

ROYAL BOROUGH OF KINGSTON UPON THAMES

HOUSING ACT 2004

GUIDE TO STANDARDS TO BE APPLIED TO HOUSES IN MULTIPLE OCCUPATION (HMOs)*

** Please see full definitions of “HMO”, “Licensable HMO” and other terms used in this guide in the appendix to this document. You may also wish to consult the Government website at <http://www.communities.gov.uk/housing/> for further information, updated publications and news.*

IMPORTANT NOTE ABOUT MANDATORY HMO LICENSING

A Mandatory Licensing Scheme applies to HMOs throughout England and Wales with 3 or more storeys and 5 or more persons comprising two or more households and where there is a sharing of amenities or where it is a converted building which does not entirely comprise of self-contained flats.

A failure to apply to license such a property can incur a fine of up to £20,000 as well as other possible sanctions.

As the configuration and occupation of licensable HMOs varies considerably this document provides a basic guide to standards.

Licensable HMOs will receive a full inspection on receipt of a valid application and, where found to be deficient in amenity, fire safety or management standards, will be issued with an appropriate schedule of works as a condition of the licence. Fire safety requirements will be subject to consultation with the Fire Brigade.

This guide is set out as follows:

- Part A. Description of HMO Categories**
- Part B. Fire Safety - General Principles**
- Part C. Fire Safety - Technical Details**
- Part D. Amenity & Space Standards**
- Appendix - Definitions and Glossary**

Part A Description of HMO Categories

1. Bedsit type properties *Houses occupied as individual rooms, including some or all as bed-sits and flatlets. There will be a number of rooms for exclusive occupation, not necessarily behind one door, with some sharing of amenities such as bathroom and/or toilet and generally having its own food preparation and cooking facilities with no communal dining or living area. Where there are five or more occupants and three or more storeys the property will require to be licensed.*

2. Shared Houses *Houses occupied on a shared basis as though by a single family or “household” but are legally HMOs, as the occupants are not all members of the same family. (N.B. the Housing Act 2004 defines a “household” as comprising members of the same family, therefore, student accommodation with 3 or more occupants is an HMO). These properties would often be occupied by students where for certain activities the occupiers might live as a single household unit but for others do not. This type of property will have some communal living and/or dining accommodation. It may carry a lower risk rating than a property of equivalent size that is let in bedsits. Where there are five or more occupants and three or more storeys the property will require to be licensed.*

NOTE – there is no legal definition of a “shared house” and occupancies comprising more than five persons in properties on three or more storeys may not be considered as qualifying for a relaxation of HMO standards.

3. A Converted Building *which does not entirely comprise of self-contained flats. Where there are five or more occupants and three or more storeys the property will require to be licensed provided that rent is payable or other consideration is provided in respect of at least one of the tenants.*

4. Houses converted entirely into self contained flats *These are not subject to Mandatory Licensing and are no longer subject to Registration in the this Borough, however, older conversions are still legally HMOs. Conversions made under and certified with Building Regulation approval after 1991 are no longer legally HMOs. Fire safety is, nevertheless important whether the flats are tenanted or owner occupied.*

Part B FIRE SAFETY - General Principles

PLEASE NOTE

THE FOLLOWING INFORMATION IS FOR GUIDANCE ONLY AS TO WHAT LEVEL OF FIRE SAFETY PRECAUTIONS MIGHT BE EXPECTED IN DIFFERENT TYPES OF PROPERTY. WHERE THE COUNCIL PROPOSES ENFORCEMENT ACTION THE ACTUAL LEVEL OF FIRE PROTECTION DEEMED APPROPRIATE WILL BE IN ACCORDANCE WITH THE FIRE HAZARD RATING ASSESSED BY THE COUNCIL OFFICER AND WILL INCLUDE CONSULTATION WITH THE FIRE BRIGADE.

MEANS OF ESCAPE IN CASE OF FIRE AND AUTOMATIC FIRE DETECTION

General Principles and Information

Means of escape in case of fire is the structural protection provided to a building, whereby a person can escape from fire by their own unaided efforts. An escape route having an adequate degree of protection from fire, including walls, partitions and floors and fire doors separating the route from the remainder of the building, is known as a '*protected route*'.

Automatic Fire Detection (AFD) is the use of the available electronic technology to detect abnormal smoke and/or heat production within a building so that an early warning is given to occupants so as to ensure escape via the protected route well before dangerous smoke or fire breaks into it.

In HMOS with fewer than three storeys this may comprise a simple linked system of smoke detectors and a heat detector in areas with cooking equipment. In "shared houses" the smoke detectors may be in common parts only or in rooms considered to present more risk than a simple bedroom. Fire doors will only be required to risk rooms.

In HMOs of three or more storeys this will normally require a more sophisticated system with a control panel linked to smoke and heat detectors and sounders. Emergency lighting and call points may also be required where a higher risk rating deems this necessary. However, "shared house" type accommodation (see description above) where it is considered that the occupants are a cohesive group and where cooking is carried out exclusively in shared kitchens, may, subject to other risk factors, qualify for a reduced standard for AFD and fire-door protection; smoke detection may be required in common parts only.

Part 1 of the Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS). "Fire" is one of the 29 hazards included in the system and the Council is obliged to risk-rate this (along with any other significant hazard) in respect of each dwelling and this will form the basis on which advice, enforcement action or licence conditions will be applied.

Fire risk exists in any residential occupation, and in the normal house a single internal staircase usually affords the only route of escape from the upper storey(s) to the street or to a place of safety where the occupants are no longer in any danger from fire and/or smoke.

When a house is let in multiple occupation, the fire risks are increased because separate sources of heating, cooking, etc., are normally provided for each occupation.

The occupancy of these properties will often include persons who do not know each other and who might present increased risk through drink or drug habits or may, unknown to other occupants, have limited mobility or other physical impairment. It is because of these increased risk factors that it is important that fire protection is properly provided and maintained.

To ensure safe means of escape from a house in multiple occupation it is essential that:

- (a) *the occupancies are separated from each other by fire-resisting construction;*
- (b) *the staircase is properly enclosed and protected from fire and smoke; and*
- (c) *there is a satisfactory escape route or routes leading to the street.*

An internal staircase affords a reasonably safe route of escape provided it is enclosed with fire-resisting construction so that, in the event of an outbreak of fire, it would remain intact and free from smoke and flame for a sufficient period of time to allow the occupants to leave the building. A staircase such as this is termed a '*protected staircase*'.

Where any special measures are required for the means of escape for disabled occupants these should be provided in accordance with **BS 9999:2008 (Fire precautions in the design, construction and use of buildings. Code of practice for means of escape for disabled people)**

Maintenance of Means of Escape in Case of Fire

When requirements have been made by the local authority to ensure satisfactory means of escape from fire from premises in multiple occupation, they shall be maintained to the required standard.

Self-closing fire-resisting doors are an essential feature of the escape arrangements in order to protect the escape routes and to prevent the spread of smoke and fire throughout the building. On no account should such doors be held open by hooks, wedges or other devices, and under no circumstances should any self-closing device be removed from fire-resisting doors. For this reason the attention of the occupiers should be directed especially to the need for observing these matters in their own interests and for their own protection.

Travel Within Accommodation

Fires which occur in living rooms and kitchens can develop rapidly and produce large volumes of smoke and hot gases which could invade all parts of the accommodation before occupants become aware of the danger, particularly when they are asleep. It is recommended, therefore, that where practicable:

- (a) *bedrooms are not entered through a living room or kitchen; and*
- (b) *bedroom doors should be nearer to an exit from the accommodation than kitchen or living room doors.*

Items Unacceptable Within Stairway Enclosures

The protected route should be maintained free of any obstructions and/or fire risks. In particular, the stairway should not contain:

- any portable electric, gas or oil heaters;
- any fixed heaters using a portable heating source such as liquefied gas;
- any cooking facilities; and
- any furniture or storage.

Gas or electric meters and/or distribution boards should ideally not be sited in escape routes. However, it should be possible to relax this providing any gas meter is installed in accordance with the gas safety regulations and any electric meter is installed and sited in accordance with current IEE regulations. It is considered best practice to enclose such equipment in fire-resisting construction.

Locks on doors

Locks on doors to individual occupancies (bedrooms, bedsits, flatlets) are permissible but must be of a type that allows opening from the inside without the use of a key. An internal slider bolt may also be used.

Where locks with keys have been provided these may be retained by permanently blanking off the room side keyhole.

Managing Fire Safety

Every tenant must be informed about the action to be taken in the event of fire. This information should include explanation of the working of the fire detection system and the need for good housekeeping, such as keeping escape routes clear of combustible materials. Instructions should form part of a tenancy agreement. A copy of the Fire Escape Procedure should be prominently displayed on the back of the door to each occupancy.

Tenants with language or learning difficulties should receive appropriate assistance to understand their particular fire safety instructions.

Part C FIRE SAFETY - Technical details

PLEASE REFER TO APPENDIX FOR A GUIDANCE AS TO THE LEVEL OF AUTOMATIC FIRE DETECTION AND EMERGENCY LIGHTING IN DIFFERENT CLASSES AND SIZES OF HMO

Protected Route and Staircase

- (a) The enclosure of the staircase includes any door therein and should be constructed of materials having a standard of fire-resistance of not less than one-half hour. The fire-resisting enclosure should be carried up to the underside of the roof coverings or be separated from any roof spaces by ceilings of similar construction.
- (b) Partitions constructed of combustible materials should be covered on both sides to a standard of fire resistance of not less than one half hour.
- (c) Any ordinary glazing in existing partitions enclosing a staircase (or escape route) should be replaced by fire-resisting glazing in fixed panels not exceeding 0.4 sq m in area. Any increase in area only if agreed with the Environmental Health Officer.
- (d) Notwithstanding the requirements in (c) above, no glazing of any type should be provided or retained in the enclosure to any staircase where escape is possible in a downward direction only, except in the case of fire-resisting glazing to the doors and partitions forming a protected lobby, and the glazing to windows in an external wall, and except for limited areas of fire resisting glazing at high level, where considered necessary for the provision of essential borrowed lighting to the staircase.
- (e) The surface finishes of walls, partitions, ceilings and soffits within stairways, hallways, landings, lobbies (i.e. all circulation spaces) should meet the Class 1 minimum standard (BS476:Part 7:1971).
- (f) Where a cellar is present, 30 minute fire separation is required between the cellar and ground floor escape route

Fire-Resisting Doors in Protected Staircases and Corridors

NOTE: Where fire doors are to be provided for the first time, they should be new doors to **BS EN 1634-1:2000** and **BS 476 Part 31.1:1983**

(a) New Doors

Doors in the enclosure of a protected staircase should be of solid wood not less than 44 mm (1^{3/4} inch) finished thickness or constructed to conform with **BS EN 1634-1:2000** and **BS 476 Part 31.1:1983** (related to the provision of intumescent strips and cold smoke seals) and certified as being capable of resisting the action of fire and passage of smoke for thirty minutes (30/30 standard). (Doors within dwellings do not require smoke seals; 30/20 acceptable). Doors should be well-fitted in the frames having a gap at head and jambs of no more than 4mm and a gap of no more than 15mm at floor.

(b) Existing Doors

The upgrading of existing non-fire resisting doors is generally impractical and uneconomic and wherever possible they should be replaced with purpose designed and built fire-resisting door assemblies.

(c) Self-closing Devices to Fire-resisting Doors (BS EN 1154/55)

All fire doors should be fitted with positive self-closing devices which will ensure positive latching of the door. Rising butt hinges and “*garden gate*” type coil springs are unsuitable. The doors should be hung on hinges no part of which is made either of combustible material or of non-combustible material having a melting point of less than 800°C.

Soffits of Protected Staircases

i) The soffit of a protected staircase should be of sound lath and plaster, plasterboard or similar fire resistant board, and where this is not the case it should be protected with plasterboard or similar fire resistant board. Where this is not the case, it should be protected with either:-

- (a) One or two layers of plasterboard of minimum total thickness of 9.5mm, or
- (b) Fire resistant board not less than 4.5mm thick.

All joints to be properly scrimmed and finished with a minimum thickness of 3mm finishing plaster.

ii) The underside of the exit way to the street where exposed to a cellar, basement and/or other storeys should be protected as in (i) above and this should include any vertical protection as may be necessary between the joists in order to prevent fire from entering any void beneath the floor of the exit way or of gaining access to the staircase enclosure from the storey below.

(NB This requirement may be relaxed for smaller “Shared House” type properties)

Cupboards Within a Protected Staircase

Where practicable, cupboards should not be located within the enclosure of a protected staircase.

Where access is required, i.e. pay meter cupboards, the cupboard and door must be lined with fire resisting boarding to half hour fire resisting standard, and the door must be fitted with a positive self-closing device.

The door should be kept shut when not in use and a notice with the words “FIRE DOOR - KEEP SHUT” should be permanently displayed on the outside of the door.

Different Occupancies Within a Storey

Partitions separating different occupancies from each other and from passages, lobbies and escape routes and any doors therein should be constructed as previously described except that any necessary protection to partitions between occupancies should be provided on both sides.

Occupied Basements

Protected route: In a two story property with basement, half-hour fire separation between floors with doors of substantial construction would be acceptable in low risk properties. Doors and ceilings of sound, conventional construction would normally be considered adequate.

In shared or bedsit houses of three or more storeys, there should same applies but a full half hour fire door (i.e. self closing with intumescent strips and cold smoke seals) is required at the head of the stairs between basement and ground floor.

Ideally, basements should have a separate escape route at basement level or escape windows to all habitable rooms. Where this is not attainable further fire protection measures will need to be provided.

Automatic Fire Detection (AFD)

In all cases the same level of automatic fire detection and warning system should be installed as in the rest of the house.

Unoccupied Basements and Cellars

As these are often neglected areas in disrepair with gas and electrical meters and general wiring, there is a greater risk of rapid fire spread affecting the main escape exit above. There must be half hour fire separation and a full half hour fire door (i.e. self closing with intumescent strips and cold smoke seals) is required at the head of the stairs between basement and ground floor.

Mixed Commercial and Residential Use

Residential accommodation is often situated above or within commercial premises. Any fire in the commercial premises will affect the residential parts, and at night may not be noticed until well developed. The risk assessment will assess how high the risk from the commercial premises is, but it may be significantly higher than the risk from the residential parts (for example where the accommodation is above a pub, restaurant or dry cleaners).

Generally there should be 60-minute imperforate separation between the two uses. In lower risk commercial premises it may be possible to reduce this to 30 minutes where there is an automatic fire detection system in the commercial parts which is linked to the residential system. In higher risk premises, even where 60-minute separation is achieved it may still be appropriate to provide an automatic fire detection system linked to the residential system.

In some cases imperforate separation proves impracticable to achieve, for example with some accommodation above pubs. In these cases compensatory measures should be considered such as fire protecting lobbies between the two uses, a secondary means of escape, or in high-risk situations a water suppression system in the commercial premises.

Where a flat roof forms the floor of an escape route or part of a route, the roof (or part of it sufficient to afford protection to persons using the escape route) should have not less than one half-hour standard of fire resistance.

Signs on Doors

Where deemed necessary in properties assessed to be of higher risk a sign with the words **“FIRE DOOR - KEEP SHUT”** should be permanently displayed at about eye level on both faces of all fire doors, except for doors to individual bedsits and flats.

Standards for Building Types

A Two Storey House With or Without a Basement Storey

In a house with 2 floors the stairway and any route leading from the stairway to a final exit should be made a protected route. In addition, different occupancies should have fire resisting separation and any basement is to be separated from the ground floor.

An alternative solution is possible in low risk two storey shared houses where the first floor is no more than 4.5 metres above ground level, rooms used for sleeping could be provided with access to a suitable escape window from the first floor leading to a place of ultimate safety.

A House With Three or Four Storeys Above Ground Level With or Without a Basement Storey

In a house with 3 or 4 floors, in addition to the requirements above, a fire warning system which conforms with **BS 5839- Part 6: 2004** should be provided. (**Grade A, LD2**)

Requirements for Means of Giving Warning in Case of Fire

Houses in Multiple Occupation of Three or More Storeys (Including Basement):

An electrically operated fire warning system, incorporating manually operated call points and automatic fire sensors, should be provided in all houses which are separated into self-contained units and are more than 2 floors in height and in all parts of hostel-type accommodation. Systems should comply with recommendations in the appropriate British Standard, currently **BS 5839: Part 6: 2004** - Fire detection and alarm systems in buildings - Code of practice for installation and servicing.

The spacing, area coverage and siting of the fire sensors should comply with the requirements of a type **Grade A, LD2** system

Heat detectors may be substituted for smoke detectors in rooms where cooking facilities are provided.

An electrical system of escape lighting should be provided in staircases and corridors complying with recommendations in the appropriate British Standard, currently **BS 5266: Part 1: 2002** Code of practice for the emergency lighting of premises.

All systems should be installed, tested and serviced in accordance with the relevant British Standards.

Houses in Multiple Occupation of One or Two Storeys (Including Basement):

In houses with fewer than 3 floors, an automatic fire detection system in accordance with **BS 5839 Part 6:2004** should be provided. When specifying such a system it is necessary to have regard to the Council's risk analysis criteria and Table 2 of that Standard.

In general terms, the minimum standard this Authority will accept, subject to the Council's risk rating criteria, is a mains operated linked system incorporating smoke and/or heat detectors to common parts, with the potential for provision of smoke and/or heat detectors in risk rooms/areas within dwellings, and the provision of manual call points as determined by this Authority.

In certain circumstances, as determined by this Authority, provision of emergency escape lighting may be required. (See Appendix for detailed guidance)

Fire fighting equipment (portable)

In order to provide a facility for extinguishing small fires in their early stages, a simple multi-purpose fire extinguisher is recommended on each floor in the common parts of HMOs and buildings containing flats.

Where provided, fire extinguishers should:

- comply with BS EN 3-7;
- be maintained in accordance with BS 5306-3 and
- be appropriate to the risk.

Extinguishers should be located as follows:

- on a dedicated stand or hung on wall brackets with the handle approximately 1.5m from floor level;
- in a position such that they do not obstruct the escape route;
- close to the exit position from each floor;
- not obstructed by opening doors and not in recesses out of sight; and
- away from heaters or

Fire Blankets

Fire blankets are recommended as good practice in kitchens of all premises covered by this guide, including single household occupation and bedsit rooms and must be provided in the kitchens and cooking areas of all licensable HMOs.

Fire blankets should:

- comply with BS 6575 or equivalent;
- be of 'light duty' type which are capable of dealing with small fires such as cooking fires or fires involving clothing; and
- be mounted on the wall approximately 1.5m high and closer to the room exit than the cooking facility.

Certification

A relevant installation and commissioning certificate, in accordance with the current British Standard:

BS 5839: Part 1, (existing AFD systems)

BS 5839: Part 6 (New AFD Systems)

BS 5266: Part 1 (Emergency Lighting)

is to be provided to this Authority, by a competent person, on completion of the installation(s).

Part D AMENITY & SPACE STANDARDS

INTRODUCTION

An HMO is considered to be deficient in amenity if more than five persons are sharing the following amenities: baths/showers, WCs and wash hand basins and facilities for storage preparation and cooking of food or where there is a lack of any of those amenities.

1. Bedsit type Properties

Facilities for the Storage, Preparation and Cooking of Food

Each occupancy should have adequate kitchen facilities within the unit of accommodation. Where this is not practicable, each occupancy should have shared kitchen facilities which are suitably located.

Kitchen facilities should comprise of the following:-

- (a) A sink properly located within a base unit and properly connected to drainage and with at least one drainer or second bowl, each of reasonable size. The sink should have an adequate and wholesome supply of cold drinking water. It should also have an adequate supply of hot water, which may be from a central source or from a plumbed-in water heater unit capable of maintaining a constant flow of hot water.
- (b) A full size cooker with at least four rings or equivalent and an oven and grill. In one and two person units, cooking facilities should normally consist of an electric appliance with at least 2 hot rings or equivalent and a grill and oven. (Where cooking facilities are within bedsits, a combined microwave oven and grill will be accepted in place of a conventional cooker but only where a tenant has expressed a preference for this in writing)
- (c) An adequate area of work top(s) for the preparation of food. All work tops should be of adequate depth and securely fixed. In addition, there should be at least two power points in each kitchen, plus an additional point for each extra household sharing that kitchen, besides any socket used for an electric cooker or oven. Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institute of Electrical Engineers.
- (d) Adequate refrigerated and dry goods storage.

Sanitary Conveniences

Unless there is a water closet within, or for the exclusive use of, every unit of accommodation, provision shall be made in the ratio of one water closet for every five occupants.

All shared WCs should be readily accessible and no unit of accommodation should generally be more than one floor distant from the nearest WC. In addition, where there are up to five occupants sharing a single WC, this should usually be separate from the bathroom or shower room and where there are more than five occupants, half of all shared WCs should be separate from bathrooms or shower rooms.

WC compartments should have adequate lighting and natural or mechanical ventilation and although an intervening lobby is not essential should not open directly onto the area of a kitchen immediately adjacent to where food is prepared.

Personal Washing Facilities

(a) Wash-hand Basins

Each unit of accommodation should have a wash-hand basin either within the W.C. compartment or immediately adjacent to it. Where WCs are shared, a wash-hand basin should be provided in each WC compartment or within each unit of accommodation using that WC.

Each wash basin should be provided with an adequate supply of hot and cold water. The supply of hot water should be from a central source or from a plumbed in unit water heater capable of maintaining a constant flow of hot water.

By law, in licensable HMOs, each unit of accommodation is required to have a wash hand basin (or otherwise a sink where cooking facilities are included) where this is reasonably practicable. This will be a condition of any new or reissued licence.

(b) Baths and Showers

Unless there is a bath or shower within, or for the exclusive use of, every unit of accommodation, provision shall be made in the ratio of one bath or shower for every five occupants.

All shared baths and showers should be readily accessible without having to pass through accommodation which is occupied exclusively by another household.

Each bath and shower should be provided with an adequate supply of hot and cold water. The supply of hot water should be from a central source or from a plumbed-in unit water heater capable of maintaining a constant flow of hot water.

All baths and showers should be located in properly compartmented rooms which have adequate lighting and natural or mechanical ventilation. In addition, each bathroom should have surfaces which are designed to be reasonably smooth and non-absorbent and capable of being readily and easily cleaned.

(c) Space Heating

“Excess Cold” is one of the specified hazards in the Housing Health and Safety Rating System (HHSRS) which was introduced in Part 1 of the Housing Act 2004. It is the hazard most likely to be encountered at an actionable (Category 1 level) in the privately rented housing stock and also the most likely to produce severe harm outcomes, especially where there are vulnerable occupants.

Each unit of accommodation should be provided with the means to be able to maintain a safe temperature in the coldest weather likely to be experienced. This should be achievable at reasonable expense through conditions of thermal efficiency in terms of

heating equipment and insulation standards deemed reasonable and practicable given the nature of the building.

By law, Licensable HMOs are required to be “equipped with adequate means of space heating in each unit of accommodation”

2. “Shared House” type properties

Facilities for the Storage, Preparation and Cooking of Food

If the property is occupied by more than five persons, kitchen facilities shall be provided in accordance with the “bedsit” provision described above.

Where a house is occupied by five or fewer persons, kitchen facilities should comprise of the following:-

(a) Kitchen Sinks

A sink properly located within a base unit and properly connected through an adequate sized trap to the drains and with at least one drainer or second bowl, each of reasonable size. The sink should have an adequate and wholesome supply of cold drinking water which conforms to the Water Bye-laws. It should also have an adequate supply of hot water, which may be from a central source or from a plumbed-in water heater unit capable of maintaining a constant flow of hot water.

(b) Cookers

A full size cooker with at least four rings or equivalent and an oven and grill.

(c) An adequate area of work top(s) for the preparation of food. All work tops should be of adequate depth and securely fixed. In addition, there should be at least two power points in the kitchen besides any socket used for an electric cooker or oven. Sockets should be positioned immediately adjacent to the work surfaces(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institution of Electrical Engineers.

(d) Adequate refrigerated and dry goods storage.

Sanitary Conveniences

Provision shall be made in the ratio of one water closet for every five occupants.

All WCs should be readily accessible and not more than one floor distant from each user.

Where there are more than five occupants, half of all shared WCs should be separate from bathrooms or shower rooms.

WC compartments should have adequate lighting and natural or mechanical ventilation and although an intervening lobby is not essential should not open directly onto the area of a kitchen immediately adjacent to where food is prepared.

Personal Washing Facilities

(a) Wash-hand Basins

A wash basin should be provided in each WC compartment, although a readily accessible wash basin located near the room containing the WC would suffice.

Each wash basin should be provided with an adequate supply of hot and cold water. The supply of hot water should be from a central source or from a plumbed in unit water heater capable of maintaining a constant flow of hot water.

By law, in licensable HMOs, each unit of accommodation is required to have a wash hand basin (or otherwise a sink where cooking facilities are included) where this is reasonably practicable. This will be a condition of any new or reissued licence.

(b) Baths and Showers

Provision shall be made in the ratio of one bath or shower for every five occupants.

All shared baths and showers should be readily accessible without having to pass through accommodation which is occupied exclusively by another household

Each bath and shower should be provided with an adequate supply of hot and cold water. The supply of hot water should be from a central source or from a plumbed in unit water heater capable of maintaining a constant flow of hot water.

All baths and showers should be located in properly compartmented rooms which have adequate lighting and natural or mechanical ventilation. In addition, each bathroom should have surfaces which are designed to be reasonably smooth and non-absorbent and capable of being readily and easily cleaned.

Space Heating

“Excess Cold” is one of the specified hazards in the Housing Health and Safety Rating System (HHSRS) which was introduced in Part 1 of the Housing Act 2004. It is the hazard most likely to be encountered at an actionable (Category 1) level in the privately rented housing stock and also the most likely to produce severe harm outcomes, especially where there are vulnerable occupants.

Each unit of accommodation should be provided with the means to be able maintain a safe temperature in the coldest weather likely to be experienced. This should be achievable safely and at reasonable expense through conditions of thermal efficiency in terms of heating equipment and insulation standards deemed reasonable and practicable given the nature of the building.

By law, **Licensable HMOs** are required to be “equipped with adequate means of space heating in each unit of accommodation”

3. Converted Buildings

Facilities for the Storage, Preparation and Cooking of Food

Each dwelling should have a kitchen which is provided with the following facilities.

- (a) A sink properly located within a base unit and properly connected to drainage and with at least one drainer or second bowl, each of reasonable size. The sink should have an adequate and wholesome supply of cold drinking water. It should also have an adequate supply of hot water, which may be from a central source or from a plumbed-in water heater unit capable of maintaining a constant flow of hot water.
- (b) A full size cooker with at least four rings or equivalent and an oven and grill. In one and two person units, cooking facilities should normally consist of an electric appliance with at least 2 hot rings or equivalent and a grill and oven. (Where cooking facilities are within bedsits, a microwave oven will be accepted in place of a conventional cooker but only where a tenant has expressed a preference for this in writing)
- (c) An adequate area of work top(s) for the preparation of food. All work tops should be of adequate depth and securely fixed. In addition, there should be at least two power points in each kitchen, plus an additional point for each extra household sharing that kitchen, besides any socket used for an electric cooker or oven. Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institute of Electrical Engineers.
- (d) Adequate refrigerated and dry goods storage.

Sanitary Conveniences and Personal Washing Facilities

Each dwelling should have a bathroom which contains the full standard amenities laid out in such an arrangement that users of the bathroom have reasonable and comfortable access to all the facilities. Water closets may, however, be provided in separate rooms or compartments and be provided with a wash hand basin and hot and cold water supplies.

Bathrooms and WC compartments should have adequate lighting and be either naturally or mechanically ventilated. Any bathroom, shower room or compartment containing a WC should be separated from any space such as a kitchen used for the preparation of food. Although an intervening lobby is not

essential, the WC compartment should not open directly onto the area of a kitchen immediately adjacent to where food is prepared.

SIZE OF ACCOMMODATION

The national overcrowding standard in part X of the Housing Act, and is still applicable, will be used when considering whether the total accommodation in the HMO constitutes overcrowding in relation to room sizes and the number of rooms.

Definition of overcrowding

A dwelling is overcrowded for when the number of persons sleeping in the dwelling is such as to contravene –

- (a) the standard specified in section 325 (the room standard), or
- (b) the standard specified in section 326 (the space standard).

s.325 The room standard

(1) The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as husband and wife must sleep in the same room.

(2) For this purpose -

(a) children under the age of ten shall be left out of account, and

(b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

s.326 The space standard

(1) The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.

(2) For this purpose -

(a) no account shall be taken of a child under the age of one and a child aged one or over but under ten shall be reckoned as one-half of a unit, and

(b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

(3) The permitted number of persons in relation to a dwelling is whichever is the less of :-

- (a) the number specified in Table I in relation to the number of rooms in the dwelling available as sleeping accommodation, and
- (b) the aggregate for all such rooms in the dwelling of the numbers specified in column 2 of Table II in relation to each room of the floor area specified in column 1.
- No account shall be taken for the purposes of either Table of a room having a floor area of less than 50 square feet.

Table I

Number of rooms	Number of persons
1	2
2	3
3	5
4	7 ½
5 or more	2 for each room

Table II

Floor area of room	Number of persons
110 sq ft or more	2
90 sq ft or more but less than 110 sq ft	1 ½
70 sq ft or more but less than 90 sq ft	1
50 sq ft or more but less than 70 sq ft	½

Note: The table was issued in imperial dimensions. Conversion is as follows:-

50 sq ft = 4.65 sq m

70 sq ft = 6.50 sq m

90 sq ft = 8.36 sq m

110 sq ft = 10.22 sq m

Room Sizes

The following is a guide as to what would be expected as minimum room sizes for different types of bedsit or shared house occupation.

One person unit of accommodation

- (a). One room units: Where kitchen facilities are included 13 sq m
Where provided with a separate kitchen 10 sq m
(b). Two or more roomed units: Each living/kitchen 10 sq m

Each living room 9 sq m
Each bedroom 6.5 sq m

Two or more person unit of accommodation

- (a). One room units: Where kitchen facilities are included 18 sq m
Where provided with a separate kitchen 15 sq m
(b). Two or more roomed units: Each living/kitchen 15 sq m
Each living room 12sq m, Each living/bedroom 14sq m, Each bedroom 10sq m,

Shared kitchens

- Used by 1-3 persons 5sq m,
Used by 4 persons 6sq m,
Used by 5 persons 7sq m

APPENDIX

Key definitions in relation to Houses in Multiple Occupation and the law.

House in Multiple Occupation (HMO)

A building is an HMO if it:

- is occupied by more than one household and where more than one household shares (or lacks) an amenity such as a bathroom, toilet or cooking facilities;

- is occupied by more than one household and is a converted building, but not entirely self-contained flats (whether or not some amenities are shared or lacking);
- is converted into self-contained flats but does not meet as a minimum standard the requirements of the 1991 Building Regulations, and more than one third of the flats are privately rented; or
- an HMO declaration has been made by the LHA under section 255 of the Housing Act 2004.

LICENSABLE HOUSE IN MULTIPLE OCCUPATION

Under the national mandatory licensing scheme an HMO must be licensed if it satisfies the following criteria:

- the property has three or more floors (this includes basements and attics that are used as residential accommodation)
- five or more persons live at the property (including children)
- there are two or more households (a household is defined as a group of persons that are related)
- there is some sharing of amenities (e.g. people from more than one household are sharing a kitchen, bathroom or toilet) or it is a converted building which does not entirely comprise of self-contained flats.

Household' means either a single person or members of the same family who are living together. This includes people who are married or living together as married (including those in same sex relationships).

'Family' means specific relatives: parents, grandparents, children and step-children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Foster children are also treated as part of their foster parents' household.

Glossary of Fire Precaution Terms:

BS 5839 Pt 6 2004: Fire Detection and Fire Alarm Systems for buildings: Code of Practice for the design and installation of fire detection and alarm systems in dwellings.

Grade A: A full system with control and indicating equipment.

Grade D: A system of one or more mains powered smoke alarms each with an integral standby supply.

Category LD2: A system incorporating detectors in all circulation spaces that form part of the escape routes from the dwelling, and in all rooms or

areas that present a high fire risk to occupants.

Category LD3: A system incorporating detectors in all circulation spaces that form part of the escape routes from the dwelling e.g. the individual flats.

Recommended grade and coverage of automatic fire detection and warning system for various categories of existing residential premises (normal risk)

Shared house HMO of up to two storeys (shared cooking facilities)

Grade D: LD3 coverage + additional detection to the kitchen, lounge and any cellar containing a risk (interlinked)

Shared house HMO of three or four storeys (shared cooking facilities)

Grade D: LD3 coverage + additional detection to the kitchen, lounge and any cellar containing a risk (interlinked)

Shared house HMO of five or six storeys (shared cooking facilities)

Grade A: LD2 coverage (detection in all risk rooms i.e. bedrooms, kitchen and lounge) (interlinked)

Bedsit HMO of one or two storeys with individual cooking facilities within bedsits

A mixed system:

- Grade D: LD2 coverage in the common areas and heat detectors in bedsits (interlinked)
- Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)

Bedsit HMO of three to six storeys with individual cooking facilities within bedsits

A mixed system:

- Grade A: LD2 coverage in the common areas and heat detectors in bedsits (interlinked)
- Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)

Two-storey house converted to self-contained flats (prior to Building Regulations 1991, approved document B standard)

A mixed system:

- Grade D: LD2 coverage in the common areas and a heat detector in each flat in the room/lobby opening onto the escape route (interlinked)
- Grade D: LD3 coverage in each flat (non-interlinked smoke alarm in the room/lobby opening onto the escape route) to protect the sleeping occupants

Three- to six-storey house converted to self contained flats (prior to Building Regulations 1991, approved document B standard)

- Grade A: LD2 coverage in the common areas and a heat detector in each flat in the room/lobby opening onto the escape route (interlinked)
- Grade D: LD3 coverage in each flat (non-interlinked smoke alarm in the room/lobby opening onto the escape route) to protect the sleeping occupants

Building converted partly into self-contained flats and partly into bedsits or non-self-contained lets

A mixed system:

- Apply the appropriate recommendation for each unit of accommodation from this table and the appropriate whole-house system based on the storey height

Flat in multiple occupation (FMO) (any storey height and regardless of date of construction/ conversion)

Grade D: LD3 coverage + additional heat detector in the kitchen (and shared living room depending on risk)

BS 5266 Pt 1: 2005 Code of practice for the emergency lighting of premises

Maintained lighting (M): Emergency lighting system is energized continuously using normal supply source with a battery backup supply on interruption of the main supply.

Non maintained Lighting (NM): Emergency lighting systems are not normally energized. An automatic monitoring and switching system is provided to switch on the lighting if the normal supply is interrupted.

Duration: An emergency lighting system is designed to supply the required load for a desired period of time, is usually between 1-3 hours.

Recommendations for lighting of escape routes for various categories of existing residential premises (normal risk)

Shared house HMO of up to two storeys (shared cooking facilities)

Conventional lighting

Shared house HMO of three or four storeys (shared cooking facilities)

Conventional lighting. Emergency escape lighting maybe appropriate if route is complex and there is no effective borrowed light

Shared house HMO of five or six storeys (shared cooking facilities)

Conventional lighting and emergency escape lighting

Bedsit HMO of one to four storeys with individual cooking facilities within bedsits

Conventional lighting (and emergency escape lighting if risk requires or there is no effective borrowed light)

Bedsit HMO of five or six storeys with individual cooking facilities within bedsits

Conventional lighting and emergency escape lighting

Two, three or four storey house converted to self-contained flats (*prior to Building Regulations 1991, approved document B standard*)

Conventional lighting (and emergency escape lighting if risk requires)

Five or six storey house converted to self contained flats (*prior to Building Regulations 1991, approved document B standard*)

Conventional lighting and emergency escape lighting

Two, three or four storey building converted partly into self-contained flats and partly into bedsits or non-self-contained lets

Conventional lighting (and emergency escape lighting if risk requires)

Five or six storey building converted partly into self-contained flats and partly into bedsits or non-self-contained lets

Conventional lighting and emergency escape lighting

Flat in multiple occupation (FMO) occupying a single storey of a building (at any storey height and regardless of date of construction/conversion)

Conventional lighting (and emergency escape lighting if risk requires – may also be required in the common escape route)

Flat in multiple occupation (FMO) occupying more than one storey of a building (any level and regardless of date of construction/ conversion)

Conventional lighting (and emergency escape lighting if risk requires – may also be required in the common escape route).