



Licensing

**Amenity and Facility Standards for
Licensed Houses in Multiple
Occupation**



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Introduction

These Standards have been produced by Broadland District Council for Houses in Multiple Occupation (HMO's) which require a licence. It has been written to assist owners, agents and occupiers in relation to the licence application procedure and standards they should expect in such accommodation.

What is an HMO?

A house is a 'House in Multiple Occupation', (HMO), if both of the following apply:

- at least **3 tenants** live there, **forming more than 1 household**; and
- facilities such as a toilet, bathroom or kitchen are shared with other tenants.

A **household** is either a single person or members of the same family who live together. A family includes people who are:

- married or living together - including people in same-sex relationships
- relatives or half-relatives, for example grandparents, aunts, uncles, siblings
- step-parents and step-children.

This includes shared houses and bedsits. An HMO is also a building which has one, or more, non-self-contained units. A non-self-contained unit is where one, or more, of the facilities is not within the occupants room. This applies even if the facility is for exclusive use of the occupant.

An HMO is also a building that has been converted into self-contained flats and less than two-thirds are owner occupied and the conversion does not meet the appropriate Building Regulations.

If the property was converted prior to June 1992, it must meet the 1991 Building Regulations. The property is not an HMO unless it meets the 1991 Building Regulations.

The Licensing requirement:

From 1st October 2018 mandatory licensing will no longer be limited to certain HMO's that are three or more storeys high, but will also include buildings with one or two storeys.

Mandatory licensing of large HMO's, (i.e. those 3 storeys high with at least 5 tenants), came into force in 2006. However, in April 2018 the Government extended the scope of mandatory HMO Licensing by removing the 3-storey rule. **The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018** came into force on 1st April 2018.

This means that a licence is required where HMO's are occupied by **five persons or more forming more than one household, regardless of the number of storeys.**

A licence is also required for any purpose-built flats where there are up to two flats in the block and one or both are occupied as an HMO, including flats above or below shops and other businesses.

A six-month grace period, from April 2018, was given for landlords to comply. A landlord of an HMO subject to the new licensing regime may not be prosecuted for not licensing the property within that period and no rent repayment order may be made in respect of such an HMO. However, during the first phase it is expected landlords will apply for a licence. At the end of the six month grace period landlords who have still not applied for a licence may be prosecuted and can be subject to rent repayment orders being made against them.

Why is licensing needed?

The Government values the private rented sector. It is an important part of our housing market, housing 4.3 million households in England. HMO's form a vital part of the sector, providing often cheaper accommodation for people whose housing options are limited. Some of the occupiers of HMO's are the most vulnerable people in our society.

It is estimated that there are about 500,000 HMO's in England. Many are managed to good standards by reputable landlords, but unfortunately this is not always the case.

The Government wishes to remove that uncertainty by creating a level playing field between landlords, so the rogues cease to be able to operate substandard accommodation for maximum profit. This will help ensure HMO's are not overcrowded and do not pose risks to the health or safety of occupiers or blight the local communities in which they are located.

The objective is to support good private landlords who provide decent well-maintained homes and avoid unnecessary regulation on them

Legal standards in HMO's

The Housing Act 2004 and associated regulations state the minimum standards in HMO's. This document will explain the legal requirements and provide the minimum standards for HMO's adopted by Broadland District Council.

Management Regulations:

All HMO's are subject to the Management Regulations irrespective of their licensable status. Please see attached link;

<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

What HMO's does this guide cover?

These Standards are for all HMOs covered by the Licensing scheme.

Further guidance is available in the following document;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15652/HMO_Lic_landlords_guide.pdf



These standards should be used as a guide only; the actual provisions required will be dependent on a risk assessment undertaken by a Council Officer. It does not provide an authoritative interpretation of the law; only the courts can do that.

Sleeping Accommodation - Minimum Room Sizes:

There are mandatory conditions in licences to regulate the size and use of rooms used as sleeping accommodation. The minimum sleeping room sizes are:

- A usable floor area* of **6.51m² – one adult (over 10 years of age)**
- A usable floor area of **10.22m² – two adults (over 10 years of age)**
- A usable floor area of between **4.64m² and 6.5m²** maybe occupied by **a child under the age of ten only if the room is let / occupied in connection with the letting / occupation of a room with a useable floor area of at least 6.51m² to a parent or guardian of the child.**

* usable floor area of a room is where the distance between the lowest part of the floor and the ceiling measures at least **1.5m, (5ft)**. Any area less than 1.5m is to be disregarded.

The minimum room size is simply a standard below which a room cannot be used as sleeping accommodation. It is not intended to be the norm or the lowest common denominator.

A room of less than 6.51m² cannot be occupied as sleeping accommodation by any person aged 10 or over.

Any room less than 4.64 m² may not be used as sleeping accommodation.

Communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.

The minimum room sizes reflect those in section 326 of the Housing Act 1985 which is concerned with overcrowding in residential accommodation in England.

Licenses will be granted with a condition stating the maximum number of persons, (adults and children under 10), who may occupy the specified rooms as sleeping accommodation. Any room not specified as suitable for sleeping accommodation is prohibited from use as sleeping accommodation.

Temporary visitors are excluded from the regulations.

Hostels and charities providing temporary accommodation are also excluded from the minimum room size condition.

Transitional arrangements:

No person sleeping in accommodation which was adequate for them to do so at the time of letting, but then becomes by reason of the regulations no longer suitable should be immediately evicted.

Where licensed HMO's do not immediately comply with the maximum occupancy mandatory condition, a reasonable time period, **up to a maximum of 18 months**

from the grant of a licence, will be permitted to enable landlords to regulate the number of occupiers permitted under the licence.

During this period, provided the landlord takes steps to reduce the number of occupiers which exceed the permitted number, no offence of breaching the condition will be committed.

In the event of a pregnant woman living in a single occupancy room and the arrival of the child causing the room to become overcrowded, potential remedies could include securing alternative accommodation in the HMO or elsewhere. Alternatively, and if practicable, the overcrowding might be remedied by the enlargement of the room or the provision of an additional room (of not less than 4.64m²) for use as sleeping accommodation by the child.

However, the offence of breaching the licence condition will be committed if the accommodation becomes deliberately overcrowded after the regulation came into force, e.g. if a tenant moved their partner into a room which was only suitable for one person and the landlord did not take all reasonable action to address the breach.

What are the sanctions for breaching minimum room sizes?

A licence holder commits an offence if, without reasonable excuse, the licence holder breaches the licence by:

- Knowingly permitting the HMO to be occupied by more persons or households than is authorised by the licence; and
- Failing to comply with a condition of the licence such as a prohibition against occupation as sleeping accommodation.

If convicted of such an offence the licence holder is liable to an unlimited fine. A financial penalty of up to £30,000 may be imposed as an alternative to prosecution.



Space Standards:

Legal requirements:

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

Broadland District Council has adopted the following minimum space standards:

HMO's where occupiers share kitchen facilities:

Follow the table from left to right to work out the space requirements in your HMO.

Total number of people in HMO	Minimum kitchen size	1 to 2 storey HMO minimum living space	3+ storey HMO minimum living / dining space
3-5 people	7m ²	11 m ² separate living room; or 18 m ² combined kitchen / living room	Either: 11 m ² separate living room within 1 floor distance of kitchen; or 13 m ² kitchen/diner and 11 m ² living room elsewhere; or 18 m ² combined kitchen/living/dining room.
6-10 people	10 m ²	14 m ² separate living room; or 24 m ² combined kitchen / living room	Either: 14m ² separate living room within 1 floor distance of kitchen; or 16m ² kitchen/diner and 14m ² living room elsewhere; or 24m ² combined kitchen/living/dining room.
<ul style="list-style-type: none">The minimum kitchen area must be provided in all cases.A living room will be accepted as a dining room and vice versa, provided the minimum space requirements are fulfilled.			

HMO's with kitchen facilities for the exclusive use of occupants (Bedsits):

1. A bedsit is typically where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation, (i.e. one room), but where an amenity, i.e. a toilet, personal washing facilities or cooking facilities, are shared with the occupants of other bedsits in the same building.
2. A bedsit can be occupied by a maximum of two persons.
3. Room sizes:
 - 1 person bedroom/sitting room/kitchen: minimum of 13m²
 - 2 person bedroom/sitting room/kitchen: minimum of 20m²

1 or 2 person self-contained flats contained within a licensable HMO:

1. A self-contained flat is typically where all basic amenities are available for the exclusive use of its occupants and no amenities are shared with the occupants of other accommodation in the same building.
2. The bedrooms in self-contained flats must meet the minimum sizes of 6.51m² for one occupant and 10.22m² for two occupants.
3. The kitchen must be of adequate size and layout.

(N.B. If the kitchen is within the same room as the bedroom the minimum room sizes detailed for bedsits above must be met, i.e. 1 person bedroom/sitting room/kitchen: minimum of 14m² and 2 person bedroom/sitting room/kitchen: 18m²).

Notes:

The measured space in any room must be 'usable space'. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room.

Any floor space that has a ceiling height of less than 1.5m (5ft) shall be disregarded for the purpose of measuring the total space in the room.

Heating:

1. Each unit of living accommodation in an HMO must be equipped with adequate means of space heating, capable of maintaining temperatures of 21°C in living rooms and 18°C in bathrooms when the outside temperature is -1°C.

The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs), or a fixed, hardwired electrical appliance.

Each occupant should be provided with controls to allow them to regulate the temperature and timing settings within their unit of accommodation.

Personal washing facilities:

Legal requirements:

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

1. Bath/showers shall be provided in the ratio of at least one to every five persons sharing.
2. The bathrooms or shower rooms shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a communal area. Facilities must be inside the building.
3. Bathrooms and shower rooms must be of adequate size and be laid out in such a way as to enable persons to undress, dry and dress themselves in a safe manner.
4. Each bath, shower and wash hand basin shall be provided a continuous and adequate supply of hot and cold running water, designed to ensure reasonable temperature control.
5. Bathrooms and shower rooms must have adequate lighting, heating and ventilation.
6. All baths, toilets and wash hand basins must be fit for the purpose.

To meet the above requirements of adequate size, layout, and fit for purpose, Broadland District Council has adopted the following minimum standards:

1. An efficient and safe fixed space-heating appliance must be provided in the bathroom / personal washing room that can maintain a minimum temperature of 18°C when the outside temperature is -1°C.
The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs) or a fixed electrical appliance. The heating must be under the control of the occupiers for timings and temperature settings.
2. Bathrooms must have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any window(s). The system is to be either coupled to the light switch and incorporate a suitable over-run period, or an appropriately set humidistat. This is in addition to any windows.

3. A tiled splash-back shall be provided to all baths and wash hand basins. Shower cubicles shall have fully tiled walls and be provided with a suitable water-resistant curtain or door to the cubicle. Bathrooms and shower rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.

4. The following minimum dimensions shall apply:

Item	Dimension
Wash hand basin	500mm X 400mm
Splashback	300mm high
Bath	1700mm X 700mm
Shower	800 X 800mm

5. Bathrooms and shower rooms must be constructed to ensure privacy

Sanitary Conveniences (toilet facilities):

Legal requirements:

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

1. Where there are four or fewer occupiers sharing facilities, there must be one toilet which may be situated in the bathroom.
2. Where there are five or more occupiers there must be one separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers.
3. Toilets are to be provided in bathrooms or separate compartments of an adequate size and layout. The rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.
4. Toilets shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a communal area. Facilities must be inside the building.
5. A toilet provided in a separate compartment must have a wash hand basin with an appropriate splash-back.

To meet the above requirements for sanitary conveniences, Broadland District Council has adopted the following minimum standards:

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

4. A wash hand basin must be provided in the same compartment as the toilet.
5. Compartments must be constructed to ensure privacy.

Sharing ratios for bathrooms & sanitary conveniences:

Legal requirements:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for the number of bathrooms/showers and toilet facilities in HMOs.

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

The information below explains this requirement in more detail:

Number of people (irrespective of age)	Facilities required (If a child under 10 lives at the property, a bath must be provided)
1 – 4 people	The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin. The bathroom and toilet may be in the same room.
5 people	The minimum provision is 1 bathroom with a bath or shower and 1 separate toilet with wash hand basin. The separate toilet may be located in a second bathroom.
6 - 10 people	The minimum provision is: <ul style="list-style-type: none"> • 2 bathrooms containing a bath or shower • 2 toilets with wash hand basins, one of which must be in a separate room.

11 – 15 people	<p>The minimum provision is:</p> <ul style="list-style-type: none"> • 3 bathrooms containing a bath or shower • 3 toilets with wash hand basins, one of which must be in a separate room.
Bedrooms with en-suites	<p>Where a room is provided with a complete en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant then that occupant will be disregarded when considering the provision of sanitary facilities.</p> <p>Six occupants and one occupant had exclusive use of a fully equipped en-suite. The requirement for the remaining occupants would be for five people.</p> <p>If, however, the en-suite only provides one facility (either a bath/shower or a WC) then the occupant will not be disregarded for the missing amenity.</p>

Facilities for the storage, preparation & cooking of food:

Shared kitchens:

Legal requirement:

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

1. A kitchen suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities to adequately enable those sharing the facilities to store, prepare and cook food.
2. The kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:
 - (i) sinks with draining boards;
 - (ii) an adequate supply of cold and constant hot water to each sink supplied;
 - (iii) installations or equipment for the cooking of food;
 - (iv) electrical sockets;
 - (v) worktops for the preparation of food;
 - (vi) cupboards for the storage of food or kitchen and cooking utensils;
 - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
 - (viii) appropriate refuse disposal facilities; and
 - (ix) appropriate extractor fans, fire blankets and fire doors.

To meet the above requirements, Broadland District Council has adopted the following minimum standards:

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1. Location:

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

2. Layout:

- The kitchen layout must be safe, convenient and allow good hygienic practices.
- Cookers should be located away from doorways and have enough floor space for items to be safely retrieved from the oven.
- It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.
- If two sets of facilities are provided the layout must allow them to be used safely at the same time.

Examples of approved and poor layout

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



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



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



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

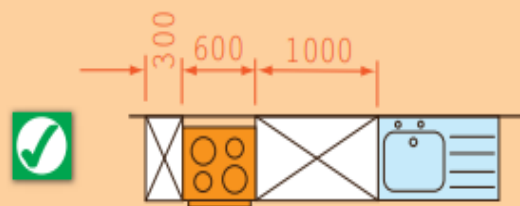


Examples of approved and poor layout



Good practice

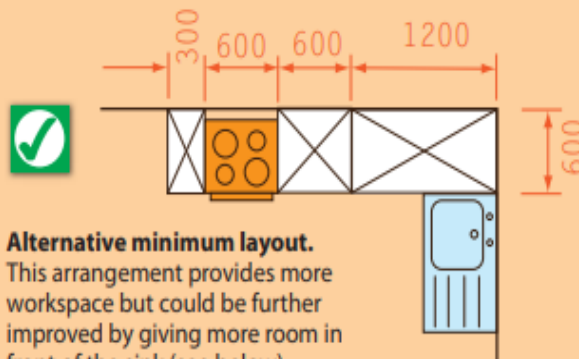
A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require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



This is the minimum provision for a kitchen.

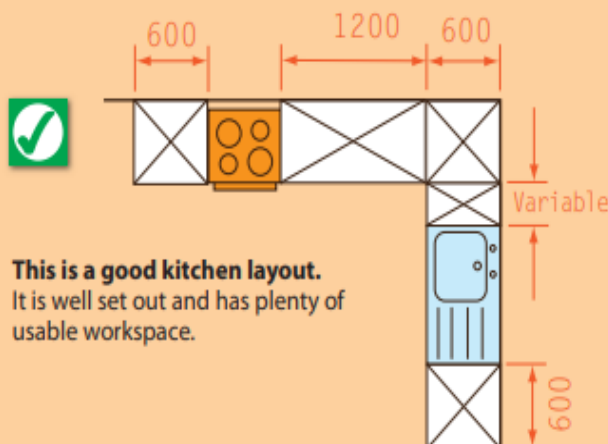
It incorporates worktop on both sides of the cooker and working space both sides of the sinkbowl.

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



Alternative minimum layout.

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



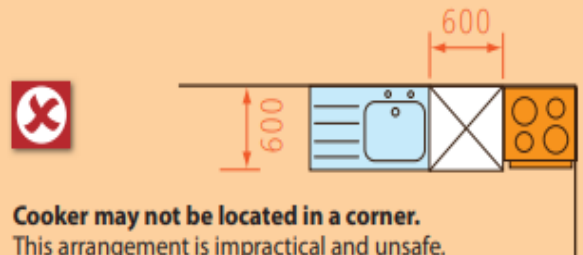
This is a good kitchen layout.

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



Unacceptable

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



Cooker may not be located in a corner.

This arrangement is impractical and unsafe.



The sink bowl must not be located in a corner.

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



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



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

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

3. Size:

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

4. Quantity of equipment:

- A complete set of kitchen facilities must be provided for every five persons as in the table below.
- No more than two sets of facilities shall be provided in any one kitchen.

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

	<p>Refuse disposal: Appropriate refuse disposal facilities must be provided.</p> <p>Ventilation: Mechanical ventilation to the outside air, in accordance with current Building Regulations. This is in addition to any windows.</p> <p>Fire precautions: Please see fire safety section.</p>
6 – 7 people	<p>Two complete sets of kitchen facilities as above with a 1500mm x 600mm work surface. However;</p> <ul style="list-style-type: none"> • a combination microwave is acceptable as a second cooker • a dishwasher is acceptable as a second sink.
8 – 10 people	<p>Two complete sets of kitchen facilities as above with a 2000mm x 600mm work surface.</p>
11 – 12 people	<p>At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 2500mm x 600mm of work surface. However;</p> <ul style="list-style-type: none"> • a combination microwave will be acceptable as a third cooker • a dishwasher will be acceptable as a third sink • Two x 130 litre refrigerators with an additional 20 litres capacity of refrigerator space per person over 10 • Two x 60 litre freezer space with an additional 10 litres capacity of freezer space per person over 10.
13 – 15 people	<p>At least two separate kitchens containing three complete sets of kitchen facilities as above, each kitchen with 5000mm x 600mm of work surface.</p>

Kitchens for exclusive use:

Bedsits:

A bedsit is typically where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation (i.e. one room), but where an amenity, i.e. a toilet, personal washing facilities or cooking facilities, are shared with the occupants of other bedsits in the same building.

Legal requirements:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 requires rooms without shared amenities to be provided with adequate equipment.

To achieve compliance with the above requirements for adequate size, layout and equipment, Broadland District Council has adopted the following minimum standards:

1. **Cooking:** A gas or electric cooker with a minimum two-ring hob, oven and grill.
2. **Storage:** A 130 litre refrigerator with freezer compartment plus at least one food storage cupboard for each occupant in the bedsit (base units shall be 500mm wide and wall units shall be 1000mm wide). The sink base unit cannot be used for food storage.
3. **Preparation:** Worktop of at least 500mm deep and 1000mm long, comprising a minimum of 300mm both sides of the cooking appliance to enable utensils and pans to be placed down. All worktops must be securely supported, impervious and easy to clean.
4. **Electricity:** Two double 13 amp power sockets suitably positioned at worktop height for use by portable appliances, in addition to sockets used by fixed kitchen appliances, plus two double sockets located elsewhere within the bedsit.
5. **Washing:** A stainless steel sink and integral drainer set on a base unit with constant supplies of hot and cold running water. The sink shall be properly connected to the drainage system. The cold water shall be direct from the mains supply. A tiled splash-back shall be provided behind the sink and drainer.
6. **Ventilation:** Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.
7. **Layout:** The same principles of safe layout and design apply in bedsits as for shared kitchens. Cookers must not be located near doorways to avoid collisions.

Notes:

1. Where a gas appliance is provided within a unit of accommodation, a carbon monoxide detector should also be provided.
2. Proprietary micro-style kitchenettes incorporating the above features may be suitable in certain situations, following consultation with a case officer.

Fire Safety:

Legal requirement:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require appropriate fire precaution facilities and equipment to be provided of such type, number and location as considered necessary.

The Regulatory Reform (Fire Safety) Order 2005 requires all HMOs to have a sufficient risk assessment with regard to fire.

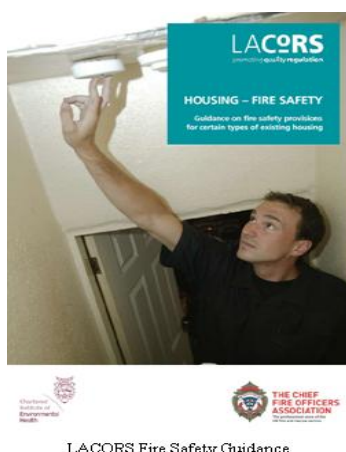
The Management Regulations require firefighting equipment and fire alarms to be maintained in good working order.

Norfolk Fire and Rescue Service enforce fire safety Regulations in communal, (shared), parts of an HMO such as shared kitchens, living rooms, hallways, stairways, etc. Broadland District Council will liaise and work with Norfolk Fire and Rescue Service whenever appropriate to obtain specialist advice and guidance.

Broadland District Council requirements:

Broadland District Council will undertake the inspection of HMO's and determine whether adequate fire precaution facilities and equipment are in place. A joint inspection may be undertaken with Norfolk Fire and Rescue Service where appropriate.

National Guidance on fire safety provisions for certain types of existing housing, published by LACORS, Housing – July 2008 (ISBN978-1-84049-638-3) will be used in the decision making process. Specialist advice may also be sought from Norfolk Fire and Rescue Service in relation to property specific requirements.



This document contains advice for landlords and fire safety enforcement officers in both local housing authorities and fire and rescue authorities on how to ensure adequate fire safety. Please use attached link to the document;

<https://www.rla.org.uk/docs/LACORSFSguideApril62009.PDF>

The information below is summarised from the Fire Safety Guidance document and provided to help landlords understand their responsibilities and the fire safety precautions judged necessary for HMOs.

1. Fire Risk Assessment:

A Fire Risk Assessment is required. A Fire Risk Assessment is an organised and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. The aims of a Fire Risk Assessment are:

- to identify fire hazards;
- to reduce the risk of those hazards causing harm to as low as reasonably practicable; and
- to decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in the premises if a fire does start.

A landlord or specialist contractor can undertake the risk assessment. Most properties will be relatively small and will have a straightforward and simple layout. Therefore, little fire safety expertise is likely to be required to carry out the risk assessment. In larger buildings or where the building contains different uses, i.e. commercial and residential, then specialist advice may be required.

2. Fire precaution requirements:

The requirements expected by the Council will vary according to the observations and findings arising from any inspection undertaken and will be based on the advice detailed in the LACORS Fire Safety guide.

Landlords should also be aware that where premises are occupied in a manner other than that intended under the original construction, compliance with the Building Regulations at the time of that construction will not necessarily negate the requirement for additional fire safety measures.

Although an exhaustive list of likely requirements cannot be given in this document necessary measures may include: fire doors on high risk rooms, fire separation, a fire blanket in the kitchen and automatic fire detection systems.

Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standards.

- Grade D fire alarm systems should be tested on a regular basis, not less than monthly and more frequently whenever circumstances require. All detectors must be cleaned at least annually. Testing and maintenance must be in accordance with the manufacturer's instructions. Landlords can self-certify this has been completed.
- Grade A fire alarm systems should be tested on a regular basis, not less than monthly and more frequently whenever circumstances require. The system must be inspected and serviced at periods not exceeding six months in accordance with the recommendations of Clause 45 of BS 5839-1:2013. An

inspection and servicing certificate of the type contained in H.6 of BS 5839-1:2013 should be issued by a suitably qualified and competent person.

- Emergency lighting systems should be tested regularly and a full system test and service must be completed annually by a competent person in line with BS5266.
- Landlords are required to service firefighting equipment annually.

3. Non-standard layout/Higher risk homes:

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

An example of a non-typical layout is 'inner rooms' where the bedroom is located such that the occupant passes through risk rooms (living rooms, kitchens or dining rooms) in order to reach the means of escape. There are various solutions available such as escape windows or water suppression systems; these should be discussed with a case officer before undertaking works.

4. Examples:

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

Low risk shared houses:

For properties let on a joint contract with shared access to all areas of the property and shared facilities the following requirements apply:

Area	Item	1-2 Storey Property	3 - 4 Storey property	5 Storey property
Fire doors	Doors to kitchen must be 30 minute fire doors with heat and smoke seals.		✓	✓
	Bedroom doors must be solid and close fitting.	✓	✓	✓
	Bedroom doors must be 30 minute fire doors with heat and smoke			

	<p>seals.</p> <p>Fire door to living room with heat and smoke seals.</p> <p>Doors to any cellars must be 30 minute fire doors with heat and smoke seals.</p>		<p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>
		✓	✓	✓
Fire alarm system	<p><i>BS 5839-6:2004 Grade D, LD3 fire alarm system with smoke detectors in escape route at all levels and heat alarm in kitchen.</i></p> <p><i>Additional interlinked smoke alarms in any cellar.</i></p> <p><i>Additional smoke interlinked alarm in living room.</i></p> <p><i>Additional smoke alarms to bedrooms – only if smoke seals fitted to bedroom doors</i></p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p>
Firefighting equipment	<p>Fire blanket in kitchen</p> <p>Simple multi-purpose fire extinguisher in hallway recommended.</p>	<p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>	<p>✓</p>

Locks on doors	Final exit doors must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
	Locks on bedroom doors (where provided) must be provided with a lock that can be opened without a key from the inside.	✓	✓	✓
Protected escape route	Under stairs cupboards must have a ceiling that is 30 minutes fire resistant.	✓	✓	✓
	Cellars must have a ceiling that is 30 minutes fire resistant.	✓	✓	✓
	30 minute protected escape route.		✓	✓
	Escape windows (to current building regulation standard).	✓	✓	✓
		(Alternative solution)		

Bedsits:

A bedsit is where tenants rent a room and have shared use of a kitchen or bathroom. The tenants will not always know each other and may have locks on their bedroom doors.

Each property will be risk assessed for individual particular needs.

No more than 2 storeys:

- Mains wired interlinked optical type smoke detectors / alarms in common parts, basement / cellar and in all habitable rooms and a heat detector in the kitchen (BS 5839-6:2004 Grade D, LD2);
- 30 minute fire resisting structure to walls and ceilings separating habitable rooms from other habitable rooms, kitchens and the common escape route.
- Fire doors with 30 minute fire resistance, complete with intumescent smoke seals and an overhead self-closing device (FD30S)
- Emergency lighting to common parts (BS5266) where escape route is long or complex
- Fire escape signage where escape route is long or complex
- Provision of a fire blanket and dry powder fire extinguisher in the kitchen and a 9 litre water extinguisher to each floor level.

Or

- A fire sprinkler system (BS 9251:2005) with relaxations on the above requirements.

3 or 4 storeys:

- Mains wired interlinked optical type smoke detectors / alarms in common parts, basement / cellar and in all habitable rooms and a heat detector in the kitchen (BS 5839-6:2004 Grade A, LD2);
- 30 minute fire resisting structure to walls and ceilings separating habitable rooms from other habitable rooms, kitchens and the common escape route.
- Fire doors with 30 minute fire resistance, complete with intumescent smoke seals and an overhead self-closing device (FD30S)
- Emergency lighting to common parts (BS5266) where escape route is long or complex
- Fire escape signage where escape route is long or complex
- Provision of a fire blanket and dry powder fire extinguisher in the kitchen and a 9 litre water extinguisher to each floor level.

Or

- A fire sprinkler system (BS 9251:2005) with relaxations on the above requirements.

Buildings converted into flats:

Compliance with the 1991 Building Regulations will usually be considered sufficient.

In general:

- 60 minutes fire resistance between flats and any commercial premises.
- 30 minutes fire resistance between flats and common parts and other flats.
- 30 minute fire resisting doors to the flat entrances (FD30S)
- Mains wired interlinked optical type smoke detectors/alarms in common areas, basement/cellar and a heat detector in the room/lobby opening onto the escape route (BS 5839-6:2004 Grade D, LD2).
- Mains wired non-interlinked optical type smoke detectors/alarms in hallway (BS 5839-6:2004 Grade D, LD3).

Management:

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to all HMO's. Please see attached link to the Regulations;

<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

The Regulations can be accessed in full at www.legislation.gov.uk. Under both sets of Regulations the person in control of or managing the HMO has a number of duties:

- Provision and display of the manager's contact information to the occupiers;
- Maintenance of common parts, fixtures, fitting and appliances;
- Maintenance of living accommodation;
- Safety measures, including fire safety;
- Supply and maintenance of gas and electricity;
- Maintenance of water supply and drainage; and
- Provision of waste disposal facilities.

Fit & proper person?

A licence holder and any manager of an HMO must be a "fit and proper" person. Applicants must declare relevant information and appropriate checks will be undertaken to ensure they are fit and proper to operate an HMO.

A database of rogue landlords and property agents has been introduced which can be used to verify / confirm any previous convictions.

Occupiers:

Occupiers of HMO's have a duty to ensure that they take reasonable care to avoid damage and disrepair to the property, and do not obstruct the manager in complying with any Management Regulation.

Refuse disposal & storage facilities:

HMO licences will require the licence holder to comply with their local authority policy for the provision of facilities for the proper disposal and storage of domestic refuse.

Broadland District Council HMO Policy:

Broadland District Council provides bins for household waste collection to all households in the district who pay Council Tax as follows;

- **A standard set of 240 litre bins to each household (one green bin for general refuse and one grey bin for recycling);**
- **A larger 360 litre green bin to households of 5 or more;**
- **A larger 360 litre grey bin is available to any household with large amounts of extra recycling at each collection;**
- **An extra set of bins may be delivered if there is more than one family residing in a property, or an annexe, and is paying separate Council Tax;**
- **Other arrangements can be put in place where there are exceptional circumstances at a property, e.g. a large number of residents or residents with special needs.**
- **Large communal bins are only provided where there is not space for smaller bins to be provided.**

Broadland District Council operates an alternate weekly collection of refuse and recycling waste.

To comply with the requirements of the licence the landlord must:

- Agree suitable waste storage and collection arrangements with Broadland District Council at the earliest opportunity;

- Store all household waste from the property safely and securely within the boundary of the property;
- Ensure all household waste is contained within bins provided by Broadland District Council and that any other waste is dealt with promptly and legally to prevent any potential nuisance issue;
- Ensure all tenants are aware of the household waste collection arrangements for the property including what can be accepted through the refuse and recycling scheme (details are available on the Council's website or from the Environmental Services Department at Broadland District Council);
- Ensure that all household bins are presented by 07:00 on the day of collection and are returned to the property following collection; and
- Legally dispose of any waste generated in any maintenance of the property, including any DIY and construction and demolition waste. The landlord must be able to provide a Waste Transfer Note upon request for such controlled waste.

Housing Health and Safety Rating System (HHSRS):

The Housing Health and Safety Rating System, (HHSRS), is the legislation which gives minimum standards for all homes, including HMO's. When HMO's are inspected, any defects found as part of this procedure will be subject to HHSRS.

It is a risk- based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in properties. There are 29 hazards detailed within the HHSRS, the most common being:

Damp & mould growth:

Houses should be warm, dry, well-ventilated and maintained free from rising and penetrating damp and condensation. There should be adequate provision for the safe removal of steam / moisture to prevent damp and mould growth.

Excess Cold:

Houses should be adequately insulated to prevent excessive heat loss and have an effective heating system capable of maintaining temperature.

An Energy Performance Certificate, (EPC), is required every time a home is put up for sale or for rent. There are a few exceptions, i.e. for a room that's being rented out by a resident landlord and listed buildings may also be exempt.

Entry by Intruders:

Houses should be capable of being secured against unauthorised entry. Windows and doors must be robust and fitted with adequate security. Externally, the curtilage of the property should be restricted and secure. Sheds and outbuildings should be maintained secure and in good repair.

Lighting:

All habitable rooms should have an adequate level of natural lighting. All rooms and circulation areas should have provision for electric lighting.

Electrical Hazards:

The electrical installation should be maintained in a safe condition. There is a legal requirement for the electrical installations in HMO's to be inspected by a competent person every five years.

Flames, hot surfaces, etc.:

Heating and cooking appliances should be maintained in a safe condition and be suitably located so as not to become hazardous. Cooking appliances should be set on an even surface and heating appliances securely fixed in a suitable position within the room.

Falls:

Internally, floors should be even, non-slip and be maintained in a good condition. Stairs should be maintained in good condition and be free from disrepair. Stair coverings should be securely fitted and should not be worn or loose. A securely fixed hand rail should be provided the full length of the stairway. Balconies and basement light wells should have securely fixed guarding.

Externally, paths should be even, properly drained and steps should be maintained in good condition and be free from disrepair.

Personal hygiene, sanitation and drainage:

Bathroom and kitchen surface finishes should be capable of being readily cleaned. The external of the property should be free from disrepair and free from access by pests, such as rats and mice. There should also be suitable provision for the storage of domestic waste inside and adequate receptacles outside the property – see additional section on new licensing requirements for refuse disposal and storage facilities.

Water supply:

An adequate supply of potable drinking water should be available from the kitchen sink. All pipework should be adequately protected from frost damage.

Further information:

Further guidance can be found on the Housing and Safety Rating System via the following link;

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>



Planning:

HMO's with three to six persons:

HMO's occupied by between three and six unrelated persons are defined as Use Class C4 by the Town and Country Planning (Use Classes) Order 1987 (as amended). Dwellings occupied by families or fewer than three unrelated people are defined as Use Class C3.

Planning permission may be required from the Council to change the use of a dwelling to an HMO in Use Class C4.

HMO's with seven or more occupiers:

HMO's with seven or more occupiers require planning permission and owners and managers are recommended to contact the Planning Department to clarify the planning status of the property;

Address: Thorpe Lodge, 1 Yarmouth Road, Thorpe St. Andrew, Norwich, NR7 0DU

Telephone: 01603 430509

Email: planning@broadland.gov.uk

Building Control:

Alteration / improvement works, including those requested by the council such as window replacement, drainage works or alterations to the electrical system, etc. may require Building Regulation or Building Notice approval.

For further information:

Address: CNC Building Control, PO Box 1370, Norwich, NR15 2GX

Telephone: 0808 168 5041

Quotations: quotations@cncbuildingcontrol.gov.uk

General Enquiries: enquiries@cncbuildingcontrol.gov.uk

Technical Advice: technical@cncbuildingcontrol.gov.uk

Applications: applications@cncbuildingcontrol.gov.uk

Further Information:

For further information on the licensing of HMO's please contact the Private Sector Housing Team at Broadland District Council on (01603) 430518.

Applying for an HMO licence:

You can apply for an HMO licence online at our website;

https://www.broadland.gov.uk/info/200128/housing/154/houses_in_multiple_occupations_hmos

To make a valid HMO licence application you must:

1. Complete the online application form;
2. Sign and return the declaration;
3. Pay the licence fee
4. Submit any required documentation.

HMO Licence Fee:

There is a fee for a five year HMO licence for up to five persons letting. There is a smaller additional fee per extra letting over the initial five lettings. The current fees are detailed on our website. Please use the same link to the website, as above.

Once an application is valid, we will arrange an inspection of the house, before preparing a draft licence called an 'Intention Notice'. The Intention Notice will contain conditions to be applied to the licence.

There is a 14 day consultation period before the final licence is issued. If you disagree with any conditions on the licence, (as detailed in the Intention Notice), you can make representation against the condition. These will be reviewed. We may amend / vary the licence as requested or reject the representation.

The actual licence is then issued. You have the right of appeal to the First Tier Tribunal against conditions on the licence. This must be done within 28 days.

An HMO licence runs for five years from the date of issue.

You must renew your licence before the current licence expires. A valid renewal requires timely submission of the online renewal application form, signed declaration and fee payment.

Renewals received after licence expiry will be rejected and you will be required to submit a full new application and pay a higher fee.