

# Houses in Multiple Occupation licence application pack



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# 1. Landlords guide to HMO licensing

## What is an HMO?

HMO stands for House in Multiple Occupation, which means a building, or part of a building, such as a flat, that:

- 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 which is a converted building - but not entirely self-contained flats (whether or not some amenities are shared or lacking)
- is converted self-contained flats, but does not meet as a minimum standard the requirements of the 1991 Building Regulation, and at least one third of the flats are occupied under short tenancies.

The building is occupied by more than one household:

- as their only or main residence
- as a refuge for people escaping domestic violence
- by students during term time
- for other purposes prescribed by the government.

A household is:

- families (including single people, couples and same sex couples)
- other relationships, such as fostering, carers and domestic staff.

For further details, please see the attached document 'Is my property an HMO?'

## Why does the Government want HMOs to be licensed?

The Housing Act 2004 introduces the licensing of Houses in Multiple Occupation (HMOs). It is compulsory (required by law) to license larger, higher-risk HMOs.

Larger HMOs, such as bedsits and shared houses, often have poorer physical and management standards than other privately rented properties. The people who live in HMOs are amongst the most vulnerable and disadvantaged members of society. As HMOs are the only housing option for many people, the government recognises that it is vital that they are properly regulated.

## Licensing

Licensing is intended to make sure that:

- landlords of HMOs are fit and proper people, or employ managers who are
- each HMO is suitable for occupation by the number of people allowed under the license
- the standard of management of the HMO is adequate
- high risk HMOs can be identified and targeted for improvement.

Where landlords refuse to meet these criteria the council can intervene and manage the property so that:

- vulnerable tenants can be protected
- HMOs are not overcrowded

Councils can identify and support landlords, especially with regeneration and tackling antisocial behaviour.

## HMOs that come under mandatory licensing

All HMOs that are:

- three or more storey high, and
- have five or more people in more than one household, and
- share amenities such as bathrooms, toilets and cooking facilities.

## HMOs that come under additional licensing

### Chalvey Ward

Slough Borough Council has exercised powers under section 56 of the Housing Act 2004. This is because a significant number of HMOs in the area are not being managed effectively. As from 30th November 2011 all HMOs in the Chalvey ward must be licensed. Additional licensing does not apply to any other area in the Borough.

Properties that must be licensed in the Chalvey ward are:

- All storey heights
- Properties that have three or more people in more than one household; and
- Share amenities such as bathrooms, toilets and cooking facilities

### How does it work?

Anyone who owns or manages an HMO that must be licensed has to apply to the council for a license. The council must give a license if it is satisfied that:

- the HMO is reasonably suitable for occupation by the number of people allowed under the license
- the proposed license holder is a 'fit and proper person'
- the proposed license holder is the most appropriate person to hold the license
- the proposed manager, if there is one, is a 'fit and proper person'
- the proposed management arrangements are satisfactory,
- the person involved in the management of the HMO is competent
- the financial structures for the management are suitable.

### What does a 'fit and proper person' mean?

The council will carry out checks to make sure that the person applying for the license is a fit and proper person. In deciding whether someone is fit and proper the council must take into account:

- any previous convictions relating to violence, sexual offences, drugs and fraud
- whether the proposed license holder has broken any laws relating to housing or landlord and tenant issues
- whether the person has been found guilty of unlawful discrimination
- whether the person has previously managed HMOs that have broken any approved code of practice.

It is advisable for the landlord or manager to be a member of a professionally recognised body, or an approved landlords association that is affiliated to the National Federation of Residential Landlords.

### What is in a licence?

The licence will specify the maximum number of people who may live in the HMO. It will also include the following conditions, which apply to every licence:

- a valid current gas safety certificate, which is renewed annually, must be provided
- proof that all electrical appliances and furniture are kept in a safe condition
- proof that all smoke alarms are correctly positioned and installed
- each occupier must have a written statement of the terms on which they occupy the property, for example, a tenancy agreement.

Councils may also apply the following conditions:

- restrictions or prohibitions on the use of parts of the HMO by occupants
- a requirement that the condition of the property, its contents, such as furniture and all facilities and amenities, bathroom and toilets for example, are in good working order
- a requirement for specified works or repairs to be carried out within a particular timeframe, including the provision of additional facilities and/or amenities and/or the installation of means of escape in case of fire and other fire precautions.
- a requirement that the responsible person attends an approved training course.

### Annual checks

We require to see annually the following valid certificates:

- Landlords Gas Safety Certificates
- Fire Alarm inspection and testing certificates.
- Emergency lighting inspection and testing certificates.

We will also require you to provide us with valid Periodic Electrical Inspection/Condition reports throughout the licence period.

### How long will it last?

A license can last for a maximum of five years, although it can be for a shorter period.

### How much will it cost?

We require an initial fee as stated in the "A Guide to Licensing Fee" document from landlords to be enclosed with your application to cover the administration costs of the Licence procedure. You will be invoiced for any additional costs when the draft Licence has been issued. The total cost is calculated by the amount of time and resources that are needed to satisfy all the licensing conditions. If the initial application is complete and all necessary information provided, the Licence fee will be less than where requests have to be made for further information and/or a verification inspection carried out.

A Guide to Licensing Fee document is enclosed with this pack which provides guidance on how licensing fees are calculated and charged.

### Can the council refuse to license my property?

Yes, if the property does not meet the conditions set out in section 4 and/or the landlord or manager is not a fit and proper person.

### What will happen then?

If a landlord fails to bring an HMO up to the required standard, or fails to meet the fit and proper person criteria, the council can issue an Interim Management Order (IMO), which allows it to step in and manage the property. The owner keeps their rights as an owner. This order can last for a year until suitable permanent management arrangements can be made. If the IMO expires and there has been no improvement, then the council can issue a Final Management Order. This can last up to five years and can be renewed.

### Can I appeal?

You may appeal if the council decides to:

- refuse a licence
- grant a licence with conditions
- revoke a licence
- vary a licence
- refuse to vary a licence.

You must appeal to the Residential Property Tribunal, normally within 28 days.

Details of how to appeal will be available soon.

### Temporary exemption from licensing

If a landlord or person in control of a property intends to stop operating it as an HMO or reduces the numbers of occupants and can give clear evidence of this, then he or she can apply, in writing, for a Temporary Exemption Notice. This lasts for a maximum of three months and ensures that a property in the process of being converted from an HMO does not need to be licensed. If the situation is not resolved, then a second Temporary Exemption Notice can be issued. When this runs out the property must be licensed, become subject to an Interim Management Order, or cease to be an HMO.

### Are there any other penalties?

It is an offence if the landlord or person in control of the property:

- fails to apply for a licence for a licensable property or
- allows a property to be occupied by more people than are permitted under the licence.

A fine of up to £20,000 may be imposed. In addition, breaking any of the licence conditions can result in fines of up to £5,000.

### Rent repayment orders

A tenant living in a property that should have been licensed, but was not, can apply to the Residential Property Tribunal to claim back any rent they have paid during the unlicensed period (up to a limit of 12 months). Councils can also reclaim any housing benefit that has been paid during the time the property was without a licence.

### Planning permission and building regulations

**IMPORTANT:** HMO licensing under the Housing Act 2004 is independent of the planning and building control processes. Being granted a licence does not constitute planning approval or building control consent. You should contact the relevant departments to ensure that you have the necessary permissions and/or consents.

# Is my property an HMO?

## It will be an HMO if it is one of the following:

- **A shared house** lived in by people who belong to more than one family\* and who share one or more facilities\*\*.
- **A house in bedsits** lived in by people who belong to more than one family\* and who share one or more facilities\*\*.
- **An individual flat** lived in by people who belong to more than one family\* and who share one or more facilities\*\*.
- **A building of self-contained flats** that do not meet 1991 Building Regulation standards.

## Exemptions:

- If it is occupied by only two people.
- If it is occupied by the owner (and their family if any) and one or two lodgers.
- If it is occupied by a religious community.
- If the occupiers have their main residence elsewhere\*\*\*.
- If no one in the property is required to pay rent.
- If the owner or manager is a public body.
- If the owner or manager is an educational institution.
- A building of self-contained flats if two thirds or more of the flats are owner-occupied.
- If the property is part of a guest house or hotel (unless an 'HMO Declaration' is made).

## Exemptions from licensing:

- If the whole property is in self-contained flats.
- If the basement is in commercial use and there are only two residential storeys above.

\* Family - husband, wife, co-habitee, child, step-child, foster-child, grandchild, parent, step-parent, foster-parent, grandparent, brother, half-brother, sister, half-sister, aunt, uncle, niece, nephew, cousin.

\*\* Facilities - basic amenities: wc; wash hand basin, shower, bath; cooking facilities.

\*\*\* Accommodation used by full-time students while they are studying is taken to be their main residence.

## 2. Completing your licence application

A separate application form must be completed for each licensable HMO.

DO NOT leave blanks. If a question is not applicable, please write N/A. If the answer is none, please write none.

### Basic disclosure

As part of the supporting documents we may require a 'basic disclosure' from the person managing the property and the proposed licence holder. This contains details of convictions considered unspent under the Rehabilitation of Offenders Act 1974 or states that there are no such convictions. The latest information we have is that the Criminal Records Bureau in England is too busy to accept applications for licensing matters and therefore the applications should be sent to Scotland. Any person managing the property and any person collecting rent (this may or may not be the licence applicant) should complete a 'Disclosure Application' as enclosed and send it, with the appropriate fee to:

Disclosures Scotland  
PO Box 250  
Glasgow  
G51 1YU

If you require advice on the completion of this form, you may call the helpline on 08706096006 or visit the website [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).

The disclosure must be received by the Private Sector Housing prior to the issue of the final licence, but you need not wait until receiving it to submit the rest of your application.

Only one basic disclosure is required per proposed licence holder/manager. If you have already provided this department with a basic disclosure as part of an HMO licence application within the past year, please state which property this was for (see part 14). You will not usually need to provide another one.

**The officer will advise you if you are required to provide one.**

### Part 1: Applicant information

If you are completing this form then you are the applicant. If you are also the proposed licence holder you do not need to complete this section, but should go to part 2.

If you are not the proposed licence holder you must complete this part, including stating your interest in the property (e.g. owner, lessee, occupier, etc.)

### Part 2: Proposed licence holder information

The proposed licence holder is the person whose name will be on the licence and will be responsible for complying with the licence conditions.

If the proposed licence holder is a company, you must provide the address of the registered office and the names of the company secretary and directors. If the proposed licence holder is a partnership or trust, you must provide the names of all the partners and trustees.

### Part 3: Manager information

If the proposed licence holder is also the manager, or someone else manages the property on an unpaid basis, please tick NO, and complete the first section of this part.

If an agent or individual is paid, please tick YES, and complete the second section of this part.

### Part 4: Interests and ownership

A 'freeholder' can be a person (or persons) or a company who is registered as the proprietor of a freehold estate in the land with absolute title.

A 'leaseholder' is somebody who owns a long lease on their property (usually for a term of more than 21 years), which gives them the right to occupation and use of the property for the term of the lease.

A 'person who collects the rent' is considered to be anyone who collects rents from the persons who are occupying the property.

A 'person who ultimately receives the rent' is the person who ultimately receives (whether directly or through an agent or trustee) rents or other payments from the persons who are occupying the property.

A 'person bound by a condition of the licence' could be any person who is involved in the management and/or maintenance of the property. This will also depend on the licence conditions.

## Parts 5 to 9

The local authority needs to assess whether the property appears to:

- Be in a reasonable state of repair,
- Be well managed,
- Contain appropriate amenities, and
- Have adequate fire precautions

on the basis of the information given, and to carry out a risk assessment to prioritise the inspection of the property.

Answering 'No' does not mean that a licence will not be granted, so please answer as honestly and accurately as possible.

Please note that the property does NOT necessarily have to be fully compliant with regards to amenity standards and fire precautions before we will issue a licence. If we feel that the property is below the necessary standard, a licence may be issued with conditions requiring works within a specified timescale attached.

If you have repairs/improvements/adaptations planned, please give us the details, including timescales so that we can take them into account when considering whether to grant a licence and the conditions therein.

## Part 9: Property description

These forms give you the opportunity to describe the property, the nature of occupation and the facilities provided. This will enable the council to assess the number of persons which the house is suitable for and assist in determining the inspection priority.

To supplement these you should provide a plan showing the use of each room and the fire precautions. You may wish to use the graph paper provided in part 12 of the application form. Instructions on drawing a plan can be found in the document 'Houses in Multiple Occupation: Drawing a Plan'.

The provision of a plan will reduce the need for us to inspect the property, and therefore reduce the fee you will be charged (see 'Houses in Multiple Occupation: A Guide to Licensing Fees').

If the plans clearly show all the information required in parts 9a and 9b of the application form, they can be provided as an alternative to completing parts 9a and 9b.

## Part 10: Other properties

This section is in order to help the local authority judge whether the person is a fit and proper person. Where the person has an interest in properties in other boroughs, the relevant councils may be contacted in order to assist in making this decision.

This information is required under regulation 7 (2) of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

## Part 11: Fit and proper persons

This section must be completed with regards to everyone mentioned in Parts 1, 2, 3 and 4.

It should be noted that minor infringements which occurred a long time ago will not necessarily mean that a licence will be refused. Recent and serious infringements relating to HMOs may however imply that the proposed licence holder or manager is not a fit and proper person.

This section also gives an opportunity to demonstrate any steps taken by relevant persons to keep themselves informed of good management practices and any changes in the law which could affect his duties as a landlord.

Please indicate if the proposed licence holder is a member of a trade body which regulates its members through a Code of Management member of a trade body Practice. The main regulatory bodies are the Association of Residential Letting Agents (ARLA); the Association of Residential Managing Agents (ARMA); the Royal Institute of Chartered Surveyors (RICS); the National Association of Estate Agents (NAEA); and the National Approved Lettings Scheme (NALS).

### Part 12: Further information

This section should be used to provide extra space in answering any of the questions, or to provide any further information relevant to your application.

You may wish to use the graph paper in this section to draw a plan of the property.

### Part 13: Declaration of notification

You must let certain persons know in writing that you have made this application or give them a copy of it. The persons who need to know about it are:

- any mortgagee of the property to be licensed
- any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you
- any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)
- the proposed licence holder (if that is not you)
- the proposed managing agent (if any) (if that is not you)
- any person who has agreed that he will be bound by any conditions in a licence if it is granted.

You must tell each of these persons:

- your name, address telephone number and e-mail address or fax number (if any)
- the name, address, telephone number and e-mail address or fax number (if any) of the proposed licence holder (if it will not be you)
- whether this is an application for an HMO licence under Part 2 or for a house licence under Part 3 of the Housing Act 2004
- the address of the property to which the application relates
- the name and address of the local housing authority to which the application will be made the date the application will be submitted.

You must complete Part 13 by using the space provided to list the names, addresses and descriptions (e.g. leaseholder, mortgagee etc) of all persons you have informed of your application as required above. If there is not enough space provided, you should attach additional pages as necessary. Each additional sheet must be signed and dated by the applicant.

### Part 14: General declaration

Any statements/parts of statements in the declaration that do not apply should be crossed out before it is signed. The section must be signed by the applicant, proposed licence holder and manager.

### Part 15: Self Certification of Compliance with Furniture and Furnishings (fire safety) Regulations 1998

Please see page 25 for guidance.

### Part 16: Document checklist

Please indicate all documents which you have included in your application.

#### Note:

A licence is personal to the person(s) or organisation stated on these documents. If the names stated on the licence cease to be valid for any reason, the licence will cease and a new application must be made. Other changes could affect the validity of the licence. Licensees are advised to contact us regarding changes made to the property or management thereof.

**IMPORTANT: It is an offence to supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which you know is false or misleading or you are reckless as to whether it is false or misleading.**

If you require assistance in completing the application form, please contact Private Sector Housing on telephone number 01753 875264.

### 3. Drawing a plan

You are requested to provide a plan of your property with your application.

The plan should show:

- Each floor of the property
- The location of each room
- The use of each room
- Windows present in each room
- The location of all fire precautions

Rooms should be numbered or named as appropriate so that they can be cross referenced with the information provided in **PART 9** of the application form.

If the plans clearly show all the information required in parts 9a and 9b of the application form, they can be provided as an alternative to completing parts 9a and 9b.

Fire precautions should be indicated with the following symbols:

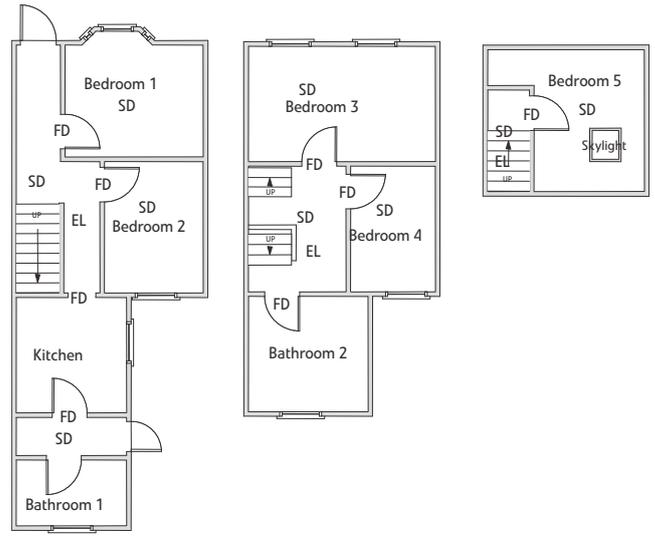
Doors with 30 minute fire resistance .....	<b>FD</b>
Smoke detectors .....	<b>SD</b>
Heat detectors .....	<b>HD</b>
Fire extinguishers .....	<b>FE</b>
Fire blankets .....	<b>FB</b>
Emergency lighting .....	<b>EL</b>

**For further advice, please contact Private Sector Housing on telephone number 01753 875264.**

The following are examples of plans.

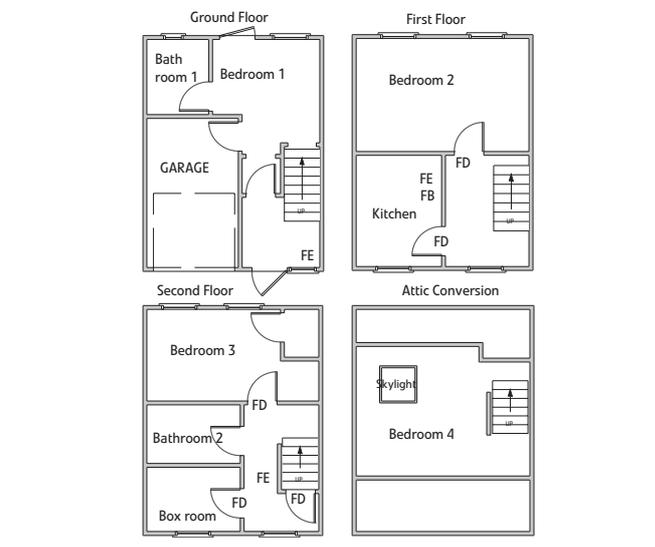
#### Example 1

A 3 storey house including an attic conversion with 5 bedrooms, 2 bathrooms, smoke/heat detectors, emergency lighting and fire doors.



#### Example 2

A 4 storey town house including an attic conversion, with 4 bedrooms, a kitchen, a shared bathroom and an en-suite bathroom to Bedroom 1. Most doors are fire doors and there are fire blankets and fire extinguishers but no fire alarm system.



## 4. Fire safety information for three or more storey HMOs

### Introduction

An occupier in an HMO of three or more storeys is up to 6 times more likely to die in a fire than an occupier in a 'single family' dwelling.

In order to reduce this risk, additional fire precautions and means of escape in case of fire are required. This leaflet briefly outlines the requirements that apply to HMOs of three or more storeys.

### Fire alarm system

A mains wired, interlinked alarm system compliant with **BS 5839: Part 1: 1988, L2 Grade A system** is required. This should include:

- **Smoke Detectors** to each floor of the fire escape route, communal living rooms, any room adjoining fire escape route and letting rooms.
- **Heat Detectors** in kitchens and kitchen areas within letting units.
- **Alarm Sounders** in all letting rooms and on each floor of escape route. These must be capable of producing a sound level of 75dB(A) at the bed-head of each bedroom/bedsitting room with all fire doors kept shut.
- **Call Points** on each floor of fire escape route and adjacent to the main exit to open air.

Where the HMO contains letting units of more than one room (not including any bathroom) an **L3 system within communal circulation areas and adjoining rooms LD2 Grade D within bedsits** may be required.

### Emergency lighting

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: 1988 Code of practice for the emergency lighting of premises**.

This should be installed such that the following areas will be adequately lit in case of failure of the electricity supply:

- intersections of corridors
- exit doors
- change of directions
- each flight of stairs
- fire fighting equipment and call points

### Protected route

There must be a safe way for residents to get downstairs and out of the building to a place of safety without going through areas of fire or smoke. The walls, ceilings, doors, and stairs on the escape route and between lettings, must be constructed from fire resisting materials that will prevent smoke and fire from entering the escape route for at least thirty (30) minutes.

**Internal walls** built of brick or blockwork usually achieve 30 minute fire protection. If you have walls or partitions made of other materials you should contact 'Private Sector Housing' for advice.

**Fire doors** must be purpose made to achieve 30 minute fire resistance compliant with **BS EN 1634-1 and BS 476 Part 31.1**, fitted with intumescent strips, smoke seals, and positive self-closing devices which will ensure positive latching of the door (e.g. overhead self closers). Rising butt hinges, 'perco' self-closers 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. Bedroom doors should be fitted with a suitable lock that enables the door to be opened from inside without a key, even when locked, and kitchen doors should incorporate a fire resisting vision panel.

**Ceilings** constructed from lath and plaster (which are in good sound condition) or plasterboard with a skim coating of plaster will usually achieve at least 30 minutes fire resistance. Additional protection may be required on other ceilings. Any loft hatches etc within those ceilings will need to be upgraded to achieve half hour fire resistance.

**Stairs** forming part of the escape route should have a fire resistant layer fitted underneath (the 'soffit') consisting of One or two layers of plasterboard of minimum total thickness of 9.5mm, or fire resistant board not less than 4.5mm thick, and all joints should be properly scrimmed and finished with a minimum thickness of 3mm finishing plaster.

**Polystyrene ceiling/wall tiles** should NOT be present within bedrooms, escape route or common parts of the property as they will help the flames to spread and give off toxic fumes. Ideally all such tiles in the whole property should be removed.

## Additional requirements

All HMOs should be provided with a fire blanket in each kitchen area, a **9 litre water-type fire extinguisher** in the staircase enclosure at ground and first floor levels and a **2kg Carbon Dioxide-type fire extinguisher** in each shared kitchen.

Where the HMO is large (e.g. more than 7 rooms), has more than three storeys or has an unusual layout there may be additional requirements.

Where any special measures are required for the means of escape for disabled occupants these should be provided in accordance with **BS. 5588 Part 8: 1988 (Code of Practice for means of escape for disabled people)**.

Where the HMO is a hostel, guesthouse or Bed and Breakfast type accommodation, additional requirements may be made, but this will be in consultation with Royal Berkshire Fire and Rescue Service

**PLEASE NOTE: This document should only be used as a basic guide, providing general information. For detailed information please contact Private Sector Housing on telephone 01753 875264.**

# Fire standard for houses in multiple occupation (HMO) which have two storeys or fewer

## Background

Having identified in excess of 2000 HMO's in Slough an acceptable standard of fire safety has been drawn up (please see below) re-placing previous standards; this is an enforceable standard that follows best practice for smaller two storey HMOs at the most reasonable cost to landlords.

## Introduction

Statistics indicate that an occupier in an HMO is more likely to die in a fire than an occupier in a 'single family' dwelling. In order to reduce this risk, additional fire precautions are required and the means of escape needs to be kept free from obstruction. This leaflet briefly outlines the standard that will, in most HMOs of 2 or fewer storeys, reduce this risk to an acceptable level.

## Basic standard

### Fire alarm system

A mains wired, interlinked alarm system compliant with **BS 5839: Part 6, LD2 Grade D system** is required. This should include:

**Smoke Detectors** installed to each floor of the fire escape route, communal living rooms and letting rooms and any cupboard that contains a meter or consumer unit. In bedsits that include cooking facilities within the room the smoke detector should be non-interlinked with a battery back up wired into the local lighting circuit, to sound only in the room concerned.

**Heat Detectors** installed in kitchens and kitchen areas within letting units.

**Alarm Sounders** installed in all letting rooms and common living rooms. Smoke or heat detectors with integral sounders are acceptable.

**Call Points** will not usually be required.

This system should be **regularly tested** by landlords and suitable records kept showing the date of testing. The system should be tested annually by a competent electrician who should provide a satisfactory test certificate compliant with BS 5839, a copy of the testing certificate must be provided to the Private Sector Housing team each year upon request.

### Emergency lighting

You may be required to provide emergency lighting in accordance with the fire safety officers recommendations. This is usually at the top of the stairwell in the common parts, this can be in the form of an integrated smoke alarm and emergency light as one unit; complying with recommendations in the appropriate British Standard, currently **BS 5266: Part 1 Code of practice for the emergency lighting of premises**.

### Fire doors

There must be a safe way for residents to get downstairs and out of the building to a place of safety without going through areas of fire or smoke. The walls, ceilings, doors, and stairs on the escape route and between lettings, must be well constructed and maintained in good condition.

The kitchen must be fitted with a purpose made fire door set (door and frame) with vision panel to achieve 30 minute fire resistance compliant with **BS EN 1634-1 and BS 476 Part 31.1**. Fitted with intumescent strips, cold smoke seals, and positive self-closing devices which will ensure positive latching of the door (e.g, overhead self closers); rising butt hinges, 'perco' self-closers and "garden gate" type coil springs are unsuitable, The doors should be hung on fire rated hinges no part of which has a melting point of less than 800°C, Common rooms (eg. lounge) and rooms considered a higher risk (eg. containing a boiler) must be fitted with a fire door giving 30 minutes fire resistance (as above), Existing doors may be acceptable for bedrooms if they are close fitting internal doors and not of an "egg box" type construction,

Bedroom doors should be fitted with a suitable lock that enables the door to be opened from inside without the use of a key, even when locked.

Stairs forming part of the escape route should have a fire resistant layer fitted underneath (the 'soffit') in order to achieve a 30 minute fire resistance e.g, one or two layers of plasterboard of minimum total thickness of 9,5mm, or fire resistant board not less than 4,5mm thick. All joints should be properly scrimmed and finished with a minimum thickness of 3mm finishing plaster to prevent the passage of smoke.

Polystyrene ceiling/wall tiles should NOT be present within bedrooms, escape routes or common parts of the property as they will help the spread of flame and give off toxic fumes. Ideally all such tiles in the whole property should be removed.

### Meters/consumer unit

Where electric and/or gas meters and consumer units are positioned within the escape route they must be contained in a cupboard providing 30 minute separation.

Where a meter or consumer unit is positioned in the under-stairs cupboard, the door to the cupboard must be upgraded to provide 30 minutes fire separation with intumescent strips and cold smoke seals fitted.

Where a letting room contains an electrical consumer unit the manager must be able to provide access 24 hours a day in case the occupant of that room is absent and the room is locked. The room can be used as a common room only or the manager must provide the Council with a plan to show how access can be maintained. Alternatively the unit can be re-sited.

## Additional requirements

All HMOs should be provided with a fire blanket in each kitchen.

The implementation of this standard is at the discretion of the case officer, where the HMO is large (eg. more than 7 rooms) or has an unusual layout there may be additional requirements.

Where any special measures are required for the means of escape for disabled occupants these should be provided in accordance with BS 9999:2008 Section: 17.7 and 18.8 - disabled evacuation.

Where the HMO is a hostel, guesthouse or Bed and Breakfast type accommodation, additional requirements may be made, but this will be in consultation with Royal Berkshire Fire and Rescue Service.

**Please note: This document should only be used as a guide, providing general information. For detailed information please contact Private Sector Housing on 01753 875264.**

## 5. Amenity standards in licensable properties

These standards only apply to licensable HMOs. Slough Borough Council is considering introducing licensing for all HMOs in Slough over the next 5 years. These standards will therefore be taken into account when requiring works in any HMOs, whether licensable or not.

All standards in italics are national minimum standards.

These standards have been defined to reflect and improve where necessary on the council's existing standards currently applied to the HMO stock. Specifically,

- where there is a clear national standard, this will apply
- where the national standard requires further amplification, this has been provided
- where no national standard exists, the Slough standard has been applied.

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### 1 HEATING

- 1.1 Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.
  - 1.1.1 All units of living accommodation shall have a heating appliance installed to satisfy the above which shall be of sufficient output so as to adequately heat the room to a temperature of at least 20°C, when the outside temperature is -1°C.
  - 1.1.2 Where a central heating system is provided to comply with heating requirements, it is recommended that thermostatic radiator valves be installed to allow the occupants some control over room temperatures.
  - 1.1.3 Central heating systems under the control of the manager/proprietor of the premises must be operated at all reasonable times in order to maintain adequate room temperatures 24 hours a day.
  - 1.1.4 Heating may be by means of:-
    - a) Central heating, OR
    - b) Solid fuel in the form of an authorised smokeless fuel or alternatively solid fuel burnt in an approved appliance. If solid fuel is used proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation, OR
    - c) Gas heaters connected to an approved flue and terminal outlet, OR
    - d) Oil heaters connected to an approved flue and terminal outlet, OR
    - e) Electricity. If electricity is to be used to heat a room, an electric point shall be provided for that exclusive purpose. Individual heaters (except oil filled radiators) must be a fixed installation.
  - 1.1.5 Except for central heating, wherever practicable heaters shall be fixed to an existing chimney breast or otherwise be positioned so as to direct heat towards the centre of the room.

- 1.1.6 Such heating provision must be capable of being used by the occupants at any time.
- 1.1.7 Due to increased fire risk, condensation and carbon monoxide problems associated with their use, portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (Bottled Gas heaters) shall not be acceptable under any circumstances, whether provided by the landlord or the tenant.

## 2 Washing facilities

### 2.1 Water Closets:

- 2.1.1 Where all or some of the units of living accommodation in an HMO do not contain toilet facilities for the exclusive use of each individual household;
  - a) where there are four or fewer occupiers sharing those facilities there must be at least one toilet (which may be situated in the bathroom);
  - b) where there are five or more occupiers sharing those facilities there must be at least one separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers.(i.e. not contained within a shared bathroom)
- 2.1.2 Each water closet should have a flushing apparatus and be connected through a suitable trap to a suitable and effective drainage system.
- 2.1.3 A wash hand basin, installed in accordance with paragraph 2.3.2 must be provided in each room containing a water closet, or in a room or space giving direct access to the room containing a water closet, (provided it is not used for the preparation of food).

### 2.2 Baths>Showers

- 2.2.1 Where all or some of the units of living accommodation in an HMO do not contain bathing facilities for the exclusive use of each individual household there must be at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers; (please note the requirements in paragraph 2.1 b) for additional separate toilets)

- 2.2.2 Each bath or shower should be of adequate size, (i.e. baths of minimum length 1.67m; shower trays of minimum dimensions 800mm x 800mm), connected through a suitable trap to a suitable and effective drainage system and provided with supplies of hot and cold water adequate for their purpose. The water supplies to showers should be capable of effective temperature regulation by the user from within the shower.

- 2.2.3 In the case of a shower or bath fitted with a shower the splash-back shall be 150mm above the height of the shower head and up to the edge of a fixed shower screen or 300mm beyond a shower curtain, for up to 1.5m from the shower head, and all joints shall be adequately sealed.

### 2.3 Wash Basins

- 2.3.1 Where there are five or more occupiers of an HMO, where practicable every unit of living accommodation must contain a wash hand basin with appropriate splash back. (Except any unit in which a sink has been supplied as mentioned in paragraph 3.3). The licensing officer will confirm which units of living accommodation will require a wash hand basin with appropriate splash back.
- 2.3.2 Each wash basin shall be of adequate size, (i.e. minimum overall dimensions 560mm x 430mm), connected through a suitable trap to a suitable and effective drainage system. Each wash basin should be provided with an adequate and wholesome supply of cold (drinking) water and a supply of hot water from a source capable of maintaining a constant flow.
- 2.3.3 The splash back to a wash hand basin or bath shall be a minimum 300mm high and extend to at least level with the sides of the fitting and all joints shall be adequately sealed.

### 2.4 General:

- 2.4.1 Hot water may be provided by any of the following methods:-
  - a) Piped from storage and boiler
  - b) Immersion Heater
  - c) Fixed gas appliance, e.g. multipoint

d) Instantaneous heaters (only to wash hand basins and electric showers) shall have a minimum rating of 6KW.

2.4.2 All bathrooms in an HMO must be suitably and adequately heated and ventilated.

2.4.3 Heating provisions are detailed in items 1.1.1 to 1.1.6 above and ventilation is dealt with in section 9.

2.4.4 All bathrooms and toilets in an HMO must be of an adequate size and layout.

2.4.5 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

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

2.4.7 Suitably located means that there shall be bathroom facilities not more than one floor distant in relation to the sleeping accommodation and water closet facilities not more than one floor distant from living accommodation

### 3 Kitchens

3.1 Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:

a) There must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

3.2 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:-

3.3 sinks with draining boards;

3.3.1 Sinks shall usually be at the ratio of one sink for 5 persons. In houses occupied by 6 persons consideration may be given to allow a double bowled sink, or a dishwasher.

3.3.2 A suitable splash-back, 300mm high should be provided to the sink and draining board, and all joints should be adequately sealed.

3.4 an adequate supply of cold and constant hot water to each sink supplied;

3.4.1 hot water may be provided by any of the following methods:-

a) Piped from storage and boiler

b) Immersion heater

c) Fixed gas appliance, e.g. multipoint

d) 3KW heater with a 10 litre storage reservoir

3.5 installations or equipment for the cooking of food;

3.5.1 A gas or electric cooker comprising at least four hot rings or equivalent, a grill and an oven must be provided at a ratio of not less than one per five persons sharing the kitchen. In houses occupied by 6 persons consideration may be given to allow either a cooker with more than 4 rings and more than one oven, or, in addition to a 4 ring cooker, a combination microwave oven.

3.6 electrical sockets;

3.6.1 At least three suitably located double electric power output sockets should be available within the kitchen above worktop level, excluding any power sockets dedicated to major appliances, for example a fridge freezer, in addition to a 30 amp outlet point for an electrical cooker/oven. Power sockets should be positioned immediately adjacent to the worktop(s) to enable the safe use of kitchen appliances.

3.7 worktops for the preparation of food;

3.7.1 At least 1.2m<sup>2</sup> (e.g. 2000x600mm) of worktop, with a suitable splash-back, 300mm high on any work surface that abuts a wall.

3.7.2 All worktop(s) should be of adequate depth and securely fixed and all joints adequately sealed

3.8 cupboards for the storage of food or kitchen and cooking utensils; and

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

3.9.1 A minimum level of provision would be a refrigerator of 0.13m<sup>3</sup> for each person.

3.9.2 Food cupboards must also be provided at a minimum of 0.3m<sup>3</sup> per person. The space in a sink unit below the sink will not be acceptable.

3.10 appropriate refuse disposal facilities (see section 11); and

3.11 appropriate extractor fans, fire blankets and fire doors (see section 6).

## 4 Units of living accommodation without shared basic amenities

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

4.2 adequate appliances and equipment for the cooking of food;

4.2.1 Cooking facilities within one person lettings may be small 'portable' electric appliances with at least two hot rings or equivalent, a grill and an oven.

4.2.2 For occupancies of two persons the minimum acceptable equipment is three rings/hot plates together with an adequate sized oven and grill. For a letting of three or more persons a full size cooker is required.

4.3 a sink with an adequate supply of cold and constant hot water;

4.3.1 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 (see section 2.4.1)

4.3.2 A suitable splash-back, 300mm high should be provided to the sink and draining board, and all joints shall be adequately sealed.

4.4 a work top for the preparation of food;

4.4.1 There should be at least 0.6m<sup>2</sup> of suitable worktop within each exclusive kitchen facility. All worktop(s) should be of adequate depth and securely fixed.

4.4.2 A suitable splash-back, 300mm high should be provided to any work surface that abuts a wall and all joints shall be adequately sealed.

4.5 sufficient electrical sockets;

4.5.1 At least two suitably located electric power sockets should be available within each exclusive kitchen facility, besides any power sockets used for an electric cooker or oven. Power sockets should be positioned immediately adjacent to the worktop(s) to enable the safe use of kitchen appliances.

4.6 a cupboard for the storage of kitchen utensils and crockery; and

4.7 a refrigerator.

4.7.1 Fridge space shall be a minimum 1 cu ft (28 litres) 0.13m<sup>3</sup> of space per person plus a freezer compartment.

4.7.2 The fridge shall be capable of maintaining an internal temperature of 5o<sup>c</sup>.

4.7.3 Cupboards for the storage of food shall be required. A minimum of 0.3m<sup>3</sup> 500mm wide base unit or wall cupboard per person. The space in a sink unit below the sink will not be acceptable.

4.8 Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either:

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

4.8.2 This shall not be more than one floor distant from the living accommodation.

## 5 Hostel type accommodation

5.1 Washing facilities should be provided in accordance with section 2

5.2 Kitchen facilities should be provided in accordance with section 3, except that any reference to ratio of persons to facilities shall be replaced by the standards set out in table 1 below.

- 5.3 The kitchen facilities should be either at not more than one floor distant or, adjacent to suitable dining facilities.

Table 1: Number of kitchen facilities required in hostel type accommodation

Set of kitchen facilities		Maximum number of individuals
1	→	5
2	→	15
3	→	25
4	→	35
Thereafter, each additional set of kitchen facilities will be suitable for an additional <b>ten</b> (10) individuals.		

- 5.4 Where there is any element of catering provided, typically in hostels and bed and breakfast establishments etc., additional facilities may be required to comply with the Food Safety and Hygiene Regulations 1990. Even where all meals are provided by the owner some level of self-catering facilities will need to be provided. The level of provision will be dependant upon the proportions of meals provided. This will be decided on a case by case basis.

## 6 Fire precautionary facilities

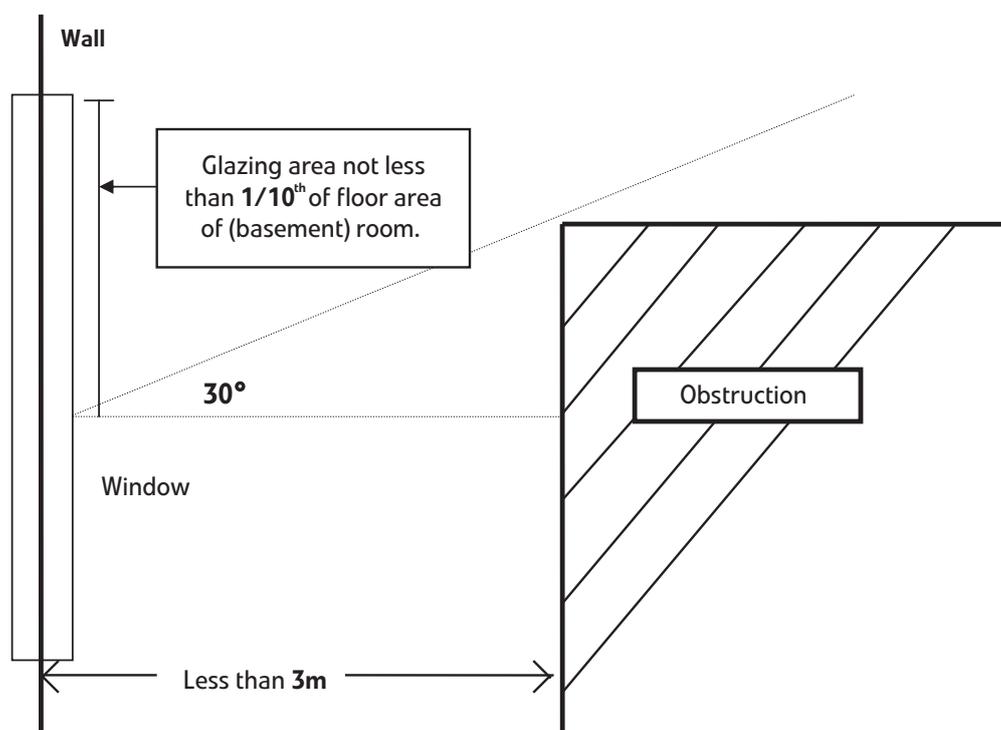
- 6.1 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

6.1.1 This will be subject to negotiation with Royal Berkshire Fire and Rescue Service and exact requirements will be detailed in a separate document.

## 7 Natural lighting

- 7.1 In habitable rooms e.g. bedrooms, bedsits, living rooms, lounges and dining rooms there should be an equivalent window area of 1/10th of the floor area, and some part of the window should be at least 1.75m above floor level.
- 7.2 Where there is a continuous solid external obstruction within 3m of the window(s) of a habitable room, e.g. some basement rooms, there should be a glazed area totalling not less than 1/10th of the floor area of the room, above the points on the window(s) from which a line can be drawn upwards at an angle of 30° with the horizontal to pass the top of the obstruction, (see Figure 1 below).

Figure 1: Glazing requirements where there is a continuous solid obstruction within 3m.



- 7.3 All habitable rooms should be provided with adequate natural lighting, an area of clear glazing in a window and/or door equivalent in total area to at least 1/10th of the floor area of that room. The window shall be so positioned that the light from the window is able to illuminate most of the room.
- 7.4 All kitchens, bathrooms and water closet compartments shall ideally comply with item 12.3 above. All glazing to windows and doors of bath/shower rooms and water closet compartments should be obscure. Where it is not practicable to provide natural light, adequate artificial lighting shall be provided.

## 8 Artificial lighting

- 8.1 All rooms, passageways, staircases and cellars in use shall be adequately lit and have suitable switching, including two way switching to stairs and passageways etc, as necessary.
- 8.2 The lighting should enable the normal activities of individuals and households to be carried out, safely and conveniently, and to permit the normal passage of persons in occupation without increasing the risk of accident.
- 8.3 Time switches to common parts shall be of a type that are illuminated for ease of identification.

## 9 Ventilation

- 9.1 All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room, measured on a plane 1.52m above the floor. Any floor area above which the ceiling height is less than 1.52m shall additionally be disregarded.
- 9.2 As a general guide, the total size of ventilation openings in habitable rooms and naturally ventilated kitchens, bathrooms and water closet compartments should not be less than 1/20th of the floor area. Some part of the opening(s) should be at least 1.75m above floor level. Alternatively, a whole house ventilation system, suitable for use in habitable rooms will be acceptable providing it is installed and serviced in accordance with manufacturers recommendations and there is room by room control.

- 9.3 The openable parts of a window, a louvre, a progressively openable ventilator or an external door may all contribute to achieve the above requirement. However, an external side-hung door alone would not be acceptable as it provides inadequate control over the amounts of ventilation and prejudices security.
- 9.4 Fixed heat producing combustion appliances, e.g. cookers, boilers, geysers and gas fires, taking air from the interior of the building should have provision for suitable and sufficient permanent means of ventilation to ensure complete combustion of fuels and the full discharge of the combustion products.
- 9.5 Continuous or intermittent means of extract ventilation are required in kitchen, utility rooms, bathrooms and sanitary compartments. The levels of ventilation provided should comply with table 2 below:

Table 2: Extract ventilation rates required

	Minimum Intermittent extract	Continuous mechanical extract
		Minimum high rate
<b>Kitchen</b>	30 l/s (adjacent to hob) or 60 l/s (elsewhere)	13 l/s
<b>Utility Room</b>	30 l/s	8 l/s
<b>Bathroom</b>	15 l/s	8 l/s
<b>Sanitary Accommodation</b>		6 l/s

NB. l/s = litres per second

- 9.6 Rooms within a habitable basement, the floor of which is more than 0.9m below the surface of the adjacent street or ground, should be naturally ventilated direct to the external air. There should be an unobstructed space immediately outside the window opening which extends at least the entire width of the window and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. The average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room.

### 10 Drainage

- 10.1 The property should have an effective system, both above and below ground, for the draining of foul, waste and surface water, which is designed, installed and in a condition so as not to be prejudicial to the health and safety of the occupants or to the structural fabric of the building.
- 10.2 All new drainage shall comply with the Building Regulations currently in force.

### 11 Refuse, storage and disposal

- 11.1 Refuse containers shall be provided in sufficient numbers for the needs of the house, and an acceptable means of disposal provided.
- 11.2 Containers should be located on a hard, impervious, free draining surface in a position with convenient access to the kitchen door. They should be in the open air away from window and ventilation openings and in shade or in a shelter.
- 11.3 The Manager of the house must ensure that residents are aware of the refuse storage arrangements and that the containers should be taken to the front boundary of the property for collection by the council's collection service.

### 12 Electricity supply

- 12.1 Electrical Socket Outlets shall be provided to the various individual rooms or lettings as follows:
- Living rooms - 4 No sockets
  - Bedrooms/Studies - 4 No sockets
  - Bedrooms within Multiple Room Lettings - 2 No sockets
  - Bedsits containing cooking facilities
    - 3 No in Kitchen Area
    - 3 No Elsewhere in Room
- 12.2 In separate kitchens or bedsits kitchen area, at least 2 no socket outlets shall be located above the work surface for the use of portable appliances.
- 12.3 All socket outlets shall be located in positions which permit their safe, convenient and proper use at all times, having regard to likely room layout. They shall not be positioned where vulnerable to damage, likely to be obstructed or where the resulting appliance cables are likely to pose a safety hazard.

- 12.4 Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker and fixed electric space or water heating appliances shall be provided with a separate dedicated electric point.
- 12.5 All new electric's shall comply with Building Regulations requirements and shall be suitably certified.

### 13 Space standards for rooms

- 13.1 These standards apply whatever the age of the occupants.
- 13.2 All rooms should have a minimum floor to ceiling height of at least 2.14m over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.52m shall be disregarded.
- 13.3 When determining the permitted number of persons for a bedroom or bedsit containing kitchen facilities the relevant floor area is the actual floor area less a minimum of 3m<sup>2</sup>.
- 13.4 For HMOs classified as 'hostel-type' accommodation the maximum number of persons permitted to occupy an individual bedroom or bedsit is five (5) persons. A room should not be shared by unrelated individuals unless those individuals consent to share the room.
- 13.5 For HMOs not classified as 'hostel-type' accommodation the maximum number of persons permitted to occupy an individual bedroom or bedsit is two (2) persons.
- 13.6 Table 3 sets out the maximum number of persons permitted to occupy a bedroom/bedsit based upon the floor area of that room.

Table 3: The permitted number of occupants based on room size.

Floor area of bedsit/bedroom	Maximum number of persons
Under 6.5m <sup>2</sup>	NIL
From 6.5m <sup>2</sup> to under 10.5m <sup>2</sup>	1
From 10.5m <sup>2</sup> to under 14m <sup>2</sup>	2
The rest of this table only applies to 'hostel-type' HMOs	
From 16.5m <sup>2</sup> to under 19m <sup>2</sup>	3
From 21.5m <sup>2</sup> to under 24m <sup>2</sup>	4
From 26.5m <sup>2</sup>	5

13.7 In 'hostel-type' HMOs that can accommodate 15 or more persons, a minimum common living room/lounge space of 10m<sup>2</sup> should be provided.

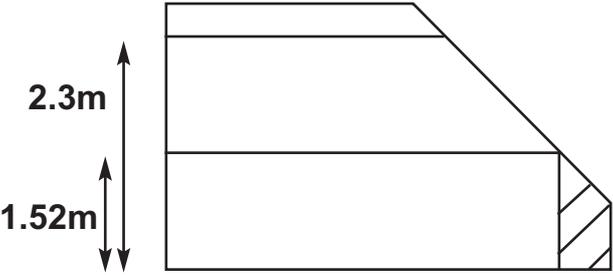
Note: More than one 'common room' may be used but any room(s) under 10m<sup>2</sup> should only be used in conjunction with a room of, or over, 10m<sup>2</sup>.

13.8 To ascertain the maximum number of persons permitted to occupy an HMO:

- a) Calculate the floor area (see figure 2) for each of the bedrooms/bedsits in square metres (m<sup>2</sup>), deducting 3m<sup>2</sup> from the floor area of any room where kitchen facilities are provided within that room.

- b) Compare individual bedroom/bedsit sizes against the data in table 3 above and add together the numbers obtained for each bedroom/bedsit. This gives the maximum number of persons permitted to occupy the property, based upon the number and size of bedrooms/bedsits available.

Figure 2: calculating rooms size

 <p style="text-align: center;"><b>Room Plan</b></p>	<p>In a room, measure the distances of A &amp; B and multiply together to work out the floor area. (The space taken by the chimney breast is included as floor area).</p>
 <p style="text-align: center;"><b>Room in a Roof Space</b></p>	<p>For a room in a roof space, only that part of the room where the floor to ceiling height is greater than 1.52m (5'0") shall count and at least half of the floor area shall have a floor to ceiling height of 2.3m (7'6").</p>

## 14 Schedule of amenity standards in relation to number of persons

Required amenities	Shared HMO
<b>Bathrooms</b> (This means a room containing a bath or shower, but not necessarily a toilet/WC)	1 bathroom for every 5 occupants 1 - 5 occupants = 1 bathroom 6 - 10 occupants = 2 bathrooms 11 - 15 occupants = 3 bathrooms
<b>Water Closets (WC)</b> (Toilet)  * All W.C's must contain a WHB with hot and cold water	1 WC for up to 4 occupants (may be in bathroom/shower room) 1 WC per 5 occupants (in a separate compartment to the bath/shower) 2 WCs per 6-7 Occupants (may be in bathroom/shower room) 2 WCs per 8-10 occupants (with 1 WC to be in a separate compartment) 3 WCs per 11-15 occupants (with 1 WC to be in a separate compartment)

The table below can be used to record the measurements and calculate the permitted number of occupants:

ROOM	Length (m)	X	Width (m)	=	Floor Area (m <sup>2</sup> )	Actual number of persons	Permitted number of persons
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
		X		=	(m <sup>2</sup> )		
					TOTAL		

## 6. Management of Houses in Multiple Occupation (England) Regulations 2006

A House in Multiple Occupation (HMO) is defined as a dwelling occupied by persons who do not form a single family. If you own, manage, or live in an HMO, you must be aware of the requirements under the Management of Houses in Multiple Occupation (England) Regulations 2006. These are outlined below:

### Regulation 3: Duty of Manager to Provide Information for Occupiers

The manager must ensure that his name, address and any telephone contact number are made available to each household in the HMO, and displayed clearly in a prominent position in the HMO.

### Regulation 4: Duty of Manager to Take Safety Measures

The manager must ensure that:

- the means of escape in case of fire are kept in good repair and free from obstruction,
- any fire fighting equipment and fire alarms are maintained in good order.

The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to:

- the design of the HMO;
- the structural conditions in the HMO;
- the number of occupiers on the HMO.

### Regulation 5: Duty of Manager to Maintain Water Supply and Drainage

The manager must:

- ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition
- and not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

### Regulation 6: Duty of Manager to Supply and Maintain Gas and Electricity

The manager must supply to the local authority within seven days of receiving a request in writing from that authority, the latest gas appliance test certificate in relation to the testing of any gas appliance at the HMO by a recognised engineer.

The manager must ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and obtain a certificate stating the results. This certificate must be supplied to the authority within seven days of a written request from that authority.

The manager must ensure that electricity and gas supplies are not interrupted unnecessarily. Key meters and other pre-payment meters are not generally acceptable.

### Regulation 7: Duty of Manager to Maintain Common Parts, Fixtures, Fittings and Appliances

The manager must:

- keep common parts of the house, yards and gardens clean, in good order and safe (common parts includes the entrance door to each unit of living accommodation, stairways, and passageways etc.);
- maintain fixtures, fittings and appliances used by two or more households within the HMO in good and safe repair and in clean working order. This includes shared facilities (e.g. toilet, bath, wash basin, cooker, sink, refrigerator).

### Regulation 8: Duty of Manager to Maintain Living Accommodation

The manager must ensure that within living accommodation, the internal structure, windows and other means of ventilation are kept in good repair and fixtures, fittings or appliances are maintained in good repair and in clean working order.

### Regulation 9: Duty to Provide Waste Disposal Facilities

The manager must provide adequate bins for each household for the storage of rubbish before it is collected.

### Regulation 10: Duties of Occupiers of HMOs

Occupiers of HMOs must:

- not hinder the manager in the performance of their duties
- allow the manager access as required so that they can comply with these regulations
- comply with instructions regarding means of escape from fire, fire prevention and the use of fire equipment.

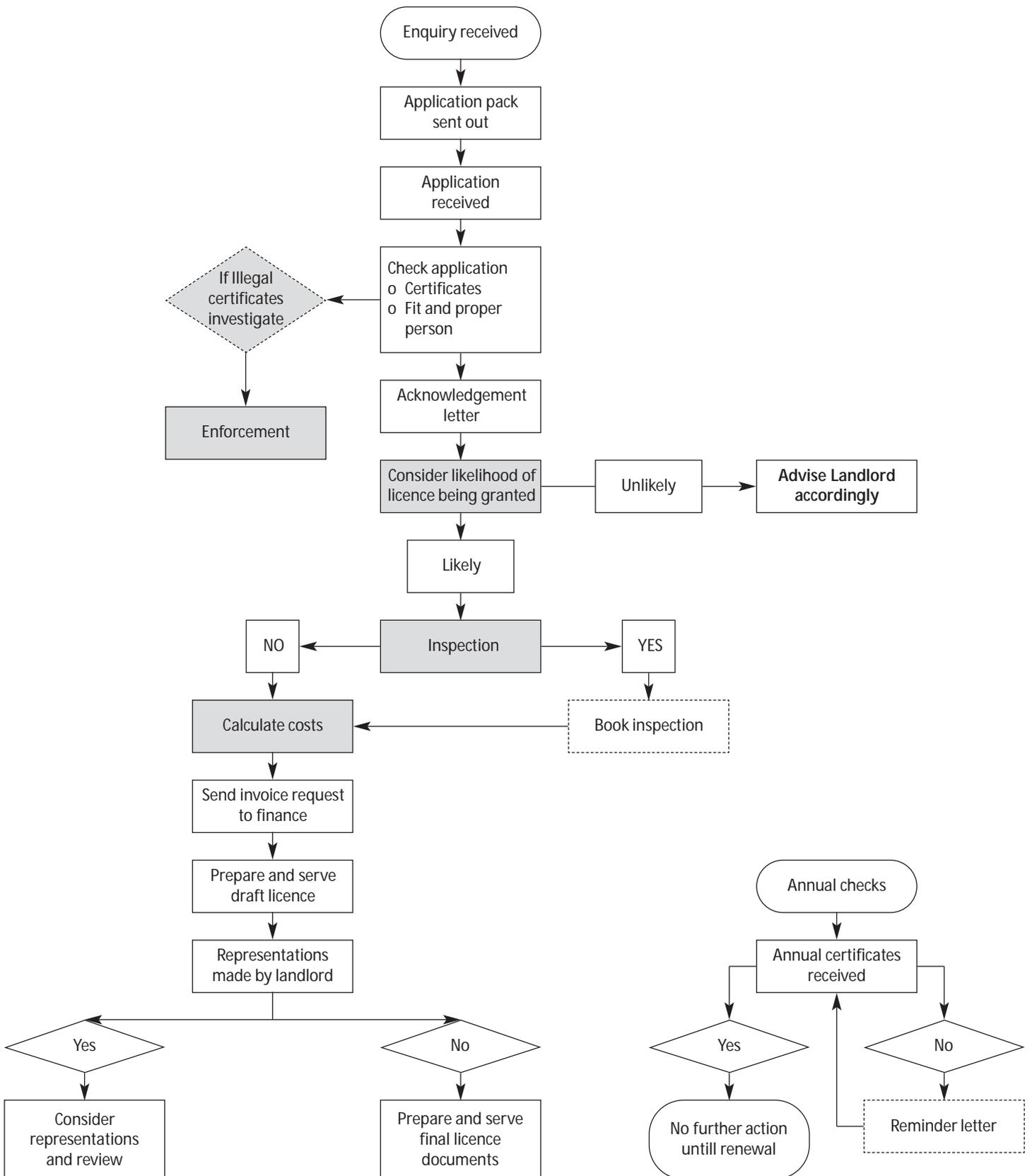
If you manage an HMO it is vital that you are aware of your legal responsibilities.

Full text of these regulations is available at [www.opsi.gov.uk/si/si2006/uksi\\_20060372\\_en.pdf](http://www.opsi.gov.uk/si/si2006/uksi_20060372_en.pdf)

For further information please contact Private Sector Housing on 01753 875264.

**A person commits an offence under section 234 of the Housing Act 2004 if they fail to comply with any of these regulations, and is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5000). It may also result in the revocation of a licence.**

# 7. A guide to the licensing process



## 8. Upholstered Furniture supplied in rented accommodation

### 1 To which furniture does this apply?

The requirements outlined in this leaflet apply to furniture supplied in rented accommodation. These requirements are laid down in The Furniture and Furnishings (Fire)(Safety) Regulations 1988.

“Furniture” includes armchairs; suites; beds and divans (and their bases and headboards); sofa beds; children’s furniture; cots, carrycots, high chairs, play pens, prams, pushchairs and similar items; cushions; mattresses; pillows; upholstered garden furniture which could be used indoors.

Bedding and floor coverings (such as carpets and rugs) are not included.

### 2 To whom do the regulations apply?

They apply to both PRIVATE LANDLORDS who let furnished properties and to LETTING AGENTS who manage properties for landlords and have responsibility for supplying furniture.

N.B. there is an exemption for any upholstered furniture that was being supplied, in the same rented accommodation, prior to 1 March 1993 need not comply until the first new tenancy agreement, with a new tenant, on or after 1 January 1997.

### 3 How can I tell if the furniture complies with the regulations?

The only way to be certain is to submit the item to an accredited test house; however, this is expensive and would destroy the item.

However, most items complying with the regulations can be identified by a permanent label sewn into the upholstery.

Typical examples of a ‘short’ and a ‘full’ label are;

#### Short label

CARELESSNESS CAUSES FIRE  
A N Other Ltd, AB1 2XY  
AB 1234

1 March 1999

This article contains CM foam which passes the specified test. All upholstery is cigarette resistant.

All cover fabric is cotton and is match resistant .

This article does include a Schedule 3 interliner.

#### Full label

CARELESSNESS CAUSES FIRE

Batch/ID No DF 1234

To comply with the Furniture and Furnishings (Fire)(Safety) Regulations:

This article does not include a Schedule 3 interliner.

All foams, fillings and composites have been tested to ensure compliance with the relevant ignitability test. All covers and fillings have been tested to ensure that they are cigarette resistant. All covers have been tested to ensure that they are match resistant.

Further details are available from your retailer.

When furniture which complies with the regulations was originally sold it would have also had a display label which has the following appearance.



Filling material(s) and covering fabric(s) meet the requirements for resistance to cigarette and match ignition in the 1988 safety regulations

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If either the permanent or the display labels are still attached to the furniture, you will be able to reassure yourself that the furniture complies.

If there is no label you may be able to establish whether it complies by finding out the age of the furniture. New furniture first supplied after 1 March 1990 should comply, even if the previous owner has removed the warning labels. If you are unable to establish the age of the furniture then seek written assurance from manufacturer that it complies.

N.B. Furniture bearing a red and white label stating "Warning - keep away from fire" (or similar) will NOT comply and must not be sold.

#### 4 What about labels on bed mattresses?

Whilst bed mattresses are classed as upholstered furniture and must comply with the above Regulations, they were never required to carry a permanent label. However, a blue label claiming compliance with BS 7177:1991 is evidence of the manufacturer's claim of compliance with fire safety requirements. This is normally stitched into the piping on one end of the mattress.

#### 5 How can I find out more information?

The Department of Trade and Industry publish 'A Guide to the Furniture and Furnishings (Fire) (Safety) Regulations'.

The relevant legislation is The Consumer Protection Act 1987 and The Furniture and Furnishings (Fire)(Safety) Regulations 1988 (SI 1988:1324 as amended by SI 1989:2355).

Copies of the legislation above are available at a charge from HMSO Publications Centre, PO Box 276, London, SW8 5DT. Telephone 0870 600 5522.

#### 6 What may result if fail to comply?

**Failure to comply with the above requirements is an offence and each contravention carries a maximum fine of £5,000 and/or a term of imprisonment of up to six months.**

This leaflet has been prepared by Slough Borough Council's Trading Standards Service for the information of traders. It is not intended to be an authoritative document on the law, which may be subject to amendment from time to time. If you require further information please do not hesitate to contact The Trading Standards Service on 01753 875255.

## 9. A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998

This leaflet is aimed at landlords and explains some of the main requirements of the Gas Safety (Installation and Use) Regulations 1998. It also gives guidance on how to comply with them (see boxed text). The leaflet will also be of interest to tenants, making them aware of landlords' duties.

Every year about 14 people die from carbon monoxide poisoning caused by gas appliances and flues which have not been properly installed or maintained. Many others also suffer ill health.

The Gas Safety (Installation and Use) Regulations 1998 specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic and certain commercial premises. They place duties on certain landlords\* to ensure that gas appliances, fittings and flues provided for tenants' use are safe.

These duties to protect tenants' safety are in addition to the more general ones revised 03/09 that landlords have under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

\* Details of these landlords can be found in HSE's Approved Code of Practice on the Regulations (see 'Further reading' section).

### What type of property is covered?

The duties generally apply to appliances and flues provided for tenants' use in 'relevant premises', that is those occupied for residential purposes under either a licence, a tenancy agreement for a set term, or a lease as defined in the Regulations. Essentially any lease under seven years is covered.

### What are my main duties as a landlord?

You are required to:

- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer;
- Ensure an annual safety check is carried out on each gas appliance/flue. Before any new lease starts, you must make sure that these checks have been carried out within one year before the start of the lease date, unless the appliances in the property have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer;
- Keep a record of each safety check for at least two years;
- Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant before they move in (in certain cases there is an option to display the record).

The Regulations specify the gas safety matters to be covered. You should not assume that an annual service inspection meets the safety check requirement, or that a safety check will, on its own, be sufficient to provide effective maintenance. Ask the advice of a Gas Safe registered engineer where necessary.

### Which gas equipment is covered?

The safety check and maintenance requirements generally apply to any gas appliance or flue installed in the 'relevant premises' except that:

- Appliances owned by the tenant are not covered;
- Flues/chimneys solely connected to an appliance owned by the tenant are not covered;
- Any appliances and flues serving 'relevant premises' (such as central heating boilers not installed in tenants' accommodation, but used to heat them) are covered.

The safety check does not apply to any gas appliance (such as gas fires provided for customers in non-residential areas of public houses) that is exclusively used in a part of premises occupied for non-residential purposes.

Your duty to maintain and carry out safety checks applies to fixed as well as portable appliances, such as LPG cabinet heaters.

### Can I delegate duties to a tenant?

No, except that a contract may be drawn up between a landlord or tenant for an appliance or flue installed in a non-residential part of a premises, for example shops and public houses etc. Your tenant has a duty not to use an appliance they believe to be dangerous.

### What happens if I use a managing agent?

The landlord retains overall responsibility for ensuring compliance with requirements. The management contract should clearly identify who is to make arrangements for maintenance and safety checks to be carried out and to keep records.

### What if the property is sub-let?

In these situations the 'original' Landlord may retain duties which overlap with those acquired by the person who sub-lets. In such cases, close co-operation and clear allocation of duties are essential to ensure that legal duties are fully met, and that the terms of the contract properly safeguard tenant's safety.

### What action is required to gain access to property?

The contract you draw up with the tenant should allow you access for any maintenance or safety check work to be carried out.

You have to take 'all reasonable steps' to ensure this work is carried out, and this may involve giving written notice to a tenant requesting access, and explaining the reason. Keep a record of any action, in case a tenant refuses access and you have to demonstrate what steps have been taken. If a tenant continues to refuse access after repeated contacts, you may need to consider proper action through the courts under the terms of the tenants' contract. However, do not use force to gain entry into the property.

### How do I know whether the gas engineer is Gas Safe registered?

The engineer should be able to provide you with a current ID card. The card contains a photo of the engineer, their business registration number and personal licence number, company name, the start and expiry date of the card and a security hologram. The reverse of the card details what kind of gas work the engineer is able to do. You can also call Gas Safe Register during normal office hours on 0800 408 5500 or go to the website [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk).

### What if an appliance fails the safety check?

The safety check record will contain details of any defect identified and remedial action taken. You must ensure that any safety defect is rectified (by a Gas Safe registered engineer) before the equipment is used again. It is recommended that you keep copies of work done to rectify defects identified by the safety check.

It is an offence to use, or allow the use of, a gas appliance you know to be unsafe. In no circumstances should you reconnect an appliance that you have been told is unsafe, which has either been isolated or disconnected for safety reasons, until the fault has been rectified.

### What happens if I don't maintain my tenants' gas appliances?

Failure to do so may result in loss of life. Not only that, you risk being prosecuted, and this could result in you facing imprisonment or a fine of up to £20 000, or both, for each offence. If the case is then referred to the Crown Court the maximum penalty may be imprisonment, or an unlimited fine, or both.

### What action do I take in the event of a gas escape?

If you smell gas, or suspect there is a gas escape, or a carbon monoxide leak, you should immediately do the following:

- Open all doors and windows.
- Shut off the gas supply at the meter control valve (if you know where it is). If gas continues to escape call National Grid on the Gas Emergency Freephone Number 0800 111 999.
- Make sure that any investigations or repairs are carried out by a Gas Safe registered engineer.

If you provide liquefied petroleum gas (LPG) for use by a tenant in premises other than a building, e.g. a caravan or holiday home park, you must discuss emergency arrangements with your LPG supplier and agree what action to take in case of a gas escape or emission of carbon monoxide from any LPG appliance.

### Further reading

If you would like more detailed information on the subject, you will find the following HSE publication useful: Safety in the installation and use of gas systems and appliances. Gas Safety (Installation and Use) Regulations 1998. Approved Code of Practice and guidance L56 (Second edition) HSE Books 1998 ISBN 978 0 7176 1635 0.

Also, for safety information on gas, solid fuel and oil burning appliances, and information on the symptoms of carbon monoxide poisoning, look at the Department of Health booklet Keep warm keep well (updated annually). Download it from [www.dh.gov.uk](http://www.dh.gov.uk) or [www.direct.gov.uk](http://www.direct.gov.uk), or write to:

Department of Health Publications,  
PO Box 777,  
London SE1 6XH,  
Tel: 0300 123 1002







This document can be made available on audio tape, braille or in large print, and is also available on the website where it can easily be viewed in large print.

## Houses in Multiple Occupation: licence application pack

If you would like assistance with the translation of the information in this document, please ask an English speaking person to request this by calling 01753 875264.

यदि आप इस दस्तावेज में दी गई जानकारी के अनुवाद कए जाने की सहायता चाहते हैं तो कृपया किसी अंग्रेजी भाषी व्यक्ति से यह अनुरोध करने के लिए 01753 875264 पर बात करके कहें.

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚਲੀ ਜਾਣਕਾਰੀ ਦਾ ਅਨੁਵਾਦ ਕਰਨ ਲਈ ਸਹਾਇਤਾ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕਿਸੇ ਅੰਗਰੇਜ਼ੀ ਬੋਲਣ ਵਾਲੇ ਵਿਅਕਤੀ ਨੂੰ 01753 875264 ਉੱਤੇ ਕਾਲ ਕਰਕੇ ਇਸ ਬਾਰੇ ਬੇਨਤੀ ਕਰਨ ਲਈ ਕਹੋ।

Aby uzyskać pomoc odnośnie tłumaczenia instrukcji zawartych w niniejszym dokumencie, należy zwrócić się do osoby mówiącej po angielsku, aby zadzwoniła w tej sprawie pod numer 01753 875264.

Haddii aad doonayso caawinaad ah in lagu turjibaano warbixinta dukumeentigaan ku qoran, fadlan weydiiso in qof ku hadla Inriis uu ku Waco 01753 875264 si uu kugu codsado.

اگر آپ کو اس دستاویز میں دی گئی معلومات کے ترجمے کے سلسلے میں مدد چاہئے تو، براہ کرم ایک انگریزی بولنے والے شخص سے 01753 875264 پر کال کر کے اس کی درخواست کرنے کے لئے کہیں۔