can require that he / she attends an approved training course as a condition of a licence. Management arrangements will obviously be different for each property, depending upon the age, size and type of house, the number and the type of tenants and the type of accommodation provided. However, the sort of issues for which arrangements should be in place are as follows:

- Procedure for tenants to report any repairs.
- Procedure for ensuring that any repair work or general maintenance work is carried out.
- Ensure that sufficient funds are available to enable emergency repairs to be carried out.
- Procedure for checking that the emergency lighting and the fire detection and warning devices are in good working order.
- Ensure that all tenants are made aware of the fire safety procedures and the proper use of fire safety installations.
- Procedure for ensuring that the escape routes are kept free from obstructions.
- Arrangements to ensure that the gas installation and all appliances are kept in safe and good working order.
- Arrangements to ensure that the electrical installation and appliances are kept in a safe and good working order.
- Ensure that tenancies are created and terminated in accordance with the law.
- Ensure that the common areas such as shared kitchens, bathrooms, entrance hallway and stairwells are kept clean and in good order.
- Ensure satisfactory arrangements are in place for the storage and collection of refuse.
- Ensure that the front and rear yards, gardens and fencing are kept in good order.

4.3 Financial Arrangements. The Council may also assess that suitable financial arrangements are in place before a licence can be issued. Again, these will vary from property to property but, in the majority of cases, the manager will need to demonstrate that arrangements have been made for the following:

- Financing the cost of repairs and general maintenance
- Receiving rents
- Receiving and handling deposits
- Paying the mortgage (if appropriate)
- Paying the Council Tax (if appropriate)
- Paying utility bills (if the owners responsibility)

For larger hostel type premises further financial arrangements may need to be in place, such as:

- To hire and pay staff such as caretakers, cooks, cleaners etc
- To purchase food and other supplies

4.4 Terms of Occupation

When a licence is issued by the Council it will contain a number of conditions, some of which are mandatory for all licences and others will be specific to that particular property. One of the mandatory conditions is a requirement of the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

In many cases the landlord may already have fulfilled this requirement by the provision and signing of a Tenancy Agreement at the start of each tenancy. It is important that any such statement or tenancy agreement contains certain information, as listed below: (references to licence or licensee below relate to a persons occupation of a property and not to the property licence).

- Name of tenant(s) or licensee and address of property

- Name and address of landlord(s)
 - Name and address of agent (if any)
 - Tenancy or licence start date
 - Amount of deposit paid, how held and terms of return
 - Inventory of items supplied by landlord e.g. furniture
 - Length of tenancy, if a fixed term tenancy
 - Amount of rent and how often due
 - Arrangements for payment/collection of rent
 - Recording of rent i.e. Rent book or receipt
 - How and when rent can be increased
 - Responsibility for payment of Council Tax, Water Rates and fuel bills
 - Repairing obligations for both parties
 - Arrangements for reporting repairs
- A statement as to expected standards of behaviour of tenants and their visitors. For instance prohibiting use of the premises for illegal activities, not playing loud music -- particularly late at night, not holding parties involving excessive noise or numbers of people, not using the premises for illegal business e.g. car repairs or second hand car sales.
 - The consequences of failing to abide by these prohibited behaviours.
 - Tenants right to quiet enjoyment of the property.
 - Ending a tenancy – notice requirements on both parties, including the need for a Possession Order and a Warrant before eviction. Procedure for ending a term of occupation under a licence.
 - Landlords right of access into the property
 - Duty of the tenant to enable the landlord to perform his management responsibilities
 - Duty of the tenant to avoid causing unnecessary damage to the property and its contents
 - Duty of the tenant to store and dispose of refuse as arranged by the landlord and in accordance with local authority arrangements for refuse collection.
 - Duty of the tenant to comply with the landlords reasonable instructions in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

There is a procedure to be followed to terminate any tenancy. It is a criminal offence to either illegally evict or to harass a tenant so as to cause them to leave a property, for example threatening them or cutting off supplies of fuel or water.

The Council will take legal action against anyone committing harassment or illegal eviction. In addition, the HMO licence may be revoked and a Management Order may be made whereby the Council will take over the day to day management of the property, including receipt of the rent.

4.5 Temporary Exemption Notices

If a landlord or a person in control of a licensable property intends to stop operating as an HMO or reduce the number of occupants and can give clear evidence of this then he or she can apply for a Temporary Exemption Notice (TEN). Where occupation levels are to be reduced, the tenants being displaced must confirm (in writing if possible) that they intend to vacate the property. Where it is intended that a property will cease to be in multiple occupation, the landlord must be able to provide evidence that any existing tenants have made suitable alternative housing arrangements and that they will have moved out within 3 months from the date of application for the TEN. If necessary, consideration may be given to issuing a further TEN for another 3 months but each case will be considered separately. A person who applies for a TEN but is refused may appeal to the Residential Property Tribunal within 28 days.

Upon expiry of a TEN, the property must either be licensed, cease to be an HMO, be no longer licensable or become subject to an Interim Management Order.

4.6 HMO Declarations

The Council may declare a building or part of a building to be an HMO if it is used for some other purpose but the living accommodation is also occupied, by persons who do not form a single household, as their main residence and this constitutes a significant use of that accommodation. This may be most commonly used for premises operating as bed & breakfast type establishments where a number of rooms are also used to house people who would otherwise be homeless.

Such use will be deemed as significant if 25% or more of the total number of sleeping rooms are occupied by persons in receipt of housing benefit or paying a weekly or monthly rent as opposed to an overnight charge. In order to make such a declaration the Council must serve a notice on the owner and/or manager of the premises who will have the right to appeal to a residential property tribunal within 28 days.

If no appeal is made the premises will be deemed to be an HMO and may require to be licensed. If circumstances change and the premises is no longer occupied in a similar manner, the Council may revoke the declaration, either by its own initiative or on application by the owner or manager.

4.7 Regulatory Powers

Offences

It is an offence if a landlord or the person in control of a property either fails to apply for a licence for a licensable property or allows a property to be occupied by more people than are permitted under the licence without reasonable excuse. A civil penalty of up to £30,000 or an unlimited fine on following a conviction may be imposed.

It is also an offence to break any of the licence conditions without reasonable excuse and conviction can result in similar penalties as above.

Interim Management Orders

Where the condition of a property is such that it presents an imminent risk to the health and safety of the occupiers or if a landlord fails to apply for a licence or bring a HMO up to the required standard, or fails to meet the fit and proper person criteria, the Council can issue an Interim Management Order (IMO), which allows it to step in and manage the property. The owner keeps their rights as an owner but the rental income will be collected by the Council and can be used to fund repairs and other charges incurred in managing the property. The order can last for a year but once it has expired the Council must decide whether a licence can now be issued or whether to make a Final Management Order (FMO).

An IMO can also be issued if the Council intends to revoke a licence and it is necessary to make the order to protect the health, safety and welfare of the occupants of the property.

Final Management Orders (FMO)

A Final Management Order (FMO) cannot be made unless immediately beforehand an IMO or another FMO was in force. A Final Management Order lasts for a maximum of five years but can be renewed. It transfers the management of the house to the Council for the duration of the order. As with an IMO the owner retains rights as an owner but the Council will collect the rental income to fund repairs and other charges incurred in managing the property and may also create new tenancies without the owner's agreement. The Council would need to produce a written management scheme detailing how it would intend to manage the property during the period the FMO was in force.

A person who is aggrieved by the making of a FMO may appeal to the Residential Property Tribunal within 28 days.

Rent Repayment Orders

A tenant living in a HMO that should have been licensed, but was not, can apply to the Residential Property Tribunal to claim back any rent they have paid during the unlicensed period (up to a limit of 12 months). The Residential property tribunal must make such an order if the landlord has been found guilty of the offence of failing to obtain a licence or where an order has already been made in favour of a local authority to claim back housing benefit payments.

Councils can also reclaim any housing benefit that has been paid during the time the property was without a licence where a landlord has been found guilty of the offence of failing to obtain a licence or if the Council has sufficient evidence that an offence has been committed.

Housing Standards and Improvement,
First Floor
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Darwall Street
Walsall
WS1 1TP

01922 652171

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Houses in Multiple Occupation Adoption of Minimum Property and Management Standards.													
Directorate	Change and Governance													
Service	Money Home Job													
Responsible Officer	Paul Gordon													
EqIA Author	David Lockwood													
Proposal planning start	29 November 2017	Proposal start date (due or actual)	February 2018 (from date of cabinet)											
1	What is the purpose of the proposal?		Yes / No											
	Policy		Yes											
2	What are the intended outcomes, reasons for change? (The business case)													
	<p>Walsall Council is a key member of the West Midlands Homestamp Partnership (Homestamp) which works with private landlords and others in the sector with the aim of improving the quality of privately rented dwellings. Other key partners include; West Midlands Fire Service; the National Landlords Association and; the Association of Residential Letting Agents.</p> <p>Homestamp developed a series of minimum property and management standards for Houses in Multiple Occupation (HMOs) which are used by Councils in the West Midlands. A number of Council's (Birmingham, Coventry and Wolverhampton) have formally adopted the standards and as such use them in responses to town planning consultation and when working directly with landlords and tenants. Through council adoption the standards can also be formally enforced under the Housing Act 2004.</p> <p>The proposal is to adopt the Homestamp Standards. This scheme is expected to have positive equal opportunities implications in that it seeks to address key issues relating to substandard private sector accommodation, and as such seeks to target resources towards improving the lives of financially disadvantaged or vulnerable households living in non-decent homes.</p> <p>The impact of deprivation in private renting is shown in a range of factors for example, the disproportionately high level of enquiries to the Council's specialist debt advice service in Money Home Job. The table below shows the rates of enquiries for help for private tenants where tenure is recorded.</p> <table border="1" data-bbox="1102 1727 1477 1850"> <thead> <tr> <th></th> <th>2014</th> <th>2015</th> <th>2016</th> </tr> </thead> <tbody> <tr> <td>% of Debt Enquiries from private tenants</td> <td>16%</td> <td>18%</td> <td>22%</td> </tr> <tr> <td>Estimated level of private renting in Walsall (2011 census)</td> <td>12%</td> <td>12%</td> <td>12%</td> </tr> </tbody> </table>				2014	2015	2016	% of Debt Enquiries from private tenants	16%	18%	22%	Estimated level of private renting in Walsall (2011 census)	12%	12%
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% of Debt Enquiries from private tenants	16%	18%	22%											
Estimated level of private renting in Walsall (2011 census)	12%	12%	12%											
3	Who is the proposal potential likely to affect?													
	People in Walsall	Yes / No	Detail											

	All	N	Only occupants of HMOs.	
	Specific group/s	Y	Only occupants of HMOs.	
	Council employees	Y	If they are occupants of HMOs.	
4	Evidence, engagement and consultation (including from area partnerships, where relevant)			
4.1	The Policy was developed via a regional working group of various interested parties including national landlord associations and council officers as well as the Fire Service and student bodies.			
4.2	Concise summary of evidence, engagement and consultation (including from area partnerships, where relevant)			
	As above			
5	How may the proposal affect each protected characteristic or group? The effect may be positive, negative or neutral.			
	Characteristic	Effect	Reason	Action needed Y or N
	Age	Positive	As highlighted in 2 above the impact of improved standards within HMO accommodation will lead to improvements in health and wellbeing of tenants of the same properties. Promotion of the new standards will take place via the website and via agencies such as Walsall AgeUK, the Fire Service and Nashdom	N
	Disability			
	Gender reassignment			
	Marriage and civil partnership			
	Pregnancy and maternity			
	Race			
	Religion or belief			
	Sex			
	Sexual orientation			
6	Does your proposal link with other proposals to have a cumulative affect on particular equality groups? If yes, give details below.			No
7	Which justifiable action does the evidence, engagement and consultation suggest you take? (Bold which one applies)			
	A	No major change required		