



ADUR & WORTHING
COUNCILS

Compliance guide for Houses in Multiple Occupation (HMOs)

A guide for landlords and managers of HMOs

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1. Introduction

Houses in Multiple Occupation (HMOs) form an important and increasingly necessary part of the housing market, providing accommodation for many people. These properties range from basic accommodation to high end luxury properties. Well designed, managed and maintained accommodation often attracts and retains better tenants, but more importantly is safe.

People living in HMOs will often share bathrooms, kitchens and communal living rooms, which inevitably increases the risk of infection or cross-contamination occurring. Similarly, the more households in a building, the more likely there is to be a fire in that building. For these reasons, HMOs are subject to additional legislative controls that landlords (and tenants) should be aware of.

The following document is intended to assist landlords looking to create compliant HMOs in the Adur or Worthing areas. It is expected that this guidance will be followed, but there may be exceptional circumstances at an individual property that demand a lesser or higher standard, and you are invited to contact the Councils' Private Sector Housing (Environmental Health) team for tailored advice for your property.

Although all Sussex authorities work closely together, you should be aware that these requirements may differ to those set out by other Local Authorities.

2. Determining the maximum occupancy of the property

The maximum permitted occupancy of the property will be determined by four things:

1) The number of rooms available for sleeping

In most cases this will mean bedrooms, but in some cases other rooms may be included. Communal rooms containing a kitchen will not be included.

2) The size of the rooms

On 1st October 2018 statutory minimum room sizes for any room used as sleeping accommodation were introduced for all licensable HMOs. Rooms in HMOs that are not subject to mandatory licensing are also expected to comply with these requirements. These are:

Minimum size	Permitted occupancy
6.51 square meters (66.84 square feet)	One person over the age of 10
10.22 square meters (110 square feet)	Two people over the age of 10
4.64 square meters (49.95 square feet)	One person under the age of 10
Smaller than 4.64 meters	Cannot be used for sleeping

Any room used for sleeping must meet these minimum sizes in and of itself. The standard cannot be satisfied by including connected rooms such as bathrooms, shower rooms or separate living rooms.

The Local Authority has no discretion over this, and so you will need to ensure that your rooms are big enough for the intended occupancy. Local Authorities have the power to either exclude the room from the licence or require you to carry out works to increase its size (where possible/practical).

It is important to note that rooms will usually only be permitted to be shared by cohabitating people or by a parent and a child under 10.

When measuring a room we can only include areas where the ceiling height is 1.5m or more above the internal floor level (the useable space). Ideally rooms should have a ceiling height of around 2.3m above the internal floor level, in line with the Nationally Described Space Standards. However, for a room to be considered useable then at least 75% of the useable space should have a ceiling height of at least 1.9m above the internal floor level.

There must be sufficient space for occupants to move around and for bedroom furniture i.e. bed, wardrobe, chest of drawers.

Additional space requirements for bedsits

Bedsits are typically a living/sleeping room containing cooking facilities. Increased space is needed to allow safe separation of these activities. The following table sets out the size requirements for bedsits. Where there is more than one room within a unit the sleeping area must still conform to the minimum room sizes set out above.

Minimum size	Permitted occupancy
13 square meters (139.9 square feet)	Single person bedsit
15 square meters (161.5 square feet)	Double person bedsit

Communal space

For shared houses and flats you will need to provide a dedicated space for the occupants to sit down and socialise/consume meals, should they wish. This can be within the kitchen or a separate living space but should be proportionate in size to the number of occupiers sharing the dwelling. If the property is formed exclusively of compliant bedsits, as described above, you will not have to provide additional communal living/dining space.

3) The ratio of facilities to occupiers

The number of washing facilities, WCs and the size and specification of your kitchen facilities will limit the number of occupants that are permitted to occupy the property. As a loose rule, there should be one facility per five people i.e. one WC for up to five people sharing; one cooker with a 4 ring hob, etc. The accepted provision of facilities is covered later in the document.

When setting the maximum permitted occupancy of a property we will take into account how many occupants can reasonably occupy the building at any one time. For example, a ten bedroom HMO with large rooms may still be restricted to single-person occupancy where high density occupation may result in noise complaints or other antisocial behaviour, which could also impact on planning permission (see below)

4) The planning permission

HMOs generally fall into two planning use classes.

C4 – small HMOs of up to 6 people

Sui Generis – Large HMOs of 7 or more people

Planning permission may be required for either of these uses.

If the correct planning consents are not in place then a licence will be granted for a shorter period. You may also be subject to enforcement action by the Councils' Planning Enforcement team.

You should ensure that you have the necessary planning permission in place before using the property as an HMO.

Self-containment of units

It is important to note that the self-containment of any unit within an HMO such that a room subsequently contains both cooking and washing/WC facilities for the exclusive use of the occupants, will not usually be permitted unless the room meets the relevant national space standards (currently 37sq.m for a one-bed flat).

The self-containment of any accommodation will probably require planning permission, which is unlikely to be granted if it is under-sized. It may also require the conversion works to comply with full Building Regulations, which will include providing full sound insulation and additional fire safety measures.

3.0 Washing and WC facilities

There must be an adequate number of bathrooms, toilets and wash hand basins suitable for personal washing for the intended occupants.

Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household there must be an adequate number of communal bathrooms, toilets, and wash hand basins suitable for those households. One communal washing or WC facility can be shared by a maximum of five occupants

For all washing and WC facilities the following criteria is to be met:

All bathrooms/shower rooms and toilets must be fit for purpose and of an adequate size and layout to enable easy use.
All bathrooms/shower rooms and toilets must be suitably located in or in relation to the living accommodation in the HMO.
Where there are 5 or more people sharing there must be a separate WC, irrespective of whether or not there is a WC in the bathroom as well.
Each toilet shall be properly connected to the main foul drainage system
Each room containing a WC must contain a wash hand basin. Smaller wash hand basins can be accepted within WC compartments for hand washing only.
Each bath, shower cubicle and wash hand basin shall be provided with an adequate and constant supply of hot and cold water designed to ensure reasonable temperature control and connected to an appropriate drainage system.
Each communal bathroom/shower room shall have a wash hand basin (dimensions should be 560mm x 430mm where possible) and either a bath (minimum dimensions 1700mm x 760mm) or a shower cubicle (minimum dimensions 800mm x 800mm). Smaller wash hand basins may be permitted where washing facilities are not shared and are for the exclusive use of a room.
Shower cubicles should be enclosed on three sides with either a shower curtain or hinged screen across the entrance to deflect all water into the tray. Alternatively, provide an enclosed shower cubicle meeting these requirements.
Each bath, shower cubicle and wash hand basin should be provided with adequate splash-backs, (300mm to baths and wash hand basins, full height to all shower cubicles or showers located over baths) with an adequate waterproof seal between the splash-backs and the fitting.
Each bathroom/shower room and WC should have a suitable floor covering that is slip resistant, impervious to water, easily cleansable and in good condition.
Any room containing a shower facility is to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres per second, irrespective of whether that room also has a window.
Each toilet in a separate compartment should have either an opening window equivalent to 1/20th of the floor area or mechanical ventilation at a minimum extraction rate of 6 litres per second.
Each bathroom should have adequate fixed space heating capable of rapidly reaching and maintaining 22°C when the external temperature is -1°C.

4. Kitchen facilities

Shared kitchen facilities

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food the following criteria is to be met:

(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; and
(b)	<p>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:</p> <ol style="list-style-type: none"> <li data-bbox="272 611 1444 757">i. A sink and draining board per five occupants - once you go above five people you need a second provision, although you can add a dishwasher instead of another sink/drainer. There must be an adequate supply of hot and cold water to sinks as well as suitable drainage. <li data-bbox="272 775 1444 920">ii. An oven and a 4 ring hob (can be a freestanding appliance or integrated oven/hob) per five occupants. You can add a microwave to cover up to six occupants, but more than six occupants will require a second appliance/arrangement. <li data-bbox="272 938 1444 1122">iii. A section of worktop 500mm wide by 600mm deep or 1000mm wide by 300mm deep per occupant. Spaces that cannot be easily accessed (such as corners) will be discounted. In larger kitchens a table can be used to meet some of the provision (this should be agreed in advance). There must be an area of worktop at least 300mm wide to at least one side of any hob. <li data-bbox="272 1140 1444 1245">iv. A 500mm wide by 600mm deep base unit for storage (The space below sinks/draining boards will not be included) or a 1000mm wide by 300mm deep wall unit per occupant. <li data-bbox="272 1263 1444 1368">v. Either a large combined fridge/freezer or separate below counter fridge and freezer per five occupants. An additional fridge/freezer for additional occupants over five sharing. <li data-bbox="272 1386 1444 1570">vi. Enough sockets for the kitchen. i.e. a 30amp supply for each electric cooker, a minimum of six power points (can be three doubles) above the food preparation services, plus dedicated sockets for fridges/freezers/washing machines etc. per five occupants. An additional power point above the works surface for each additional occupant over five sharing. <li data-bbox="272 1588 1444 1624">vii. Suitable waste disposal arrangements for the intended household(s) <li data-bbox="272 1641 1444 1747">viii. Externally venting mechanical extractor fans with either a 30 litre/second extraction rate if directly above the hob or 60 litres/second if located remote from the hob, irrespective of whether that room also has a window. <li data-bbox="272 1765 1444 1848">ix. There must be suitable artificial lighting to cover any area used for food preparation or cooking, irrespective of whether there is also a window.

For shared houses you will need to provide a dedicated space for the occupants to sit down and socialise/consume meals, should they wish. This can be within the kitchen or a separate living space but should be proportionate to the number of occupiers using the space.

Non-shared kitchen facilities

For each unit of accommodation within the HMO that contains facilities for the cooking of food i.e. bedsits the following criteria is to be met:

(a)	There must be a kitchen or kitchenette, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable any occupants to store, prepare and cook food; and
(b)	<p>The kitchen area must be equipped with the following equipment, which must be fit for the purpose:</p> <ul style="list-style-type: none"> i. A sink and draining board. There must be an adequate supply of hot and cold water to sinks as well as suitable drainage. ii. Either: an oven and at least a 2 ring hob (can be a freestanding appliance, or integrated oven/hob); or a table top oven with integrated hob. In the case of the latter you must provide a designated section of lowered worktop for the appliance. iii. A section of worktop 500mm wide by 600mm deep or 1000mm wide by 300mm deep per occupant. Spaces that cannot be easily accessed (such as corners) will be discounted. There must be an area of worktop at least 300mm wide to at least one side of any hob. iv. A 500mm wide by 600mm deep base unit for storage (The space below sinks/draining boards will not be included) or a 1000mm wide by 300mm deep wall unit per occupant. v. Either a combined fridge/freezer or separate below counter fridge and freezer. vi. Enough sockets for the kitchen. i.e. a 30amp supply for each electric cooker, a minimum of 2 power points (can be a double) above the food preparation services, plus dedicated sockets for fridges/freezers/washing machines etc. vii. Suitable waste disposal arrangements for the intended household (can be communal). viii. Externally venting mechanical extractor fans with either a 30 litre/second extraction rate if directly above the hob or 60 litres/second if located remote from the hob, irrespective of whether that room also has a window. ix. There must be suitable artificial lighting to cover any area used for food preparation or cooking, irrespective of whether there is also a window.

5. Fire safety

Fire safety is one of the most important parts of a compliant and safe HMO. There is an increased risk of injury from fire associated with multi-occupied buildings, and so it is essential that there is an increased level of both fire detection and fire protection.

It is not possible to offer a single solution to fire safety which can be applied broadly due to the wide range of property types, occupancy arrangements and occupier types. Fire safety solutions must instead be based on the level of risk at a particular property.

You should be guided by your Fire Risk Assessment, and/or by instruction from the Private Sector Housing team.

Despite this risk-based approach, some basic fundamental principles apply to fire safety.

Protected route

You will be required to create a protected route out of the property from all habitable rooms. This will normally be a 30 minute protected route (to allow at least 30 minutes for occupants to be alerted to a fire and escape without harm), but you may sometimes need to provide additional protection depending on the risk.

For example, accommodation that is located above a high risk commercial premises such as a restaurant may need 60 minutes fire separation between the commercial premises and the residential accommodation, including any stairs and hallways that run adjacent to them.

Fire doors

A key element of the protected route is the doors that open on to the route from risk rooms. In most cases you will require a 30 minute fire rated door set, either an FD30S door set, or an FD30 door set.

FD30S door set

An FD30S door set is a fire-resisting self-closing door with an integrity of 30-minutes and incorporating intumescent strips and cold smoke seals (fitted to the top and side edges of the door or frame).

The door must be hung on 3 x certified steel butt hinges. The hinges should be the appropriate grade for the size and weight of the door. Intumescent hinge pads should be fitted between the hinge and the door frame.

If doors are lockable they must also be openable from the inside without the need for a key. One way to do this would be to have a thumb turn latch. Bolts and door chains should not be fitted to the doors.

Doors must latch into place once closed and close tight against the stops within the frame. There should be no light breakout visible from around the door.

Door frames should have a minimum depth of rebate of 12.5mm which can either be formed from the solid or built up. Door stops must be a minimum of 12.5mm x 35mm.

The door frames must not have substantial cracks or gaps. The gap around the top and side edges of the door must not exceed 3mm.

The gap at the base of the door should not exceed 8mm.

Only fit the correct CE marked Certifire-Approved components (hinges, letter-plates, closer, locks & latches) to fire doors.

Self-closer devices must comply with BS EN 1154: 1997. NB. Chain closers will not comply with this requirement.

Unless you are fitting a certificated fire door set (door and frame) then you must ensure that the existing frame meets the manufacturer's specification for the door being fitted. Only certificated fire doors should be fitted.

FD30 door set

An FD30 door set only incorporates intumescent strips around the door or frame, and not a cold smoke seal. All the other requirements are the same as an FD30S door set.

Close-fitting and substantial door

In some cases you may only require a close-fitting and substantial door. This is usually an original door that will provide minimal fire resistance.

There are limited circumstances where this type of door can be accepted.

Doors that are poorly fitting in the frame or are damaged will not be accepted. There should be no cracks in the panels or between rails and stiles. The door must be a substantial construction – ‘egg-box’ interiors, for example, will not meet this criterion.

Certificated fire door sets versus certificated door assemblies

When fitting a fire door in an HMO you may fit either a certificated fire door set or rely on certificated door assemblies.

A certificated door set is pre-assembled and the manufacturer fits all the correct components to match with the tested design, so there is less room for error. They are notionally easier to install, especially in new-builds or full conversions, but they can be more expensive to buy.

A certificated door assembly relies on all of the individual components of the door set being certified components and that they are all compatible/suitable. Many existing fire door leaves can be upgraded to make them compliant.

Either way, the door and its components will need to be compliant with current Building Regulations to ensure that they work in the event of a fire.

Can I fit a fire door myself?

There is very little margin for error with fire doors – it is either compliant or it is non-compliant, and over-working a door can result in the entire door failing. For this reason fire door sets should only be installed by a competent tradesperson, ideally an accredited installer.

Automatic Fire Detection

You will always require a system of automatic fire and smoke detection in an HMO. The level of detection required will depend on the layout and use of the property. You need to fit the correct grade of detection, and couple it with the right category of detection.

Descriptions of the different grades of detection can be found at the end of this document.

For new installations you will be required to provide a copy of the Certificate of Design, Installation and Commissioning of a Smoke/Heat Alarm System for the property.

For existing installations you will be required to provide a copy of the most recent inspection and servicing certificate for the automatic fire detection installation. The frequency of the testing will depend on the grade of the system you have installed, and you should seek advice from the alarm engineer/installer on this.

Emergency lighting

Not all HMOs require emergency lighting, but it will be required in buildings over two storeys where escape routes are complex and/or there is no effective borrowed light. You should be guided by your Fire Risk Assessment.

Emergency lighting must operate when there is complete failure of the supply to the conventional artificial lighting, and also when there is a localised power failure within the lighting circuit. The source of the power supply to the emergency lighting should be from the same local fuse as the conventional escape route lighting, so that in the event of that fuse failing, causing the normal lighting to fail, the emergency lighting will be brought into operation in the same locality

You will be required to provide evidence that any emergency lighting system is being routinely inspected and tested.

Means of escape

The internal locking mechanism to any final exit door is to be a design that is openable from the inside without the need for a key. One way to do this would be to have a thumb turn latch. Bolts and door chains should not be fitted to the doors.

The hallways, landings and stairs forming the means of escape are to be kept clear of all items that could impede escape in an emergency or that might fuel a fire.

Typical items that are overlooked include: rugs/carpets; unwanted post; bikes or pushchairs; shoes; coat hooks; internet routers.

There should be no holes to partition walls or ceilings that form any part of the means of escape. Where this is unavoidable, for example where services are run through the property, then any gaps should be reduced so far as possible and any holes should be filled with intumescent materials. Where plumbing or large bundles of cabling pass through then an intumescent collar should be fitted.

Cupboards on the escape route

Cupboards in the escape route or cupboards under stairs will normally need to be lined inside to provide 30-minutes fire resistance. The doors to these cupboards should also provide 30-minute fire resistance and be fitted with a "Fire Door Keep Locked" sign.

You may not need to fully line cupboards that are kept empty and contain no possible sources of ignition, such as electrical consumer units or gas meters.

You may require automatic fire detection in some cupboards depending on the risk.

Letterboxes

Where there is a letterbox to the front door to the property then this should be an anti-arson design fitted to the inside of the letter box flap.

Meters/routers

Where meters or Wi-Fi routers are in the means of escape they must be contained in an enclosure affording 30 minutes fire resistance. This includes the cabinet and doors. Doors should be fitted with intumescent strips (FD30) and have a suitable latch.

It is recommended that routers are located in rooms that are already protected where possible, such as communal living areas or kitchens.

Loft spaces

Any loft space should be kept clear to reduce the fire loading or risk of ignition. It is recommended that the loft hatch is secured to prevent unauthorised access.

Boilers in bathrooms

It is not unusual for boilers in HMOs to be sited in bathrooms. A boiler is a risk appliance and requires protection to prevent the spread of smoke or flames into the means of escape. There are multiple ways this can be satisfactorily achieved:

Boiler in bathroom with no cupboard	Requires smoke detection outside the bathroom and an FD30 door
Boiler in a non-fire rated cupboard in the bathroom	Requires smoke detection outside the bathroom and an FD30 door. Cupboard should be kept clear
Boiler in a fire rated cupboard in the bathroom	Requires heat detection within the cupboard and intumescent strips and cold smoke seals on the cupboard door. Cupboard should be kept clear

Inner rooms

An inner room is a habitable room (e.g. a bedroom) where the access/egress is via a risk room (e.g. a living room or kitchen).

Inner room arrangements will not be accepted unless there is a satisfactory secondary means of escape (an alternate protected route).

In some instances this risk can be managed with a fire suppression system, such as sprinklers (see below). You are advised to discuss this in advance with the Private Sector Housing team.

Escape windows

Escape windows on the first floor or above will not be accepted as a suitable means of escape in the event of a fire in place of a protected route.

Whilst this can be an acceptable practice to comply with Building Regulations, the Housing Act 2004 cannot accept replacing one range of injuries (from fire) for another (injuries sustained in a fall). As such you will be required to ensure that there is a safe means of escape for even the most vulnerable occupants.

You may be permitted to have an escape window on the ground floor providing this leads to a place of final safety.

Firefighting measures

Fire blankets

A fire blanket complying with BS EN1869 is to be supplied in any room containing cooking facilities.

The fire blanket container should be positioned so as to allow the blanket to be withdrawn quickly and easily. In this respect the base of the container is to be positioned not less than 1.5 metres from floor level. Fire blankets are to be located in the vicinity of the fire hazard they are to be used on, but in a position that can be safely accessed in the event of a fire i.e. not above the cooker.

Fire extinguishers

You are not required to provide fire extinguishers for residents to use, but in some cases there may be an organisational requirement to have them i.e. if you have staff on site.

If you provide fire extinguishers then they must be maintained by a specialist contractor.

Fire suppression systems/installations

Sprinklers or misting systems can be installed to provide additional protection to occupants, but you will usually still be required to maintain a protected route. You are advised to discuss this in advance with the Private Sector Housing team. These systems will be subject to ongoing maintenance and servicing.

Furniture and furnishings

You must ensure that the Furniture and Furnishings (Fire Safety) Regulations 1988 (or any Regulations which subsequently replace these) in respect of any upholstered furniture supplied, including chairs, sofas, children's furniture, beds, upholstered headboards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture are complied with.

Any furniture made available for tenant is to be kept in a safe condition.

Fire Risk Assessment

It is a legal requirement under the Regulatory Reform (Fire Safety) Order 2005 for the responsible person of a building with common areas to ensure that a suitable fire risk assessment (FRA) has been carried out by a competent person. The purpose of the FRA is to ensure that any risks have been identified along with suitable mitigating measures.

For HMOs the responsible person will normally be the property manager. For HMOs (including where there are self-contained units) a Type 3 FRA will need to be completed.

In Adur and Worthing, this requirement is enforced by West Sussex Fire and Rescue Service who can prosecute you if you do not have a suitable FRA for each property under your control.

Adur and Worthing Councils employ a commercial Fire Risk Advisor within the Building Control team. You can contact the advisor on the details below:

Rolf Zeegers,
Fire Safety Advisor
Adur & Worthing Councils
Building Control Partnership
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

Tel: 01903 221387
Mob: 07990 792 747

email: rolf.zeegers@adur-worthing.gov.uk

<https://www.adur-worthing.gov.uk/preparing-for-emergencies/fire-safety/#fire-risk-assessments>

6. Heating

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating. This means that heating must be sufficient for the room or area, and heat the space efficiently. If heating is paid for by the occupants (as opposed to the landlord) then it must also be economical to operate. In addition there should also be heating to communal areas including bathrooms, kitchens and hallways and landings. Heating in communal areas must always be on a landlord-controlled supply,

Ideally heating will be met through a gas fired central heating system with radiators fitted with thermostatic radiator valves (TRVs).

If gas is not available and electric heating is required then this should be met through modern slim-line fan-assisted storage heaters or high heat retention storage heaters (HHRSH). These will have an automatic charge control and be connected to a dual tariff meter (economy 7 or 10).

Heating should be capable of reaching and maintaining the minimum following temperatures when the external temperature is -1°C , within one hour of being turned on:

Living room/bedroom	19°C
Bathroom	22°C
Elsewhere	18°C

The cost of heating the communal areas of shared houses or bedsit type HMOs shall be met out of the general rental or energy charges and not from a prepayment meter.

In some cases it may be acceptable to meet heating requirements through wall mounted heaters utilising a direct electric supply, such as panel convector heaters. This will usually only be in new build properties with high levels of thermal insulation, or where the heating is paid for by the landlord. You are advised to discuss this form of heating with the Private Sector Housing team before installing it to avoid unnecessary costs.

Whichever form of heating is installed should be fully controllable by the occupants at all times and should be thermostatically controlled and programmable.

Paraffin, LPG or free standing, plug in electric heaters will not be acceptable.

Adequate structural thermal insulation should be provided to the building. This will include a minimum of 270mm of loft insulation and where appropriate cavity walls should be insulated.

6. Protection from falls

Falls in or around the home account for the majority of accidents in the home (not just HMOs) that require medical treatment. Disrepair or poor design can greatly increase the risk of falls occurring, and make accidents more serious.

Stairs

Staircases should be a safe and suitable design, ensuring that the following criteria are met:

Stair tread lengths are to be uniform and must be between 280-360mm
Riser heights are to be uniform and must be between 100-180mm
The stairs are to be guarded to both sides (one side may be the wall)
Guarding is to be at least 900mm high and not easily climbed
There must be no gaps in the stair structure large enough to allow a sphere with a diameter of 100mm to pass through
There is to be a continuous and easily grasped handrail to at least one side of the stairs, positioned between 900-1000mm above the pitch line
The stairs should not be less than 800mm wide
There should be a clear headroom above the stairs of at least 1.9m
There should be adequate artificial light to cover the length of the flight of the stairs, including emergency lighting.
Every element of the stairs including any floor coverings should be in good condition.

Landings, balconies or walkways

There must be suitable guarding to any landings, balconies or walkways. The guarding should be at least 1,100mm high and designed and constructed so as to discourage children climbing and strong enough to support the weight of people leaning against it. There should be no openings to the guarding which would allow a 100mm sphere to pass through.

Any change in level of more than 300mm should be suitably guarded. Where there are steps between levels then the criteria for stairs set out above is applicable.

Windows

Opening windows with a low sill height (less than 1,100mm above indoor floor level) on the first floor or above are to be fitted with a suitable opening limiter. This should be capable of restricting the opening of the window so that a sphere with a diameter of 100mm cannot pass through.

Any device fitted should be capable of release by an adult person but should not be key operated and should have to be overridden each time the window is opened.

Ground floor windows do not require an opening limiter unless they open over an unprotected basement or light well. However, it is recommended that letting room windows on the ground floor are also fitted with opening limiters to encourage secure ventilation.

7. Gas safety

If gas is supplied to the house then the Gas Safety (Installation and Use) Regulations 1998 (or any Regulations which subsequently replace these) must be complied with.

An annual safety check is carried out by a Gas Safe registered engineer on each gas appliance/flue in the house. This will be evidenced with a Gas Safety Certificate which will need to be submitted to the Private Sector Housing team on demand. Where a property is subject to HMO licencing a copy will be required with the licence application.

Gas Safety Records should be kept for at least three years.

The safety of the gas installation and appliances must be constantly maintained.

Carbon monoxide detectors

A carbon monoxide (CO) alarm marked with British Standard EN 50291 and a British or European approval mark, such as a Kitemark, is to be provided and fitted in each room with a gas appliance. The detector should be fitted in accordance with the manufacturer's instructions. A new CO alarm is required every 5 years unless the manufacturer's instructions clearly state it has a longer life.

8. Electrical safety

The whole electrical installation in the property (including common parts) must be kept safe and in proper working order. You will be required to evidence this by producing certificates.

Where an HMO has been newly created an Electrical Installation Certificate for the whole of the electrical installation will need to be provided to confirm that it has been installed by a contractor who is a member of an approved self-certification scheme (i.e. NAPIT or NICEIC), and is safe for use.

Where an HMO is existing the whole of the electrical installation will need to be inspected at least every five years, and a periodic inspection report (an Electrical Installation Condition Report) will need to be provided to confirm that the installation is in a satisfactory condition.

Where alterations or improvements are made to an existing installation then either a Minor Works Certificate or a new Electrical Installation Condition Report will need to be provided to evidence that the works have been completed by a qualified person.

The licence holder shall ensure that a periodic inspection of the electrical installation in the house is undertaken in accordance with BS 7671 (or any British Standard which subsequently replaces this) at intervals of no more than 5 years.

Provision of electrical sockets

There should be adequate electrical sockets in each room to reasonably accommodate everyday uses, and these should be sited appropriately to facilitate their use. It should not be necessary for tenants to rely on extension leads or gang adaptor sockets.

9. Disposal of waste

There must be a suitable provision of rubbish containers of adequate size for the number of occupants.

Ensure that tenants are aware of collection days for refuse and recycling. All refuse containers are to be returned within the curtilage of the property on the same day that they are emptied by the Council (unless an alternative location has been agreed with the Council's Recycling, Refuse and Waste team).

You will need to make arrangements for the additional collection and disposal of refuse from the house (and curtilage of the property) if this is found to be necessary to avoid causing a nuisance to the occupiers and the neighbourhood.

At all times any gardens, yards and other external areas within the curtilage of the house are kept in reasonably clean and tidy condition and free from rodent infestation. In particular, any rubbish or goods left in front or back gardens or on the pavement in the front of the HMO should be removed immediately.

At the end of each tenancy any rubbish or unwanted household goods left behind by tenants should be removed and disposed of appropriately by the landlord before the start of the next tenancy.

10. Display of contact details

You must display the manager's name, address and telephone contact number in a prominent position within the HMO.

You may wish to display additional contact details but you must display the above.

Appendix

i. Definition of an HMO

Houses in Multiple Occupation (HMOs) are defined in the Housing Act 2004.

In summary, a property is an HMO if it is let as the main or only home to at least three tenants (and at least one of those tenants is paying rent or receives accommodation in exchange for work) and who form more than one household. Some or all of these households may share a basic amenity (a kitchen, bathroom or toilet facility).

In most cases, an HMO will consist of rooms or bedsits sharing one or more basic amenity, but HMOs can also be:

- Buildings containing flats with their own facilities, but one or more are not self-contained.
- Employee accommodation
- Blocks of converted flats
- Hostels
- Lodgings or private halls of residence
- Refuges

A property can still be an HMO if it is lacking a facility.

A household consists of either a single person or members of the same family who live together, including:

- people who are married or living together
- people in same-sex relationships
- relatives who are living together - including step-children, grandchildren, uncles, aunts, nephews, nieces, cousins and foster children
- certain live-in domestic staff such as au pairs, nannies, nurses or other carers, gardeners, chauffeurs, servants (if certain conditions are met)

Properties occupied by owners will be HMOs where there are at least three occupants who are not part of the owner's household.

ii. Legislation

HMOs are regulated primarily by the Housing Act 2004 and the Regulations made under it, but the following is a brief guide of the relevant legislation.

Housing Act 2004

The Housing Act 2004 (“The Act”) is the primary legislation for regulating housing conditions, and it applies to any building used as residential accommodation, regardless of tenure.

The Act:

- introduced the Housing Health and Safety Rating System (see below)
- defines what constitutes an HMO and sets out criteria for certain HMOs to be licensed (see below)
- places a duty on the Local Authority to serve enforcement notices when high risk hazards are identified

It is a criminal offence to fail to comply with the requirements of the Act, such as failure to comply with an enforcement notice, operating a licensable HMO without a valid licence, or failure to comply with a Management Regulation.

You can access the Act here:

<https://www.legislation.gov.uk/ukpga/2004/34/contents>

Housing Health and Safety Rating System

The risk assessment procedure prescribed by the Housing Act 2004. This considers 29 different hazard profiles, including damp and mould growth, excess cold and fire, and identifies whether there are category 1 (high risk) or category 2 (lower risk) hazards within the property. It works on the principle that if the property is safe for the most vulnerable members of society (based on age) then it will be safe for everyone else.

It is used to assess any premises used for residential accommodation, including empty properties.

You can access the ‘Housing Health and Safety Rating System Operating Guidance’ here:

<https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9>

Licensing

Any HMO formed of two or more households and occupied by 5 or more people is required to be licensed by the Local Authority for that use. It is a criminal offence to operate these HMOs without a licence. Some flats are exempt from this requirement, although they will still be HMOs. Buildings that have been converted into flats may be classed as HMOs, but not all of these will need to be licensed.

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

Sets out the requirements for managers of all HMOs (whether licensed or not). Some of these are fairly general whilst others are quite specific. Failure to comply with a management regulation is an offence.

You can see these regulations here:

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

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

These Regulations are similar to those above, but they cover buildings that have been converted into self-contained flats, but that do not comply with current Building Regulations. These types of HMOs are defined under Section 257 of the Housing Act 2004. These buildings are not subject to mandatory licensing requirements.

You can see these regulations here:

<https://www.legislation.gov.uk/ukxi/2007/1903/contents/made>

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

These Regulations contain the prescribed standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons.

You can see these standards here:

<https://www.legislation.gov.uk/ukxi/2006/373/schedule/3/made>

Regulatory Reform (Fire Safety) Order 2005

This makes it a requirement for landlords or property managers to have a written fire risk assessment for HMOs. It is enforced by the Business Fire Safety team of the Fire and Rescue Service rather than the Local Authority, but you may be required to provide a copy at the point of licence application or on request. Where you do not have a fire risk assessment this will be referred to the Fire and Rescue Service.

Adur and Worthing Councils Building Control team are able to carry out a Fire Risk Assessment on your behalf. For more information go to:

<https://www.adur-worthing.gov.uk/preparing-for-emergencies/fire-safety/>

Planning

You may need planning permission to create a new HMO, or to carry out alterations or increase the occupancy of an existing HMO. Where the correct planning permission is not in place the Private Sector Housing (Environmental Health) team may grant a short licence period or even refuse to grant you a licence. It is important that you check you have the necessary consents in place.

For more information about planning, including contact information go to:

<https://www.adur-worthing.gov.uk/planning/applications/>

iii. Relevant guidance

LACoRS Housing Fire Safety

This document written in 2008 remains the most recent guidance on fire safety measures in HMOs. It is still a useful guide and is widely referred to but there have been several updates to the other guidance documents or standards that are not reflected in the document.

You can access the 'Guidance on fire safety provisions for certain types of existing housing' here:

<https://www.gov.uk/government/collections/fire-safety-legislation-guidance-for-those-with-legal-duties#guidance>