



HOUSES IN MULTIPLE OCCUPATION POLICY 2018

1. INTRODUCTION

- 1.1 This policy links with and supports the Council's Corporate Enforcement Policy. It relates specifically to Houses in Multiple Occupation and is made in accordance with the provisions of the Housing Act 2004 ("The Act").
- 1.2 The Act provides a definition of a House in Multiple Occupation (HMO) and allows for mandatory licensing for certain categories of HMO and discretionary licensing for other HMOs.
- 1.3 The policy outlines the importance of HMOs within the housing market in East Staffordshire and details the Council's responsibilities and legislative powers available for ensuring that health and safety standards are maintained in all HMOs. The policy will ensure that a consistent approach is taken by the Council whilst carrying out its statutory duties when dealing with all types of HMOs.
- 1.4 A dwelling is considered to be a HMO if it accommodates occupants who do not form a single household, share one or more amenity and is the occupant's main or only place of residence. The definition includes houses containing bedsits, hostels, shared houses and flats. The exact definition is described by standard tests detailed in Section 254 of the Act on page five of this policy.
- 1.5 East Staffordshire Borough Council (ESBC) aims to maximise the availability of decent private rented accommodation in the borough that protects the health, safety and welfare of tenants. The availability of good quality HMOs helps sustain the availability of affordable housing, particularly for vulnerable residents who seek the services of the Housing Options Team and Social Services.
- 1.6 The risk to health and risk of death and injury from fire is greatly increased in HMOs and persons who live in such properties tend to be more vulnerable than persons in other types of accommodation. The Government introduced a mandatory licensing scheme in 2006 for certain types of HMO and also introduced standards

specific to these properties over and above those expected of other categories of rented premises.

- 1.7 An amendment to the mandatory licensing of HMOs is effective from 1st October 2018 which extends the scope of Mandatory HMO licensing so that properties which house 5 people or more in two or more separate households will in many cases need a licence. The amendments provide minimum sizes to be applied to rooms used for sleeping and requirements for the provision of refuse disposal in licensed properties
- 1.8 The Council will continue to strive to ensure that the health, safety and welfare of all HMO occupants and visitors are maintained by providing advice, education and where appropriate, enforcing the relevant provisions of the Act. Consequently, the Council will continue to take a proactive approach by actively identifying and inspecting HMOs in the borough.
- 1.9 The policy takes account of guidance issued by Local Government Regulation (formerly known as the Local Authorities Coordinators of Regulatory Services - LACORS) and Homestamp (a partnership consortium with an interest in private sector housing, comprising of Local Authorities, the Private Rented Sector, Universities, West Midlands Police and West Midlands Fire Service) .
- 1.10 The purpose of the policy is to ensure that East Staffordshire Borough Council carries out the requirements of the Act in relation to HMOs. It is also intended to provide a local area standard to ensure that a consistent approach is taken throughout the Borough and to assist in a pro-active programme designed to eliminate poor housing standards in this type of accommodation.

2. HMO LICENSING

2.1 HMO Definitions

2.1.1 Part 2 of the Housing Act 2004 provides for local housing authorities to licence HMOs in their area if they meet the definition of an HMO prescribed under section 55 of the 2004 Act. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 prescribes the types of buildings that will be subject to mandatory licensing

2.1.2 An HMO is of a prescribed description for the purpose of section 55(2)(a) of the Act if it:

(a) is occupied by five or more persons;

(b) is occupied by persons living in two or more separate households; and

(c) meets-

(i) the standard test under section 254(2) of the Act;

(ii) the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or

(iii) the converted building test under section 254(4) of the Act. An HMO meets the prescribed description Prescribed Act places a duty on Council's to implement mandatory licensing where HMOs fall under the following definition:

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

2.1.3 A building meets the standard test if it is a building in which more than one household has living accommodation and at least two households share a basic amenity or the living accommodation is lacking a basic amenity. Basic amenities are defined as a toilet, personal washing facilities or cooking facilities.

- 2.1.4 The self-contained flat test mirrors the standard test except it applies to flats. Where a self-contained flat is occupied under the above definitions they are known as flats in multiple occupation and are subject to the same licensing regime as houses in multiple occupation.
- 2.1.5 HMOs meet the converted building test if it is a building that has been converted and in which one or more of the units of living accommodation is not a self-contained flat. It does not matter whether the building also contains self-contained flats.
- 2.1.6 Mandatory licensing does not apply to converted blocks of flats which are also known as section 257 HMOs. These are subject to management regulation and local housing authorities have the discretion to make them subject to additional licensing where they are problematic.
- 2.1.7 The definition of a “household” is contained in section 258 of the Housing Act 2004 which states that persons are to be regarded as not forming a single household unless they are all members of the same family. A person is a member of the same family as another person if -
- (a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
 - (b) one of them is a relative of the other, or
 - (c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.
- 2.1.8 Section 255 of the Act allows for buildings to be declared as HMOs where the Council is satisfied that the premise is operating as such under the definition of a HMO as given above. The Council must serve a Notice on the person managing or controlling the property within seven days of deciding to make the declaration stating:
- The date of the Council’s decision to serve the Notice
 - The date on which the Notice will come into force (which must not be less than 28 days from the date the Notice is served)
 - The recipient’s right to appeal to the Residential Property Tribunal within 28 days of the Council’s decision.

2.2 HMO Licensing Exemptions

2.2.1 There are certain types of HMOs that are exempt from the licensing regime as follows:

- owned or managed by a public body or educational institution
- occupied by a religious community
- only occupied by persons who have an interest in the whole or part of either the freehold or leasehold interest granted for a term of more than 21 years
- occupied by the owner and one or two lodgers
- occupied by persons who have their main residence elsewhere
- a building comprising solely of self-contained flats converted to or constructed in compliance with the 1991 Buildings Regulations irrespective of the tenure of the individual flats

2.3 HMO Licensing Application & Fee

2.3.1 A licence fee is payable on completion of a full and valid application. An application form must be completed for each HMO requiring a licence must contain all required information and supporting documentation.

2.3.2 The current fee structure is:

HMO Application- number of bedrooms	Fee
Application for a HMO with 1-5 bedrooms	£550
Application for a HMO with 6-10 bedrooms	£600
Application for a HMO with 11+ bedrooms	£650

2.3.3 An application will only be considered valid where all of these criteria are complied with. You will receive an acknowledgement within 7 working days and the application will be processed in a timely manner, within 2 months of receiving a valid application and full payment.

2.4 Fit and Proper Persons

2.4.1 The Act requires that applicants, and any persons associated with them are assessed as being 'fit and proper' persons to manage the HMO in a responsible manner.

2.4.2 ESBC will consider a person 'fit and proper' if they are satisfied that:

1. They have no unspent convictions¹ relating to:
 - offences involving fraud, dishonesty, violence or drugs, or sexual offences
 - unlawful discrimination on grounds of sex, race, or disability
 - Housing or Landlord and Tenant law
 - breaches of planning, compulsory purchase, environmental protection or other legislation enforced by the Council
2. They have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under Section 197 of the Act within the last five years.
3. They have not been in control of a property subject to a HMO Control Order, an Interim Management Order (IMO) or Final Management Order (FMO) or had works in default carried out by a Local Authority.

2.5 **Term of licence**

2.5.1 A licence will be granted where the authority is satisfied that:

- (a) the house is reasonably suitable for the occupation for the maximum number of households or persons specified in the application or decided by the authority (or that it can be made so suitable by the imposition of conditions);
- (b) the proposed licence holder is the most appropriate person to be the licence holder and is a fit and proper person to be the licence holder;
- (c) the proposed manager of the house is the person having control of the house or an agent or employee of that person and is a fit and proper person to be the manager of the house; and
- (d) the proposed management arrangements for the house are otherwise satisfactory

2.5.2 Once granted, a licence will be valid for a maximum of five years. The licence will specify the number of occupants and households who can reside in the

¹ A conviction where the penalty is a fine is spent after 5 years.

premises dependent upon the space standards and amenities available, see Appendix 1 for ESBC amenity and space standards document. A licence is issued to the applicant and is non-transferable upon change of owner/manager. In these circumstances a new application must be submitted by the new owner/manager to ESBC and the old licence revoked.

2.5.3 If a licence is granted before October 2018 in respect of an HMO that will be newly subject to mandatory licensing from that date, the period for which the licence is granted should begin on 1 October 2018. Where an unlicensed HMO which is subject to selective licensing makes an application prior to 1 October 2018 a mandatory HMO licence will be granted to begin from 1 October 2018.

2.6 Transitional Provisions

2.6.1 Transitional provisions allow for properties currently licenced under mandatory licensing and those currently licensed under selective licensing that will be subject to mandatory licensing from October 2018.

2.6.2 For properties currently licensed under mandatory HMO licensing the existing licence is valid and its conditions will apply until the date the licence expires. The extended mandatory licensing conditions (minimum sleeping room sizes and waste disposal requirements) will apply from the renewal of the existing licence.

2.6.3 For properties currently licensed under selective licensing that are subject to mandatory HMO licensing from October 2018, the existing licence is passported and has effect as if issued under Part 2. Its current conditions will apply until the date the licence expires. On renewal of the licence the property will now be subject to mandatory HMO conditions. The extended mandatory licensing conditions (minimum room sizes and waste disposal requirements) will also apply from the renewal of the existing licence.

2.6.4 If at the time the licence is renewed and the licence holder is not compliant with a condition related to sleeping room size the authority will provide notification

specifying the condition or conditions and a period of up to 18 months within which the licence holder must become compliant.

2.7 Licence conditions

2.7.1 The Act prescribes mandatory conditions that must be included as part of the licence and allows for the Council to include discretionary conditions for the purpose of improving the management, and occupation of the house.

2.7.2 The mandatory conditions will be applied to all licences and include:

- Provide copies of gas safety certificates annually.
- Ensure electrical appliances and furniture is in a safe condition.
- Ensure the smoke detection system is in working order.
- Provide tenants with a written tenancy agreement.
- Minimum room sizes for sleep accommodation (from 1st October 2018)
- Provision of refuse disposal (from 1st October 2018)

2.7.3 East Staffordshire Borough Council will include discretionary conditions attached to the licence which will include requirements such as:

- Provision of a fire risk assessment
- Manager contact information displayed within the premises
- Require reasonable steps to be taken to reduce or prevent anti-social behaviour

2.7.4 Where the Council identifies a breach of the licence conditions, any action taken will be taken in line with the Council's Housing Enforcement Policy.

2.8 Temporary exemption from licensing

2.8.1 The Council will serve a Temporary Exemption Notice (TEN) where the owner of a HMO requiring a licence states in writing that he/she is taking steps to make a HMO non-licensable. The TEN exempts that property from being licensed for a period of three months (from the date the Notice is served). In

exceptional circumstances and only in agreement with the Environmental Health Manager, the Council may serve a second TEN that lasts a further three months and that takes effect when the first TEN ends. No further TEN's can be served after the expiry of the second TEN.

2.9 Variation and Revocation of licences

2.9.1 The Council may vary and/or revoke HMO licences following receipt of an application to do so and by agreement with the licence holder. Variations can be granted if the Council consider there has been a change of circumstances since the licence was granted. The Council may revoke a licence if it considers the licence holder or any other person has committed a serious breach of a condition, is no longer 'fit or proper' or the management of the house is being carried out by persons who are not 'fit and proper' to be involved.

2.10 Refusal of a licence

2.10.1 In certain circumstances a licence may be refused, for example if an applicant does not meet the 'fit and proper' person test and there is no other person suitable to hold a licence for the HMO. In such situations, including where licences have been revoked, the Council will have no option but to manage the HMO under the terms of a Management Order.

4. MANAGEMENT ORDERS

- 4.1 Where there is no prospect of a HMO being licensed, the Act requires under section 102 and 113 that the Council use their interim management powers if it is satisfied that:-
- There is no reasonable prospect of the property being licensed in the near future; or
 - The health and safety condition applies.
- 4.2 The health and safety condition applies when an Interim Management Order (IMO) is necessary to protect the health, safety and welfare of the occupiers of the property and/or residents and/or owners of properties in the vicinity.
- 4.3 An IMO is in force for 12 months and the Council must:
- Take immediate steps to protect health, safety and welfare (if appropriate) and;
 - Take steps to manage the property pending the grant of a licence, the making of a Final Management Order or the ending of the IMO.
- 4.4 The IMO allows the Council to manage the property with all rights of a landlord and to collect rent and expend it on works to the property. Any residual balance must be paid to the landlord. However, the Council cannot create any interests (e.g. grant tenancies) without the written permission of the owner. The IMO must contain the date upon which it ceases to be in force (being no more than 12 months from its creation) and there are provisions to vary, revoke and appeal against an IMO.
- 4.5 The IMO ceases to have effect if a licence is granted within its duration. Before such action can be taken, the Council needs to put in place arrangements to manage HMOs subject to management orders.
- 4.6 The Council also has the discretion under section 102 of the Act to apply to the Residential Property Tribunal for an IMO in other circumstances. The power is

available if the property concerned is a HMO, which does not come within the mandatory licensing remit. The tribunal can only grant this IMO if it is satisfied that the health and safety condition applies and must take into account any past compliance on the part of the landlord with any codes of practice (the Management Regulations).

- 4.7 The conditions in which discretionary IMO's will be available can be used to tackle isolated problems of anti-social behaviour. The aim is to allow ESBC to tackle individual problems without having to draw up a full Additional Licensing Scheme.

- 4.8 In extreme cases under section 113 of the Act, management orders can be extended to five years, with the Council also having the power to grant tenancies. Final management orders (FMO) are designed to secure the proper management of a house in the longer term and as a replacement for the short term IMO. In order to do this the Council must put in place a management scheme.

5. **ENSURING COMPLIANCE**

5.1 The Council has a duty to, and strives to ensure that the health, safety and welfare of all HMO occupants and visitors is maintained by providing advice, education and where appropriate enforcing the relevant provisions of the Act. Consequently, the Council will continue to take a proactive approach by actively identifying and inspecting HMOs in the borough using the following means:

5.2 Under Section 239 of the Act a person authorised by the Council may enter a HMO at any reasonable time and without giving any prior notice if it considers that any premises need to be entered for the purpose of ascertaining whether any of the following offences have been committed:

- failing to comply with a regulation under the Management of Houses in Multiple Occupation (England) Regulations 2006
- if a person having control of or managing a HMO which is required to be licensed but is not so licensed
- if a person having control of or managing a HMO knowingly permits another person to occupy the house, and;
- if a person having control of or managing a HMO fails to comply with any condition of the licence.

The power of entry will be used where an officer suspects that any of the above offences are being committed. However, in most cases the person having control or managing the HMO will be contacted for the purpose of inspection of the premises.

5.3 The Housing Health and Safety Rating System (HHSRS) is the principle tool for assessing the conditions of each unit of accommodation within a HMO. This regime will be used by officers to ensure all units of accommodation and all communal parts of a HMO are safe and healthy for occupation and do not contain any serious hazards. Where hazards are identified enforcement action will be considered to remove or reduce such hazards affecting the health and safety of the occupants and their visitors in accordance with the Council's Housing Enforcement Policy and Corporate Enforcement Policy.

5.4 The Council will utilise a range of information sources to identify HMOs within the borough. The Environmental Health Team will liaise with internal departments and external organisations as follows:

- Housing Options – will notify the Environmental Health Team of HMOs that they become aware of in the course of their duties.
- Fire Service – The Staffordshire Fire and Rescue Service have a duty to consult with the Environmental Health Team on the issue of fire safety standards in HMOs within the Borough.
- Staffordshire Police – will inform and work together with the Environmental Health Team on dealing with problem HMOs.
- Planning Team – will inform and consult with the Environmental Health Team on all HMOs that are subject to planning permission and the Housing Standards Team will identify any potential HMOs through the circulation of the weekly planning list.
- Social Services – will alert the Environmental Health Team where any of their clients are living in a HMO.
- Community and Civil Enforcement Officers – will alert the Environmental Health Team of any anti-social behaviour that they encounter at a HMO.
- Housing Benefit and Council Tax – in accordance with the Act, Section 237, information sharing agreement.

5.5 Many of the above agencies are involved in the ‘Lets Work Together’ scheme adopted within East Staffordshire. The training sessions aim to alert all agencies and front line staff involved in home visits to contact the Environmental Health Team where HMOs are identified in the course of their duties.

5.6 The Environmental Health Team will continue to proactively identify and assess HMOs with regards to the management standards, licensing and the impact that HMOs have within the borough on the immediate neighbouring properties and wider communities. Quite often occurrences of anti social behaviour are associated with HMOs and this can contribute to an increased rise in complaints to the Council and the Police. The Environmental Health Team will

continue to work in partnership with other agencies to tackle these issues. This will allow the Council to share data and enable the correct action to be targeted at the most problematic properties and areas. The Council's overall aim is to continue to improve the quality of life of residents living in the HMOs and within the vicinity of such properties.

6. ENFORCEMENT OPTIONS

- 6.1 Where the Council has identified non-compliance of the legislation during an inspection, there are several enforcement options that the Council can utilise to ensure the risks to the health and safety of the occupants are reduced to an acceptable level. The Housing Enforcement Policy 2017 explains in detail the range of enforcement tools that can be utilised.
- 6.2 Section 72 of the Housing Act 2004 deals with offences related to HMO licensing. A person commits an offence if;
- They are the person having control of or managing a HMO required to be licensed but it is not so licensed.
 - The person having control permits more persons than is authorised by the licence to occupy the HMO.
 - Failure to comply with the conditions of the licence.
- 6.3 Formal enforcement action for failure to comply with the licensing requirements can be undertaken by the Council and this will be carried out under the Council's Housing Enforcement Policy. This includes prosecutions through the criminal justice system or financial penalties. Any enforcement action would be taken in accordance with the Housing Enforcement Policy.

7. MINIMUM STANDARDS REQUIRED IN HMOs

7.1 Amenity Standards

7.1.1 The national minimum standards to be applied to licensed HMOs have been set under schedule three of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. These standards are also reflected in the national minimum sleeping room sizes and waste disposal provision as conditions introduced within the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulation 2018.

7.1.2 This enables officers to provide a consistent approach across the borough when dealing with such accommodation. It will also allow officers to easily advise landlords regarding the requirements the Council expect to find at their properties. The standards will address such issues as room sizes and the bathroom /kitchen facilities that are required for the number of occupants.

7.1.3 The local area standards for HMOs in East Staffordshire are appended as Appendix one of this policy.

7.2 Fire Safety

7.1.1 East Staffordshire Borough Council requires a minimum fire safety standard to be applied across all HMOs in the Borough. This standard is based on the requirements in the Fire Safety Guidance issued by the Local Government Regulation (formerly the Local Authorities Coordinators of Regulatory Services - LACORS) organisation and in consultation with the Staffordshire Fire and Rescue Service (SFRS). A copy of the guidance can be found here: [LACORS Fire Safety Guidance](#) . This will ensure that all HMOs are protected and allow occupants the opportunity to escape safely in the event of fire. It will also provide a consistent approach across the borough when dealing with fire safety in HMOs.

8. POLICY REVISION

- 8.1 The Policy will be reviewed regularly and will take account of any changes to Legislation, Guidance and Procedure. Minor changes to policy delivery may be required from time to time, and will be undertaken with the agreement of the Head of Service.

APPENDIX 1

AMENITY & SPACE STANDARDS IN HOUSES IN MULTIPLE OCCUPATION

General Principles

In general when letting all the different types of HMOs, the following rules must be observed:

- In no case shall any room be occupied by more than two adults.
- Persons of the opposite sex over the age of 10 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related nor living as a married couple or partners shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes. The minimum size of sleeping room are:
 - 6.51m² for one person over the 10 years of age
 - 10.22 m² for two persons over 10 years of age
 - 4.64m² for one child under the age of 10 years
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).
- A single bed/sitting room containing cooking facilities is not suitable for accommodating a child below the age of 5 years.

Categories of HMOs

Residential premises can be converted into different types of HMOs as follows:

- i. Single tenancy shared house
- ii. Multiple tenancy shared house
- iii. Bedsit type HMOs
- iv. Self contained units
- v. Bed & breakfast accommodation
- vi. Lodgings (residential landlord)

Each of the above will be defined within their own section of the document in order to clarify each type of HMO.

Houses in Multiple Occupation: Single Tenancy Shared House

Definition: Where there is exclusive occupation of a bedroom and all other facilities are shared between all the occupants within the house. Examples of single tenancy shared houses include a group of students who rent the house under one joint tenancy agreement and live as a family unit or a group of friends or work colleagues who rent the whole house and are responsible to replace tenants should they leave before the end of the tenancy agreement. The rent is collected and paid as one payment to the landlord. This standard does not apply to purpose-built student accommodation.

The following tables are examples of the different shared house layouts:

	Minimum room sizes for one person units	Minimum room sizes for two person units
1-5 occupants		
Bedroom	6.51m ²	10.22m ²
Communal room	11m ²	11m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter
6-10 occupants		
Bedroom	6.51m ²	10.22m ²
Communal room	14m ²	14m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter
11+ occupants:		
Bedroom	6.51m ²	10.22m ²
Communal room	16m ²	16m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter

In single tenancy shared houses where no communal room is provided the minimum bedroom size for one person must be **10.22m²** and for two people **15m²**. The minimum kitchen size will be the same as above.

Houses in Multiple Occupation: Multiple Tenancy Shared House

Definition: Where there is exclusive occupation of a bedroom and all other facilities are shared between all the occupants within the house. The individual tenants are not related and usually will not know each other prior to residing in the HMO. Each tenant will be given an individual tenancy agreement and the landlord will advertise and find a new tenant for a vacant bedroom, not the remaining tenants.

The following tables are examples of the different shared house layouts:

	Minimum room sizes for one person units	Minimum room sizes for two person units
1-5 occupants		
Bedroom	6.51m ²	10.22m ²
Communal room	11m ²	11m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter
6-10 occupants		
Bedroom	6.51m ²	10.22m ²
Communal room	14m ²	14m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter
11+ occupants:		
Bedroom	6.51m ²	10.22m ²
Communal room	16m ²	16m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter

In multiple tenancy shared houses where no communal room is provided the minimum bedroom size must be **10.22m²**. for 1 person **15m²**for 2 people. The minimum kitchen size will be the same as above.

Houses in Multiple Occupation: Bedsits

Definition: Where there is exclusive occupation of a bedroom and some facilities and sharing of other facilities and amenities, for example where cooking facilities are provided in the exclusive bedroom and the occupant(s) share a bath/shower room

with the other occupants. There will often be no communal living or dining room and each occupant usually lives otherwise independently of all others.

The following tables are examples of the different bedsit type layout arrangements:

	Minimum room sizes for one person units	Minimum room sizes for two person units
Bedroom:	6.51m ²	10.22m ²
Living room:	9m ²	12m ²
Exclusive Kitchen:	5.5m ²	7m ²
Shared kitchen:	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter

Bedroom/living area:	10.22m ²	15m ²
Separate exclusive kitchen:	5.5m ²	7m ²
Shared kitchen:	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter

Bedroom:	6.51m ²	10.22m ²
Exclusive living/kitchen:	11m ²	15m ²
Shared kitchen:	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter
Bedroom:	6.51m ²	10.22m ²

Bedroom/living/kitchen:	20m ²	25m ²
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Self Contained Units

Definition: Where all facilities and amenities are behind the entrance to the unit. There is no sharing of the facilities/amenities with any other tenant within the same building. The common entrance hallway/staircases will be shared to enable access to the individual units.

These standards apply to houses converted into self contained units where the conversion did not, and still does not meet the standards of the Building Regulations 1991 (approved document B standard). Houses converted into self contained units where the conversion met standards of the Building Regulations 1991 are exempt from the HMO definition.

The units should be occupied by a single household and where any unit is occupied by groups of three or more unrelated persons then the unit would be regarded as a 'House in Multiple Occupation' in its own right.

The following tables are examples of the different self contained unit layouts:

	Minimum room sizes for one person units	Minimum room sizes for two person units
Bedroom:	6.51m ²	10.22m ²
Living room:	11m ²	12m ²
Kitchen:	5.5m ²	7m ²

Bedroom/living area:	14m ²	15m ²
Separate kitchen:	5.5m ²	7m ²

Bedroom:	6.51m ²	10.22m ²
Living/kitchen:	14m ²	15m ²

Bedroom/living/kitchen:	20m ²	25m ²
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Room sizes for two bedroom units

Main bedroom:	6.51m ² for 1 person or 10.22m ² for 2
Second bedroom:	6.51m ²
Living room:	11m ²
Kitchen:	7m ²

Houses in Multiple Occupation: Bed & Breakfast Accommodation

Definition: Accommodation provided for persons with no other permanent place of residence such as temporary accommodation used by the local authority to house homeless families. Although hotels may be used for the purpose of housing homeless households, in the main, hotels would not fall within this category where guests have

other permanent residence. This type of hotel would only be required to meet these minimum standards when housing homeless households. Bed and breakfast accommodation would normally provide exclusive use of a bedroom and some sharing of bathroom/toilet facilities.

Meals may be provided on a catered or self catering basis and there is usually a communal living and/or dining room. Kitchen facilities used by the management to provide meals for residents must comply with the Food Safety Act and are to be separate from the self-catering facilities.

The following tables are examples of the different bed and breakfast layouts:

	Minimum room sizes for one person units	Minimum room sizes for two person units
Bedroom:	6.51m ²	10.22m ²
Communal room:	1m ² per person (min 15m ²)	1m ² per person (min 15m ²)

In bed & breakfast accommodation where no communal room is provided the minimum bedroom size for one person must be **10m²** or for two persons must be **15m²**.

	Room sizes for family units (maximum four):
Bedroom:	19.5m ²
Communal room:	1m ² per person (min 15m ²)

In bed & breakfast accommodation where no communal room is provided the minimum bedroom size for family units must be **25m²**.

Houses in Multiple Occupation: Lodgings/Residential Landlord Arrangement

Definition: Permanent residence within the landlord's home where the landlord lives on site. Usually the landlord would have use of separate facilities and amenities but there may be some sharing of facilities with the occupants. The provision of facilities is to be the same as shared house/flat HMOs.

The following tables are examples of the different lodgings type layouts:

	Minimum room sizes for one person units	Minimum room sizes for two person units
1-5 occupants		
Bedroom	6.51m ²	10.22m ²

Communal room	11m ²	11m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter
6-10 occupants		
Bedroom	6.51m ²	10.22m ²
Communal room	14m ²	14m ²
Shared kitchen	2m ² per person up to 3 persons and 1m ² per person thereafter	2m ² per person up to 3 persons and 1m ² per person thereafter

Where no communal room is provided the minimum bedroom size must be **10m²** for one person and **15m²** for 2 people. The minimum kitchen size will be the same as above.

Amenities Required in all HMOs

Communal kitchen facilities:

A shared kitchen should ideally be not more than one floor distant from any unit of accommodation having use of it. It is however, acceptable for a kitchen to be a maximum of two floors distant where there is a communal room adjacent to the kitchen suitable for dining purposes, or where the kitchen is of sufficient size to serve as a kitchen / dining room. The kitchen must also be accessible internally within the main house and occupants must not access the kitchen externally.

Each shared kitchen shall comprise as a minimum:

Cooking:

The kitchen must be provided with sufficient cooking appliances suitably located between two pieces of work surfaces to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:

- For every five persons there must be a conventional gas or electric cooker with at least four burners/hobs, oven and grill.
- For up to and including seven persons, a combination microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.
- For eight to 10 persons there must always be at least two conventional cookers and for 11 to 15 persons at least three conventional cookers, whether or not any supplementary microwave ovens are provided.

Sinks:

- For every five persons there must be a kitchen sink and drainer complete with hot and cold water supplies and connected to the waste water system.
- For up to and including seven persons, a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including seven persons.
- For eight to 10 persons there must always be at least two standard sinks and drainers and for 11 to 15 persons at least three standard sinks and drainers, whether or not any supplementary dishwasher is provided.

Food Preparation:

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. A 0.5 metre run of work surface for each user up to a maximum of 2m, although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.
- Kitchens must be provided with floor covering which is impervious, reasonably smooth and easily cleansable. Ideally floor coverings should be slip resistant. Walls and ceilings must also be reasonably smooth such that they can be kept clean and easily redecorated.
- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.
- At least three twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every five persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

Food Storage:

- Adequate refrigerated food storage must be provided either within the shared kitchen or within a room directly adjacent to the kitchen if space is a particular problem.
- For every three persons there must be a standard domestic refrigerator of at least 100 litres capacity and a freezer compartment of at least 15 litres capacity.
- Alternatively a tall upright fridge freezer will be acceptable for every 5 persons. These usually have a fridge capacity of around 140 to 180 litres and a freezer capacity of around 70 to 90 litres.
- A combination of separate larder refrigerators and freezers will also be acceptable provided they give an approximate equivalent standard.
- Adequate dry/canned food storage and utensil storage cupboards must also be provided. A 500mm wall or base unit per person will be acceptable for this purpose. The space beneath a sink is not acceptable for food storage purposes.

- In shared kitchens where it is likely that there will be a high degree of communality (for example students or professionals), it is not normally a requirement for refrigerators or storage cupboards to be locked.
- In shared kitchens where a lesser degree of communality may be expected, the sharing of refrigerators and storage cupboards may lead to poor storage practice and conflict between residents. In such cases lockable food storage cupboards may be necessary.

Ventilation:

- All shared kitchens must be provided with adequate mechanical extract ventilation with an extract rate of at least 60 litres per second venting directly to the external air in accordance with current Building Regulations.

Exclusive Use Kitchen (cooking in lets and self contained flats)

The facilities must comprise as a minimum:

Cooking:

- Single person - a gas or electric cooker with a minimum of two burners/hobs, an oven and grill.
Two persons - a gas or electric cooker with a minimum of four burners/hobs, an oven and grill.
Alternatively a combination microwave oven may be substituted for one or two of the burners/hobs respectively or in place of a conventional oven.
- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water. The sink shall be connected to the drainage system via a suitable trap. A wash-hand basin shall not be used in place of a sink.
- Sufficient fixed smooth, impervious work surface to enable each user to prepare food safely and hygienically. A minimum of 500 mm clear run of work surface will be required for a single person bedsit and 1000 mm for a double room.
- A suitable refrigerator of sufficient size to store an average persons dietary requirements on a day to day basis. A freezer compartment is desirable but not essential in a single person bedsit.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery (e.g. 500mm wide wall or base unit per occupier).
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

Additional requirements specific to kitchen areas within bedsitting rooms:-

- The kitchen area must be provided with an easily cleansable non-slip floor covering and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker i.e. they

must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

Communal Personal Washing and Bathing Facilities

Baths and Showers:

- A bathroom containing a bath or shower shall be provided on a ratio of at least one bath to every five persons sharing. Bathrooms in properties housing up to five persons should ideally not be more than one floor distant from every bedroom.
- In properties housing over five persons there will be a need for additional bathroom(s) on the ratio of 1:5. For example, a property housing eight people would require two bathrooms and a property housing 11 people would require three.

Water Closets (W.C.):

Toilet facilities should be provided not more than one floor distant from any user on a ratio of at least:

- One WC per five persons sharing where the W.C. is separate from the bathroom (and is accessible from a communal area without going through the bathroom).
- One WC per four persons sharing where the WC is located within the bathroom.

Wash hand basins:

- A wash hand basin must be provided in any bathroom or separate room containing a W.C.

Personal Washing and Bathing Facilities (en-suites and self contained flats)

- Each en-suite and flat must be provided with its own bath or shower and wash hand basin with constant supplies of hot and cold water and connected to the waste water supply. A W.C. must also be provided within the same compartment as the wash hand basin and properly connected to the foul waste system.
- Each flat must be provided with its own WC which must be located within a bathroom or other separate compartment. Any room containing a WC must be provided with a wash hand basin.

All Personal Washing and Bathing Facilities

In general the floor covering must be smooth, impervious and easily cleansable. Walls and ceilings must also be reasonably smooth so that they can be easily decorated and kept clean. All washing and bathing rooms must be of an adequate size.

Obscure glazing must be provided to all bathroom windows and doors to any shared bathroom must be fitted with a privacy lock.

Ventilation – Bathrooms and separate W.C. compartments must be well ventilated. Where there is no natural means of ventilation via an openable window, mechanical ventilation giving an extract rate of at least 15 litres per second must be provided.

Any extractor fan in a room containing a bath or shower must be provided with an overrun of at least 20 minutes (or at least one air change) or should be humidistat controlled to prevent condensation related mould growth. The ventilation system must comply with current building regulations. It is recommended that wash hand basins are provided in all bedrooms.

If any of the above minimum standards cannot be met or you wish to deviate from any of the above standards it must be discussed and agreed with the Council. East Staffordshire Borough Council encourages quality accommodation and adopts a flexible approach to discussions with landlords. If you are able to provide an alternative solution that works for your property and occupants that is within the legislative framework this will be considered by the Council.

APPENDIX 2

Mandatory and Discretionary HMO Licensing Conditions

The following licence conditions detail what the licence holder must adhere throughout the duration of the licence (or their nominated agent where specified) as required by section 67 and Schedule 4 of the Housing Act 2004 as amended. If you do not understand the requirements, please contact the Environmental Health Team who will be able to help you.

Failure to adhere to one or more of these licence conditions could result in formal proceedings against you, with a maximum penalty of an unlimited fine and/or the loss of your licence.

Mandatory Conditions.

1. If gas is supplied to the house, the licence holder must produce an annual gas safety certificate to East Staffordshire Borough Council in respect of the house within the last 12 months.
2. The licence holder must:
 - a. keep electrical appliances and furniture provided by her/him in a safe condition
 - b. supply the authority with a declaration by him, as to the safety of such appliances and furniture.
3. The licence holder must:
 - a. ensure that smoke alarms are installed in the house and must keep them in proper working order
 - b. supply the authority with declaration by him as to the condition and positioning of such alarms.
4. The licence holder must:
 - a. ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;
 - b. keep any such alarm in proper working order; and
 - c. supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm
5. The licence holder must provide each tenant with a written statement of the conditions of the terms on which they occupy the house.
6. The licence holder must ensure that:
 - a. the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
 - b. the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
 - c. the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
 - d. any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
7. The licence holder must ensure that
 - a. where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;

- b. where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
 - c. where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.
8. The licence holder must comply with East Staffordshire Borough Council's waste collection scheme for the storage and disposal of household waste at the HMO pending collection.

Conditions relating to the property

9. The licence holder must allow officers of the council access to the licensed property for the purpose of carrying out inspections at all reasonable times or on receipt of 24 hours' notice of their intention to inspect, whichever the sooner.
10. The licence holder must cooperate with environmental health staff in circumstances where complaints of alleged breaches of licence conditions have been made in respect of the licensed property.
11. The licence holder will ensure that any furniture supplied at the start of a tenancy or licence is in safe and good condition and maintained or replaced as far as it is the landlord's responsibility throughout the tenancy.
12. All repairs to the property are to be carried out by competent and reputable persons and as far as practicable; the licence holder will ensure all works are carried out to a reasonable standard.
13. The licence holder must ensure that the house is compliant with the council's approved standards for houses in multiple occupation, according to the type of accommodation offered. These standards will be reviewed periodically to ensure that they remain appropriate to the type of multi-occupied housing within the council's area and needs of residents.
14. The licence holder must display a copy of the property licence within the common parts of the HMO at all times, for the duration of the licence and provide the tenants of the licensed property and the occupiers of any adjoining properties, with details of the following:
 - a. name of the licence holder or managing agent
 - b. a contact address and daytime telephone number
 - c. an emergency contact telephone number.
 - d. standard reporting procedures for disrepair
This information must be supplied within 28 days of receipt of the licence document and should be clearly displayed in a prominent position within the licensable property. An emergency contact telephone number for the licence holder and/or management agency shall also be available and notified to the council.
15. Where major works are required during the period of the tenancy, the licence holder will provide suitable alternative accommodation for the period during which works are carried out. The licence holder must also notify the local authority to provide details of the works to be carried out, the timescale for completion and the accommodation arrangements made for the tenant.

16. The licence holder, when providing the utilities to the property, will set reasonable market rates for all utility supplies that are no greater than the rate at which they are charged by the energy supplier.
17. The licence holder will not attempt to end a tenancy or licence in order to avoid carrying out repairs.
18. All repairs are to be carried out by competent and reputable persons and as far as practicable; the licence holder will ensure all works are carried out to a reasonable standard.
19. The licence holder will provide the tenant with copies of user manuals for any equipment provided as part of the agreement.
20. The licence holder shall maintain both the interior and exterior of the property in reasonable decorative order and in reasonable repair commensurate with properties in the immediate locality.

Tenancy Arrangements

21. The licence holder will arrange to undertake a detailed inventory to be agreed with all new tenants and kept on file at the onset of each new tenancy.
22. The number of persons residing in the premises at any one time shall not exceed the maximum number of occupants stated on the licence.
23. The Licence Holder must make use of an approved tenancy deposit scheme.
24. In circumstances where the licence holder seeks repossession of the property, this must be done using lawful means.
25. Where there are alley gates installed to the rear of the licensed property, the licence holder must:
 - a. take responsibility for holding a key for any alley gates which are in place or which are installed provide all new tenants with a copy of the key at the time of letting
 - b. issue any new tenants with a copy of any key holding agreement which is in place for the alley gate scheme to the rear of the licensed property.
26. The Licence Holder must ensure their property is inspected on an annual basis by the Licence Holder or their managing agent if the tenant has been living at the property for more than two years. If the tenant has been living in the property for less than two years the Licence Holder must ensure their property is inspected at least once every six months by the Licence Holder or their managing agent. The findings of the visit must be recorded.

Environmental Management

27. The Licence Holder must ensure that the property and all outbuildings, yards, forecourts and gardens surrounding the house are maintained in repair and kept in a clean, tidy and safe condition and free from infestations.
28. The licence holder must provide adequate facilities for the storage and disposal of refuse and must outline to the tenants their responsibilities in this respect.

Local Authority cooperation

29. The licence holder must notify East Staffordshire Borough Council of any intended alterations or changes to:
 - a. the occupancy levels of each room,
 - b. any changes to the layout,
 - c. the provision of amenities,
 - d. or any other change which may affect the licence contents or conditions attached to the licence,
before any alterations or changes are made.
30. The licence holder must inform the Council, within seven days, of any transfer of ownership or management of the house.
31. The Licence Holder and any other relevant person involved with managing the property must inform the local authority within 14 working days of any changes in their circumstances not previously disclosed to East Staffordshire Borough Council as follows:-
 - a. Details of any unspent convictions that may be relevant to the Licence Holder and/or their managing agent in relation to 'fit and proper person'. This is in particular in relation to any such conviction in relation to fraud or dishonesty, violence or drugs or any offence listed in Schedule 3 of the Sexual Offences Act 2003
 - b. details of any finding by a court or tribunal against the Licence Holder and/or the manager that they have practiced unlawful discrimination on grounds of sex, sexuality, race, ethnic or national origin or disability against a tenant;
 - c. details of any contravention by the Licence Holder or managing agent of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to criminal or civil proceedings resulting in a judgement or finding being made against them;
 - d. Information about any property the Licence Holder or managing agent owns or manages or has owned or managed which has been the subject of a:
 - i. Control order under S. 379 of the Housing Act 1985;
 - ii. or any appropriate enforcement action described in Part 1 Chapter 1 (5) of the Housing Act 2004;
 - e. Information about any property the Licence Holder or manager owns or manages, or has owned or managed, for which a local housing authority has:-
 - i. refused to grant a licence under Part 2 or Part 3 of the Housing Act 2004; or
 - ii. Has revoked a licence in consequence of the Licence Holder breaching the conditions of their licence.
 - f. Information about any property the Licence Holder or managing agent owns or manages or has owned or managed which has been the subject of an Interim or Final Management Order under Part 4 Chapter 1 of the Housing Act 2004;
 - g. The owner of the property has secured a sale of the property in a designated selective licensing area;
 - h. Any change in managing agent or the instruction of a management agent;

Anti-Social Behaviour

32. The licence holder must take reasonable and practicable steps for tackling antisocial behaviour. The licence holder and/or his nominated managing agent are required to undertake an incremental process of investigation of any complaints which have been

made either directly to them, or via the council, regarding their tenants. This process of investigation may involve one or more of the following.

- Appropriate response to a complaint from a member of the community, neighbour or another person regarding the conduct of the licence holders' tenant(s) and/or the behaviour of their children or visitors.
 - Sending of appropriate and proportionate warning letter(s).
 - Conduct of a tenancy warning interview.
 - Attendance at a case conference or any other appropriate multi agency meeting arranged by the council or other relevant agency.
 - Engagement with the council, the police or any other agency involved in the case. This may involve providing supporting information or evidence where an appropriate authority seeks a legal remedy to the antisocial behaviour such as an Anti Social Behaviour Order.
 - Serving of a relevant notice to seek possession where all other interventions have failed and that all parties agree that this would be the most appropriate course of action.
 - The Licence Holder and/or managing agent co-operating with any relevant and reasonable advice given by a relevant and appropriate service such as Staffordshire Police and Staffordshire Fire and Rescue Service.
33. The Licence Holder and/or managing agent will provide upon request to the local authority any information demonstrating all reasonable action is being taken to deal with anti-social behaviour arising at or related to their property such as warnings or any other appropriate legal action has been taken.
34. The licence holder will ensure that tenants are aware of the services available to them and how they can report nuisance and anti-social behaviour.