



**Mandatory Licence Conditions ..... 2**

Condition 1	Gas Safety.....	2
Condition 2	Safety of Electrical Appliances and Furniture .....	2
Condition 3	Fire Detection .....	3
Condition 4	Carbon Monoxide alarms .....	3
Condition 5	Tenancy Agreement.....	4

**Discretionary Licence Conditions ..... 6**

Condition 6	Management Regulations.....	6
Condition 7	Management of Property – Licence Holder Conduct.....	6
Condition 8	Occupation .....	8
Condition 9	Antisocial Behaviour.....	8
Condition 10	Safeguarding vulnerable people (Children and Adults) .....	9
Condition 11	Safety of electrical installations .....	10
Condition 12	Facilities and Equipment.....	11
Condition 13	Means of Escape from Fire and Other Fire Precautions.....	12
Condition 14	Timescale to abide by conditions .....	13

**Houses in Multiple Occupation Amenity Standards .....14**

1.0	Heating .....	14
2.0	Washing facilities.....	15
3.0	Natural Lighting.....	17
4.0	Artificial Lighting .....	17
5.0	Ventilation .....	17
6.0	Water Supply .....	18
7.0	Facilities for Storage, Preparation and Cooking of Food.....	18
8.0	Fire Safety .....	20
9.0	Space standards.....	21



## **Mandatory Licence Conditions**

Darlington Borough Council 'the Council' may at any reasonable time, visit and inspect the licensed premises to check for compliance with the conditions of this Licence. The Licence Holder must ensure that all reasonable requests for access to the property are met and such access is granted.

### **Condition 1 Gas Safety**

*Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.*

*(Housing Act 2004 Schedule 4 1(2))*

- i) This certificate shall be submitted annually and comply with the Gas Safety (Installations and Use) Regulations 1998 (as amended).
- ii) The Licence holder shall ensure that an annual safety check is carried out by a registered engineer approved under the Gas Safety (Installations and Use) Regulations 1998, as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018, on each gas appliance/flue in the house and shall submit to the Local Authority a valid gas safety certificate in respect of the house and thereafter within four weeks of each check being completed.

### **Condition 2 Safety of Electrical Appliances and Furniture**

- (a) To keep electrical appliances and furniture made available by him in the house in a safe condition;*
- (b) To supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.*

*(Housing Act 2004 Schedule 4 1(3))*

- i) The Licence Holder must ensure that all electrical appliances in the house supplied by them are maintained in a safe condition.
- ii) The Licence holder shall ensure that all electrical appliances made available in the house by them are inspected visually for defects (e.g. frayed wiring, badly fitting plugs etc) at the beginning of each occupancy, regularly thereafter and in any event every two years.
- iii) The Licence holder shall ensure that earthed equipment made available by them are tested at the point of supply and at least every two years thereafter (more often if deemed necessary by a risk assessment undertaken by the Licence holder). This test shall be undertaken by a person competent in the use of the testing equipment and who has the appropriate electrical knowledge and training.

- iv) The licence holder shall ensure that the Electrical Equipment (Safety) Regulations 1994 (or any Regulations which subsequently replace these) are complied with.
- v) The licence holder will be required to ensure that all portable electrical appliances and furniture, other than those supplied by the occupiers, are kept in a safe condition.
- vi) The licence holder shall ensure that any upholstered furniture provided, whether new or second-hand, complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988, as amended.
- vii) The Licence holder shall ensure that a record of visual inspections and tests is maintained.
- viii) The licence holder shall ensure that unsafe electrical appliances are removed from the property.
- ix) If requested by the Local Authority, the licence holder will be required to supply a declaration as to the safety of electrical appliances and furniture.

**Condition 3 Fire Detection**

*Conditions requiring the licence holder—*

- (a) *to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and*
  - (ii) *to keep each such alarm in proper working order;*
- (b) *to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.*

*(Housing Act 2004 Schedule 4 1(4))*

- i) The licence holder must ensure that a fire detection system, which includes smoke alarms, is installed in the property and that the system is kept in proper working order.
- ii) The Local Authority may request that the licence holder supplies a declaration that the detection is in proper working order and require details of the positioning of such alarms.
- iii) If requested by the Local Authority, the licence holder will be required to supply a certificate for the fire detection system.

**Condition 4 Carbon Monoxide alarms**

*Conditions requiring the licence holder—*

- (a) *to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;*
- (b) *to keep any such alarm in proper working order; and*
- (c) *to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.*

*(Housing Act 2004 Schedule 4 1(4))*

- i) The licence holder must ensure that the carbon monoxide alarm is installed in the property and that the system is kept in proper working order.

- ii) The local authority may request that the licence holder supplies a declaration that the carbon monoxide alarm is in proper working order and require details of the positioning of such alarms.

## **Condition 5 Tenancy Agreement**

*Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.*

*(Housing Act 2004 Schedule 4 1(5))*

- i) The licence holder must ensure that all occupants are supplied with a tenancy agreement, an agreed statement of the terms on which they occupy the house. This statement should ensure that each occupier is made aware of any conditions imposed by the Council relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of occupancy.

These conditions are that the occupants shall:

- a. not use the house or allow others to use the house in a way which causes a nuisance, anti-social behaviour, annoyance or damage to neighbouring, adjoining or adjacent property; or to the owners or occupiers of those properties. This includes any nuisance caused by noise;
  - b. not leave the property unoccupied for more than 28 days without providing the Licence Holder and/manager with reasonable notice;
  - c. comply with arrangements made by the manager, owner or Licence Holder, for the storage and disposal of refuse and household waste;
  - d. not cause damage to fixtures, fittings, fire precautions, or premises and if so damaged to make good all damage that may occur during the term of occupation that are the responsibility of the tenant;
  - e. permit the Licence Holder and/or manager or their agents or contractors upon giving at least 24 hours' notice in writing (except in emergencies) to enter the house at all reasonable times for the purpose of inspection;
  - f. Not use common areas, including shared living rooms, kitchens, hallways etc. of the house for sleeping, either by tenants or their guests.
- ii) The licence holder shall ensure that notification in writing is given to all occupants at the beginning of their occupancy of the arrangements in place to deal with emergencies and other repairs.
  - iii) The Licence Holder must ensure that they conduct their obligations and responsibilities to the occupants in accordance with landlord/tenant law and that:
    - a. Occupants are aware of the obligations and procedures for requesting repairs and of landlord/tenant rights regarding access to carry out repairs;
    - b. Occupants are aware of what services rental payment includes, the consequences of non-payment, the procedures relating to deposits and the calculation of refunds at end of tenancy;
    - c. The licence holder shall ensure that all deposits are handled and processed in compliance with the Tenancy Deposit Guarantee Scheme;
    - d. Legal binding agreements and other documentation relating to the occupants use and occupation of the house are fair, clear and concise and the contents are explained to, and understood by, the occupants;
    - e. Where documents are to be signed by the occupants, a copy is to be provided to them within 14 days of this signature being obtained;

- f. Vacant possession is sought only using the appropriate notices and lawful possession procedures.
  - g. Occupants have quiet enjoyment of their accommodation;
- iv) Where an occupier does not have a written tenancy agreement a reasonable notice period of at least 28 days must be provided by the landlord to end the occupation or with the mutual agreement of the occupier and the landlord, where the occupier has been resident for more than 30 days.
- v) Where occupation is by licence the HMO Licence Holder/property manager maintains a daily register of occupancy recording the numbers of occupants and their full names, such register to be available for production on request at the premises at any reasonable time.

## **Discretionary Licence Conditions**

*A licence may include such conditions as the local housing authority consider appropriate for regulating all or any of the following-*

- *the management, use and occupation of the house concerned, and*
- *its condition and contents.*

(Housing Act 2004 Part 2 Section 67 (1))

### **Condition 6 Management Regulations**

- i) The person responsible for a House in Multiple Occupation shall not knowingly or without reasonable excuse persistently contravene The Management of Houses in Multiple Occupation (England) Regulations 2006 - or any Regulations, which subsequently replace these - and any Approved Code of Practice issued under section 233 of the Housing Act 2004.

(A copy of The Management of Houses in Multiple Occupation (England) Regulations 2006, can be found in the appendix of this document).

NOTE: A House in Multiple Occupation (HMO) should be managed at all times so as to comply with the above regulations. All HMO landlords and managers are expected to be familiar with these regulations and act in a manner so as not to knowingly or without reasonable excuse contravene them.

It is expected that landlords/managers carry out inspections of any shared facilities and areas in their premises on a weekly basis to ensure compliance with these regulations.

### **Condition 7 Management of Property – Licence Holder Conduct**

- i) The licence holder must ensure that any persons involved with the management of the house including themselves to their best knowledge are “fit and proper persons” for the purposes of the Act. Any change in these circumstances shall be notified to the local authority in writing.

NOTE: Knowingly failing to provide information, or providing false information, required for an application for Licensing or failure to notify the Council of any change of circumstances, may result in prosecution

- ii) The licence holder must consult with the Local Authority before making any material changes to the layout, amenity provision, fire precautions or mode of occupation of the house.
- iii) A condition of the licence is that the licence fee is paid in full on demand of the Local Authority.
- iv) The licence holder must advise the Council immediately if there will be a transfer of ownership OR management of the house.
- v) The Licence Holder shall always nominate a representative to act on their behalf on occasions of their holidays, illness or other temporary absence. The occupiers shall be made aware of any such arrangements and be given contact details, updated as necessary.

- vi) Should the Licence Holder intend to be absent from the UK for a period of more than 1 month, they should notify the Council, and provide in writing, alternate contact details of a suitable person who will act on their behalf.
- vii) The licence Holder must ensure that any persons involved with the management of the house are to their best knowledge "fit and proper persons" for the purposes of the Act.
- viii) The licence holder must ensure that a copy of the licence is clearly displayed within the common parts of the house for the benefit of all tenants. The schedule of licence conditions must also be provided for viewing by any occupier upon request or may be displayed adjacent to the licence.
- ix) The licence holder must display within the common parts of the house his/her contact details together with those of any manager or agent appointed in connection with the running of the house.
- x) The licence holder will be required to ensure that there are sufficient measures in the property to provide a secure environment for the occupiers.

NOTE: These measures should not affect the fire precautions in place within the property i.e. all accommodation doors and final exit doors are to be fitted with locks with a thumb turn device on the inside of the door.

- xi) The person responsible for a House in Multiple Occupation shall maintain it in a reasonable state of repair having regard to its age, character and locality. The licence holder must ensure that the house is maintained free from serious disrepair and to ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.
  - a) The Licence Holder must ensure that appropriate procedures are put in place to respond to general repairs within an appropriate period of any initial notification according to the nature and extent of the reported defect.
  - b) The Licence Holder must ensure that appropriate procedures are put in place to respond to emergency repairs within a period of 24 hours of any initial notification and that sufficient funds are available at all times to finance such emergency repair work. Emergency repairs work shall include the following:
    - Any leaking water or waste pipe, tank, cistern or boiler leading to severe dampness or flooding within the premises;
    - Failure of the automatic fire detection and warning system;
    - Failure of the electricity, gas or water supplies resulting from any defect which is the responsibility of the Licence Holder to rectify, such as failure of the landlords supply;
    - Making secure any window or door which has been left insecure following a break-in;
    - Failure of the heating to all or part of the house;
    - Blockage of any drain soil pipe or water closet leading to ingress of sewage within any part of the house or the flooding of any yard, passageway or path providing direct access to the house; and
    - Damage to roof coverings and/or associated rainwater goods leading to severe rainwater penetration within the house.
- xii) The licence holder shall ensure that the common areas of the property are kept in a clean any tidy condition.

- xiii) The licence holder shall ensure that at all times gardens, yards and other areas within the curtilage of the house are kept in a clean and tidy condition, there should be no waste, litter or rodent infestations.
- xiv) The licence holder shall ensure that suitable and adequate arrangements for the storage of household waste and recyclable waste generated at the property between collections, such that bags or loose refuse are not exposed for a period longer than 24 hours prior to its collection. There shall be provided and maintained in a convenient and accessible position an adequate number of suitable refuse containers, so sited as to be readily accessible to the refuse collection service.
- xv) The licence holder shall comply with any scheme which is provided by the Council to the licence holder and which relates to the storage and disposal of household waste at the property pending collection.
- xvi) The Licence Holder and/or manager must, if required by the Council, attend any training courses as deemed relevant.

### **Condition 8            Occupation**

*Conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;*

*(Housing Act 2004 Part 2 Section 67 (2)(a))*

- i) The licence holder is to comply with the relevant section of enclosed Houses in Multiple Occupation Amenity Standards.
- ii) Overcrowding should not be permitted, each bedroom shall not be occupied by more than either -
  - An adult couple (living as a couple);
  - Any single person aged 16 or over;
  - Any two people under 16 of the same sex;
  - Any two children regardless of sex under the age of 10.
- iii) The licence holder must not permit the house to be occupied by more than the number of individuals and households specified in the licence for the permitted floor area.
- iv) Alternative accommodation, including the use of temporary accommodation such as caravans is not to be used for any length of accommodation within the curtilage of the licensed property.
- v) The licence holder must ensure that common areas, including shared living rooms, kitchens, hallways etc. of the house are not used for sleeping, either by tenants or their guests.

### **Condition 9            Antisocial Behaviour**

*Conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;*

*(Housing Act 2004 Part 2 Section 67 (2)(b))*



- i) The licence holder must take reasonable practical steps to prevent or where appropriate reduce, antisocial behaviour by persons occupying or visiting the house. They must also reasonably co-operate with the Council's Anti-Social Behaviour team and the Police.
- ii) The licence holder shall ensure that each future occupier is made aware of any conditions imposed by the Local authority relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of occupancy.
- iii) The licence holder must ensure that all occupants are supplied with an agreed statement of the terms on which they occupy the house. This statement should ensure that each occupier is made aware of any conditions imposed by the Council relating to the behaviour of occupants, and that compliance with any such conditions is made a condition of occupancy.
- iv) The licence holder will ensure that if he is the direct landlord of the occupants that he will take all appropriate legal action to remedy any breach by the occupants of their terms and conditions that apply to their use and occupation of the property. In particular in relation to condition (i) above, and if appropriate, serve appropriate legal notices to terminate the occupation agreement and to commence within a reasonable period of time possession proceedings. If the Licence Holder is not the landlord of the house, he will ensure that any legal binding agreement he has with a manager of the house ensures that the manager has a similar obligation.
- v) The licence holder must reasonably co-operate with the licensing authority over any action being taken in respect of anti-social behaviour and must invoke appropriate tenancy agreement sanctions where necessary.
- vi) The licence holder must ensure that the correct legal procedure is followed when bringing any tenancy or Licence to an end. (Licence in this context refers to the status of an occupier as a licensee and not to the property Licence).

NOTE: The Housing Act 2004 defines 'anti-social behaviour' as:  
'Conduct on the part of the occupiers of, or visitors to, residential premises-

- o Which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises; or which involves or is likely to involve the use of such premises for illegal purposes.'
- vii) The licence holder shall make reasonable provisions to enable the occupiers of the property, the Council and any other persons who may be affected, to contact the licence holder or a representative to report an urgent problem or emergency situation.
- viii) The licence holder or other nominated person shall have sufficient authority to authorise expenditure on repairs or other emergency actions without delay and should be authorised to deal with any anti social behaviour problems linked to the property.

#### **Condition 10**

#### **Safeguarding vulnerable people (Children and Adults)**

- i) The licence holder must ensure that all persons have the right to live their lives free from violence and abuse by -
  - a) Having a system in place to identify and refer people who may be able to receive services through the Darlington Borough Council Supporting people procedures or Safeguarding Adults and Child Protection procedures.

- b) Reporting all concerns of abuse or neglect where there are concerns relating to significant harm which are received or noticed about Child Protection, and or Safeguarding Adults, this may include incidences of domestic abuse and hate crime.
- ii) The licence holder must reasonably co-operate with the licensing authority over any action being taken in respect of abuse and neglect and must invoke appropriate tenancy agreement sanctions where necessary.
- iii) The licence holder, manager and any other staff who interact with residents must undertake specific training regarding Darlington's Safeguarding Adults and Children's Procedures as required.

NOTE : Adults most at risk of abuse are those individuals aged 18 years and over, who may be in need of extra support because they are elderly or have a learning disability, physical impairment, sensory impairment, or a mental health problem and who are, or may be, unable to take care of themselves or unable to protect themselves against harm.

A Child is anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate for children and young people, does not change his or her status or entitlement to services or protection under the Children Act 1989.

Darlington Safeguarding Procedures and current contact details can be found at

<http://www.darlingtonsafeguardingboards.co.uk/>

### **Condition 11 Safety of electrical installations**

- i) The Licence holder shall ensure that the electrical installation in the house is kept safe and in proper working order.
- ii) The Licence holder shall provide to the Local Authority a copy of a valid Electrical Condition Report (EICR) relating to the following installations, where applicable, in the house: -
  - a) Fire Alarm System
  - b) Smoke/Heat Detection System
  - c) Emergency Lighting System
  - d) General Electrical Installation
- iii) The Licence holder shall ensure that a full periodic inspection of the electrical installation in the house is undertaken in accordance with BS 7671 (or any British Standard which subsequently replaces this) at intervals of no more than 5 years. The Licence holder shall ensure that this report is issued by a competent person.

NOTE: The overall assessment section(s) of the report should describe the overall condition as either 'satisfactory'.

- iv) The Licence Holder must provide to the Local Authority on demand a current periodic electrical inspection certificate for the premises in accordance with British Standard 7671.
- iv) The Local Authority may, at its own discretion, request the provision of a further full Electrical Condition Report (EICR) when the following circumstances apply: -

- a) substantial change in property configuration.
  - b) fire damage.
  - c) extensive vandalism.
  - d) evidence of regular/frequent poor property management by the responsible person responsible.
- v) If, at the time of routine inspection of the property by staff from the Local Authority, there are no causes for concern for the serviceability and general condition of the electrical installation as a whole, but there is evidence of localised damage or interference with an installation within a specific let, certification may be required for specified areas following remedial works have been completed.

NOTE: Electrical safety is of paramount importance especially when supplying power to fire detection and alarm systems. To ensure all electrical systems are safe and operating correctly, an annual check by a competent electrical engineer is required. I would strongly recommend that any remedial work is carried out by a competent person who is able to issue the necessary Certificate. Proof of the qualifications may be requested by the Local Authority.

## **Condition 12 Facilities and Equipment**

*Conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65;*

*Conditions requiring such facilities and equipment to be kept in repair and proper working order;*

*(Housing Act 2004 Part 2 Section 67 (2) (c) and (d))*

NOTE: The Prescribed standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons as contained in Schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, which have been defined in italics.

The Licence Holder must ensure that the house is compliant with Darlington Borough Council's Approved Standards for HMOs and any amended or subsequent replacement standards, according to the type of accommodation offered.

These standards will be reviewed periodically to ensure that they remain appropriate to the type of HMO accommodation within the Local Authority's area and needs of residents. A copy of the standards adopted by Darlington Borough Council at the time of issue of this Licence is included with this Licence.

### **Condition 13            Means of Escape from Fire and Other Fire Precautions**

- i)            The Licence Holder must ensure that the premises are provided with a satisfactory means of escape from fire according to the size, layout and type of accommodation provided.
- ii)           The Licence Holder must ensure that all furniture supplied by them in the house is compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). The Licence Holder shall supply to the Local Authority, on demand, a declaration relating to the safety of all such appliances and furniture. Any such furniture which fails to comply with these regulations must be removed from the premises without delay and properly disposed of. Suitable replacement furniture must be provided as appropriate.
- iii)           The Licence Holder shall produce upon request to the Local Authority, a copy of the current Fire Risk Assessment carried out as required by the Regulatory Reform (Fire Safety) Order 2005.
- iv)           The Licence Holder shall ensure that an explanation is given to each tenant at the beginning of their occupancy regarding all fire precaution and facilities provided in the house. This should include, but is not limited to, understanding the alarm, the importance of fire doors and protecting the escape route, keeping the escape route free of obstructions and the use of fire fighting equipment. Following receipt of such instruction, each tenant must sign a declaration of understanding. A copy of this declaration of understanding must be submitted to the Local Authority within 7 days of a request being made.
- v)            The licence holder will ensure that electricity supplies to automatic fire detection and emergency lighting systems (where fitted) are not disconnected or threatened with disconnection due to non-payment of monies owed to the relevant statutory undertaker.
- vi)            The licence holder must ensure that a mains wired automatic fire detection alarm system is installed in the premises in accordance with the appropriate category and grade of the current British Standards is maintained and in proper working order.
- vii)           The licence holder must ensure that (where deemed necessary) an emergency lighting system is installed within the communal fire escape route of the premises in accordance with the current British Standards and maintained in a proper working order.
- viii)           The licence holder must provide to the Local Authority, on demand, a declaration as to the condition of the emergency lighting system and the fire detection alarm system. Such declarations must include the provision of test certificates or reports issued by a suitably qualified person stating that the systems are installed in accordance with the appropriate British Standard and are in proper working order.
- ix)            The licence holder must ensure that all fire fighting equipment, where provided, is maintained in accordance with the manufacturers recommendations and that replacement or refilled equipment is provided without delay following any usage which renders it no longer effective.
- x)            The licence holder must ensure the fire protected route of escape is kept clear of any obstruction.

**Condition 14          Timescale to abide by conditions**

*Conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standards, that the works are carried out within such period or periods as may be specified in, or determined under, the licence;*

(Housing Act 2004 Part 2 Section 67 (2) (e))

- i) Time scales shall be agreed with the licence holder but in any case no more than 18 months from the licence being issued.



## Houses in Multiple Occupation Amenity Standards

### 1.0 Heating

- 1.1 Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.
- 1.2 Heating should be provided in every habitable room and bathroom which is capable of maintaining a 21 degrees Celsius (°C) temperature difference with the external air when the outside temperature is -1°C. (The provision of insulation can assist in meeting this standard.)
- 1.3 Such heating provision must be capable of being used at any time.
- 1.4 Heating should be provided in every habitable room and bathroom which is capable of maintaining a 21 degrees Celsius (°C) temperature difference with the external air when the outside temperature is -1°C. (The provision of insulation can assist in meeting this standard.)

Such heating provision must be capable of being used at any time.

Heating may be by means of:

- a. Central Heating, each radiator serving a habitable room is be provided with a thermostatic radiator valve, OR
- b. Oil heaters connected to a suitable flue and terminal outlet, OR
- c. Wall mounted electric panel heaters with timers and electronic thermostats. Any electrical heater should a fixed installation and connected via a fused spur for the sole use of the appliance, unless installation specifications indicate otherwise. The heater should be adequately sized for the room.
- d. Solid fuel should only be permitted on the ground floor where it can be shown that there is adequate fuel storage and that there will not be any risk to safety from the removal of hot ashes. Use of the appliance will be exclusive (unless included in the rental or charge for accommodation). A carbon monoxide alarm is required in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.

Should you wish to install alternative heating system please contact to discuss prior to installation.

- 1.5 Portable or removable heating appliances will not be acceptable. The use of portable paraffin or oil fires heaters and liquefied petroleum gas heaters (LPG) (Bottled Gas heaters) shall not be acceptable under any circumstances.

## **2.0 Washing facilities**

- 2.1 All bathrooms in an HMO must be suitably and adequately heated and ventilated.
- 2.2 Heating provisions are detailed in section 1.0 above.
- 2.3 All bathrooms and toilets in an HMO must be of an adequate size and layout.
- 2.4 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.
- 2.5 All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.
- Suitably located bathrooms means that there shall be bathroom facilities not more than one floor distant in relation to the sleeping accommodation.
  - Suitably located toilet means that there shall not be more than one floor distance from living and sleeping accommodation.
- 2.6 All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
- 2.7 Hot water may be provided by any of the following methods:
- i. Piped from boiler and storage
  - ii. Immersion heater
  - iii. Fixed gas appliance e.g. multipoint
  - iv. Instantaneous electric heaters (only to wash hand basins and electric showers) having a minimum rating of 6KW.
- 2.8 Where all or some of the units of living accommodation in a HMO do not contain bathing and toilet facilities for the exclusive use of each individual household; facilities and amenities should be supplied as follows:
- Where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet with wash hand basin, with appropriate splash back (which may be situated in the bathroom);
  - Where there are five or more occupiers sharing those facilities there must be:
    - One separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers; and
    - At least one bathroom (which may contain an additional toilet) with a fixed bath or shower for every five sharing occupiers;
    - Where there are five or more occupiers of an HMO, every unit of living accommodation must contain a wash hand basin (see Table 1) with appropriate splash back.

Table 1 outlines the requirements relating to the provision of amenities as detailed above.

<b>TABLE 1 Schedule of amenity provisions in relation to number of persons</b>	
1-4 persons	No requirement for wash hand basins in sleeping rooms At least 1 bathroom and 1 WC (the bathroom and WC may be combined)
5 persons	1 WHB required in each sleeping room plus ( <i>See NOTE</i> ) 1 bathroom AND 1 separate WC with WHB (but the WC & WHB can be contained within a second bathroom)
6-10 persons	1 WHB required in each sleeping room plus ( <i>See NOTE</i> ) 2 bathrooms AND 2 separate WCs with WHBs (but one of the WCs & WHB can be contained within one of the bathrooms)
11-15 persons	1 x WHB required in each sleeping room plus ( <i>See NOTE</i> ) 3 bathrooms AND 3 separate WCs with WHBs (but two of the WCs & WHB can be contained within 2 of the bathrooms)

NOTE: For Category B HMOs - houses occupied on a shared basis - where the property is provided with a sufficient number of WCs and bathrooms which have wash hand basins installed the Council will not require the provision of a wash hand basin in every sleeping room.

This does not preclude the Council requiring such provision if deemed necessary following an assessment under the Housing Health and Safety Rating System.

2.9 Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned above, an enclosed and adequately laid out ventilated room with a toilet and bath or boxed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either:

- a) Within the living accommodation; or
- b) Within reasonable proximity to the living accommodation

Reasonable proximity to the living accommodation shall mean no more than one floor distance from the living accommodation.

2.10 All baths, showers and wash hand basins in a HMO must be provided with an appropriate splash back.

2.11 Splash backs must be waterproof and easily cleanable and meet the following requirements:

- a) The splash back to a wash hand basin or bath shall be to all adjacent walls and be a minimum of 300mm high and extend to at least equal width of the bath/wash hand basin and all joints shall be adequately sealed.
- b) In the case of a shower whether in its own compartment or over the bath, the splash back shall be to all adjacent walls and be a minimum of 150mm above the height of the showerhead and up to the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend to 300mm beyond the shower curtain. All joints should be adequately sealed.



### **3.0 Natural Lighting**

- 3.1 All habitable rooms shall be provided with an area of clear glazing situated in either window and/or a door, equivalent to at least 1/10th of the floor area of the room.
- 3.2 All kitchens, bathrooms and water closet compartments shall comply with the point above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Condition 4.0, below. All glazing to windows in bathrooms and water closet compartments shall be obscure.
- 3.3 Underground rooms used as habitable rooms shall comply with 3.1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of 4.0 below, to the satisfaction of the Private Sector Housing Team.
- 3.4 All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Condition 4.0 below, to the satisfaction of the Private Sector Housing Team.

### **4.0 Artificial Lighting**

- 4.1 All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lit by electricity.
- 4.2 Timer switches should only be allowed to common landings, passages and staircases and should stay on for an adequate time to allow a person to climb the stairs and enter a room.
- 4.3 There should be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

### **5.0 Ventilation**

- 5.1 All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room.

NOTE: Neither an openable door giving access directly to the external air nor a louvered opening in such a door will be acceptable for the purpose of this requirement.

- 5.2 All kitchens, bathrooms and water closet compartments shall comply with 4.0 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 15 minutes and be connected to the lighting circuit of the room.
- 5.3 Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all dining/kitchen, kitchens, bathrooms, water closet compartments and any other rooms containing either cooking and/or washing facilities.

## **6.0 Water Supply**

- 6.1 Each separate occupancy shall be provided with a supply of cold running water suitable for drinking purposes either directly off the rising main or by such other means as are acceptable to the relevant water authority.
- 6.2 The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant water authority at all times.
- 6.3 All water supplies shall, where necessary, be protected from frost damage.

## **7.0 Facilities for Storage, Preparation and Cooking of Food**

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

- 7.1 There must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to enable those sharing the facilities to store, prepare and cook food;
- 7.2 The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities -

- a) Sinks with draining boards;

Sinks shall be at a ratio of one sink for 5 persons. Where 6 persons occupy a house, the provision of a double-bowled sink, or a dishwasher (in addition to a sink) may be treated as meeting this standard where the Local Authority considers that such provision adequately meets the occupiers' needs.

- b) An adequate supply of cold and constant hot water to each sink supplied;

Hot water may be provided by any of the following methods:

1. Piped from boiler and storage
2. Immersion heater
3. Fixed gas appliance e.g. multipoint
4. Instantaneous electric heaters having a minimum rating of 6kw with a 7 litre storage reservoir.

- c) Installations or equipment for the cooking of food;

Kitchens shall be equipped with cookers with a minimum of 4 rings, a standard sized oven and grill. They shall usually be provided at a ratio of one per 5 persons sharing the kitchen. Where an HMO is occupied by 6 persons the provision of a cooker with more than 4 rings and more than one oven, or a combination microwave oven (in addition to a cooker with 4 rings, an oven and a grill) may be treated as meeting this standard where the Local Authority considers such provision adequately meets the occupiers needs.

- d) Electrical sockets;

In addition to sockets provided for appliances required by these standards, a minimum of 2 double sockets should be provided and located in a safe and accessible position above worktop height. Sockets should be provided at a ratio of one double socket for every two persons using the kitchen to a maximum of four double sockets.

- e) Worktops for the preparation of food;

Worktops shall be a minimum of 500mm depth and a length of 2m per 5 persons using the kitchen, in addition to any work surface taken by an appliance, sink unit or cooker required to satisfy the standards set out at paragraphs 3.1 (b)(i) and (iii) above. A suitable splashback should be provided to any work surface that abuts a wall.

All worktops should be capable of being readily cleaned and should be securely fixed.

- f) Cupboards for the storage of food or kitchen and cooking utensils;

Each household shall be provided with an adequately sized cupboard for the storage of food and kitchen utensils food cupboard ventilated to the external air, having a capacity of not less than 0.3m<sup>3</sup> (4ft). This may be located either in the kitchen or unit of accommodation. Cupboards sited in the kitchen should be lockable. The space located below the sink should not be treated as a food cupboard for the purpose of this standard ventilated or otherwise.

- g) Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, separate freezers);

A refrigerator of sufficient capacity to meet the reasonable needs of the users should be provided.

- h) Appropriate refuse disposal facilities;

NOTE: Where all meals are provided by the landlord, some self-catering facilities will need to be provided. The Local Authority will consider the circumstances of the case and decide the self-catering services that are required to adequately meet the occupier's needs.

**Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with-**

7.3 Adequate appliances and equipment for the cooking of food;

- a) The minimum requirement is two rings/hot plates together with a minimum of 28 litre oven and grill.
- b) For occupancies of two persons the requirement is three rings/hot plates together with a minimum of 28 litre oven and grill.
- c) For occupancies of three or more persons a full size cooker is required.

7.4 A sink with an adequate supply of cold and constant hot water;

7.5 Hot water may be provided by any of the following methods:

- a) Piped from boiler and storage
- b) Immersion heater
- c) Fixed gas appliance e.g. multipoint
- d) Instantaneous electric heaters having a minimum rating of 6kw with a 7 litre storage reservoir.

7.6 A work top for the preparation of food;

A suitable work surface a minimum of 0.5m deep and a length of 0.5m plus 0.5m per person using the facility shall be provided.

7.7 Sufficient electrical sockets;

In addition to sockets provided for appliances required by these standards, a minimum of one double socket should be provided and located in a safe and accessible position above worktop height. Sockets should be provided at a ratio of one double socket for every two persons using the kitchen to a maximum of four double sockets.

7.8 A cupboard for the storage of kitchen utensils and crockery; and

An adequately sized cupboard for the storage of food and kitchen utensils should be provided. The space located below the sink should not be treated as a food cupboard for the purpose of this standard.

7.9 A refrigerator.

An adequately sized refrigerator with freezer compartment should be provided.

**8.0 Fire Safety**

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

## 9.0 Space standards

**Specific space standards will apply for Houses in Multiple Occupation Categories A, B and D.**

### **Category A Bedsitting Rooms, Flatlets**

Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of all others.

#### **Space Standards**

The following minimum space standards shall be met for the accommodation shown. The maximum number of persons who may occupy any room or rooms, as a separate family shall not exceed the numbers indicated.

#### **One-person units of accommodation**

One-room units: 13.94m<sup>2</sup> including kitchen facilities;  
10.22m<sup>2</sup> where provided with separate shared kitchen.

Shared kitchens shall provide 3m<sup>2</sup> per person using the facility.

#### **Two or more person units of accommodation**

One-room units: 20m<sup>2</sup> (not normally suitable for two or more persons who are married couples or cohabiters).

In other cases for two persons only		20.5m <sup>2</sup>
Two or more roomed units:	Each kitchen	7m <sup>2</sup>
	Each living/kitchen	15m <sup>2</sup>
	Each living room	12m <sup>2</sup>
	Each living/bedroom	14m <sup>2</sup>
	Each bedroom	10m <sup>2</sup>

These figures are based on a two-person occupancy.

For occupancies of more than two persons, reference please contact the Private Sector Housing Team for further assistance.

#### **Measurement of Attic Rooms**

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5 m (5'0") shall be excluded from the calculation of the floor area of that room.

#### **Shared Kitchen**

Where practicable, each letting shall have its own kitchen facilities, separate or sited within the letting.

Such facilities shall be deemed insufficient unless they consist of a minimum of 2.79m<sup>2</sup> floor area. A shared kitchen shall be a minimum of 9.29m<sup>2</sup> in floor area.

## Category B Shared Houses

Houses occupied on a shared basis with shared communal areas. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.

This would apply to –

- Occupation by those living otherwise independently of all others.
- Occupation by members of a defined social group e.g. students or a group of young single adults.

### Space Standards

#### One-person units of accommodation

Each bedroom: 10.22m<sup>2</sup> except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 6.51m<sup>2</sup>

#### Two person units of accommodation

Each bedroom: 15m<sup>2</sup> (161sq ft) except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 10.22m<sup>2</sup>

### Common rooms

<b>Kitchens:</b>	used by 1-5 persons	7m <sup>2</sup>
	used by 6-10 persons	10m <sup>2</sup>
	used by 11-15 persons	13.5m <sup>2</sup>
	used by 16+ persons	16.5m <sup>2</sup>
<b>Dining/Kitchens:</b>	used by 1-5 persons	11.5m <sup>2</sup>
	used by 6-10 persons	19.5m <sup>2</sup>
	used by 11-15 persons	24m <sup>2</sup>
	used by 16+ persons	29m <sup>2</sup>
<b>Living Rooms and Dining Rooms:</b>	used by 1-5 persons	11m <sup>2</sup>
	used by 6-10 persons	16.5m <sup>2</sup>
	used by 11-15 persons	21.5m <sup>2</sup>
	used by 16+ persons	25m <sup>2</sup>
<b>Living Rooms/Dining/Kitchens:</b>	used by 1-5 persons	16m <sup>2</sup>
	used by 6-10 persons	21m <sup>2</sup>
	used by 11-15 persons	26m <sup>2</sup>
	used by 16+ persons	31m <sup>2</sup>

### Measurement of Attic Rooms

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5 m (5'0") shall be excluded from the calculation of the floor area of that room.

**Category D                      Hostels, Bed & Breakfast Establishments and  
Hotels providing Long Term Accommodation**

Houses generally referred to as "hostels", "guesthouses" 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 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.

Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.

**Space Standards**

**Bedrooms**

There shall be prominently displayed in each bedroom, a notice in all relevant languages, setting out the maximum number permitted to sleep in the room.

Bedrooms that accommodate up to 4 members of the same household may be permitted, but in all other cases there shall be a maximum of two persons per room.

All bedrooms to be as follows:	used by 1 person	8.5m <sup>2</sup>
	used by 2 persons	11m <sup>2</sup>
	used by 3 persons	15m <sup>2</sup>

For each additional person above three persons there should be an additional 4.5m<sup>2</sup> of floor area.

**Lounge**

A minimum provision of 3m<sup>2</sup> per person will be required.

**Dining**

A minimum provision of 2m<sup>2</sup> per person will be required.

**Combined Lounge/Dining areas**

A provision of 4m<sup>2</sup> per person will be deemed to be adequate if the floor areas of lounge and dining rooms are combined.

**Kitchen**

Each occupancy shall have its own kitchen separate from the sleeping room and of an area of 4m<sup>2</sup>. Where this is not practicable, each occupancy shall have its own kitchen facilities within the unit of accommodation and 4m<sup>2</sup> shall be added to the floor areas.

## Category F Self-contained flats

“Self Contained Flats” mean, for the purposes of this standard, houses or buildings which are constructed as or converted entirely into self-contained flats, even if certain facilities are located outside the main door of the flat.

Access to the house or building would normally, but not always, be via a communal entrance doorway and hallway.

All amenities (i.e. toilet, wash hand basin, bath or shower plus kitchen facilities) must be accessible from within each individual flat, or within reasonable proximity to the living accommodation, and must be for the exclusive use of the individual household.

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. 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 A or Category B HMOs would be applicable within such flats.

### Space Standards

#### ***One person, four roomed flat:***

Bedroom	6.51m <sup>2</sup>
Living room	11.5m <sup>2</sup>
Kitchen	5.5m <sup>2</sup>
<b>Total habitable floor area</b>	<b>24m<sup>2</sup></b>

#### ***One person flatlet with separate kitchen:***

Bed/living room	14m <sup>2</sup>
Kitchen	5.5m <sup>2</sup>
<b>Total habitable floor area</b>	<b>19.5m<sup>2</sup></b>

#### ***One person flatlet with separate bedroom:***

Bedroom	6.51m <sup>2</sup>
Kitchen/living room	14.5m <sup>2</sup>
<b>Total habitable floor area</b>	<b>21.5m<sup>2</sup></b>

#### ***Two person, one bedroom flat:***

Bedroom	10.5m <sup>2</sup>
Living room	13m <sup>2</sup>
Kitchen	5.5m <sup>2</sup>
<b>Total habitable floor area</b>	<b>29m<sup>2</sup></b>

- All bedrooms, living rooms and bathrooms are to be directly accessible from a common access lobby and not through another room.
- Flats provided with more than one bedroom should provide bedrooms of minimum sizes in accordance with the relevant provisions above. In all cases "total floor area" is the usable floor area of any room used as a bedroom, living room or kitchen. It does not include the area of any bathroom, staircase, passageway, landing or access lobby.