

BIRMINGHAM CITY COUNCIL

Housing Act 2004

**Property and Management Standards Applicable To Houses In
Multiple Occupation (HMOs)**

**A Guide for Property Owners, Landlords, Managing Agents, Tenants
and Other Stakeholders with Interests in the Private Rented Housing
Sector**

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Section 1: Legal Definitions and Procedures

1.10 Introduction

The main provisions of the Housing Act 2004 came into effect on 6 April 2006. This new legislation has important implications for the private rented sector in particular with the introduction of mandatory licensing of certain higher risk Houses in Multiple Occupation (HMOs), discretionary licensing of other privately rented housing in specific circumstances, plus a new system of assessing housing conditions known as the Housing Health and Safety Rating System which replaces the former housing fitness standard.

Although standards have been applied to HMOs for many years in terms of fire precautions, amenities, room sizes and property management, the new legislation will require some significant amendments to be made.

It is therefore an appropriate opportunity for the City Council to issue this revised standards document which is intended to act as a code of practice to which property owners, landlords and managers should be working in order to achieve compliance with the new legislation. Most of the accommodation arrangements commonly encountered are described however it is recognised that there will always be circumstances which do not match those given. If this is the case then it is always advisable to contact the Housing Department for further guidance.

This standards document also provides basic information about the definition of House in Multiple Occupation and which properties need to be licensed. Further details about licensing can be found on the City Council's website www.birmingham.gov.uk/housing under "Licensing Guide for landlords".

This standards document was formally adopted by the Cabinet of Birmingham City Council in March 2009 as part of the overall Private Sector Housing Enforcement Policy.

1.20 What is a HMO?

Under the changes in the Housing Act 2004, if you let a property which is one of the following types, it is a House in Multiple Occupation:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form 2 or more households and who share kitchen, bathroom or toilet facilities.

- A converted house which contains 1 or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form 2 or more households.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

In order to be an HMO the property must be used as the tenants only or main residence and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

1.30 What is a Household?

A household is:

- Couples married to each other or living together as husband and wife and couples in same sex relationships
- Relatives living together, including parents, grandparents, children and step children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins.

Half-relatives are treated as full relatives. A foster child living with his or her foster parent is treated as living in the same household as his/her foster parent.

Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person who they are working for.

More household examples

- Three friends sharing together would be considered as three households
- A couple sharing with a third person would be classed as two households
- A family renting a property is a single household. If that family had an au pair to look after their children that person would be included in their household.

1.40 Which HMOs Need a Licence?

Under the **national mandatory licensing scheme** any HMO must be licensed if it has:

- Three or more storeys **and**
- Five or more tenants living as two or more households **and**
- Shared facilities such as kitchen, bathroom and toilet.

The Council has discretionary powers to widen the remit of licensing to also include two storey or smaller HMOs if they think that enough of them in an area are badly managed. This is known as Additional Licensing. Before declaring an additional licensing area the City Council would need to consult extensively with landlords and tenants organisations, local residents and advertise in the local newspapers.

You should therefore become aware of any additional licensing scheme well before it comes in to operation.

In Birmingham there are no firm proposals to declare any additional licensing schemes at the current time (March 2009) however the situation will be kept under review.

1.50 How Do I Work Out How Many Storeys There Are?

When you count the number of storeys in a building you need to include:

- Basement and attics if they are occupied or have been converted for occupation or are in use by residents
- Any storeys which are occupied by you and your family if you are a resident landlord
- All storeys in residential occupation, even if they are self-contained
- Any business premises or storage space on the ground floor or any upper floor.

You don't need to count basements used for business or storage unless the basement is the only, or principal, entrance to the HMO from the street.

1.60 Types of House in Multiple Occupation

A wide variety of properties fall within the definition as being houses in multiple occupation (HMOs)

It is however possible to identify characteristics common to the manner in which they are occupied.

A system of categorisation has been in operation for many years throughout the country based upon a code of practice issued by Chartered Institute of Environmental Health. Although the law applicable to HMOs has changed, the types of property remain broadly the same and it is therefore intended that same system of categorisation will be used as the basis of this standards document.

The categories of HMO can be summarised as: -

| | |
|------------|------------------------------------------------|
| CATEGORY A | (Bedsits) |
| CATEGORY B | (Shared Houses) |
| CATEGORY C | (Halls of Residence) |
| CATEGORY D | (Hostels and Bed and Breakfast Establishments) |
| CATEGORY F | (Self- Contained Flats) |

Properties previously designated as Category E (Care Homes) are no longer classified as HMOs as these are now fully regulated by the Commission for Social Care Inspection.

Details of the standards applicable to each Category of HMO are given in section 2

1.70 How Will Standards Be Applied To Licensable HMOs?

In order to issue a licence the City Council must be satisfied amongst other things the property in question is reasonably suitable for occupation by a specified maximum number of persons and / or households.

To be able to make an assessment as to what counts as reasonable for occupation a set of regulations entitled 'The Licensing and Management of Houses in Multiple occupation and other Houses (Miscellaneous provisions) (England) Regulations 2006' have been issued which prescribe the minimum standards every local authority must have regard to in terms of:

- Washing and toilet facilities
- Kitchen facilities
- Heating
- Fire precautions

Each local authority is able to set its own standards but these must not be to a lesser standard than as specified in these regulations.

These regulations were amended in October 2007 by 'The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007' which, amongst other things, had the effect of giving local authorities more discretion over required standards with respect to the provision of bathrooms, toilets and wash hand basins.

The regulations do not specify minimum sizes for rooms however it is considered that this is an important factor when setting maximum occupancy levels and for this reason room sizes are specified in this standards document according to the category of HMO and room type.

A property which fails to meet the standards as specified would not normally be cause for refusal to grant a licence and in such cases it is intended that a licence would be issued with conditions attached requiring that the property be

brought up to standard over a period of time. Differing periods for compliance may be set for different works according to the assessed urgency.

Properties which are clearly well below the minimum prescribed standard and where there appears to be little prospect of work being carried out within a reasonable period or where the health, safety or welfare of the occupiers is at imminent risk may result in refusal to grant a licence, however. Where a licence is issued with conditions, it is an offence to fail without reasonable excuse to comply with any such conditions within the specified time limit(s) and may result in a fine of up to £5000.00

1.80 How Will Standards Be Applied To Non-Licensable HMOs?

The Regulations mentioned in section 1.70 above only apply to licensable HMOs (that is those HMOs which fall within the mandatory licensing description or within any additional licensing scheme).

There are however many HMOs throughout the city which do not fall within any licensing requirements at the present time as there are no additional licensing schemes in operation - (for instance two storey HMOs, those having less than five occupants or houses converted entirely in to self contained flats prior to the 1991 Building Regulation standard).

In these cases it is considered important that appropriate standards of amenity provision, fire precautions and room size should be achieved wherever possible.

Part 1 of the Housing Act 2004 brings in a new method of assessing housing conditions known as the Housing Health and Safety Rating System (HHSRS) plus associated enforcement powers to deal with any hazards identified. For further details about the HHSRS see section 5 of this document. Furthermore, part 4 of the Housing Act 2004 contains provisions for dealing with overcrowding in HMOs.

By application of these new powers similar overall standards may be achieved as those required for licensable HMOs.

Landlords and managers of non-licensable HMOs are therefore encouraged to follow the advice given in this booklet in order to lessen the possibility of any enforcement action being taken under these other provisions of the Housing Act 2004.

Section 2: Physical Property Standards

This section sets out the minimum required room sizes plus the minimum provisions of amenities, fire precautions and heating for the various categories of HMO. Further details of the required standard of materials and installation of the basic amenities and associated services are specified in Section 3.

2.10 Category A HMOs (Bedsit Type)

2.11 Definition

These are houses occupied by a number of unrelated persons living as more than one household where there is little interaction between the occupiers.

Within this overall category, there are broadly two sub-categories as follows:-

Category A1

Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathrooms and / or toilets). Cooking and food preparation facilities are usually provided within the individual units of accommodation but some occupants may share a communal kitchen. There is usually no communal living room and each occupant lives otherwise independently of all others.

Category A2

These are HMOs where there is no cooking within the individual bedsit, but a communal shared kitchen is provided. A communal living room may also be provided in some cases. There are usually individual tenancies rather than a single joint tenancy. Bedroom doors will usually be lockable. Initially there may be little or no social interaction amongst the residents although this may change over a period of time, particularly where there is a communal living room.

In some cases the occupiers may have taken up occupation as a group at the same time but will have been allocated the property with little or no choice about where they live and may not have been previously acquainted.

This is often the case with groups of asylum seekers or migrant workers whose accommodation is linked to their employment.

2.12 General Principles Of Occupation for Category A1 and A2 HMOs

- Children below the age of 10 years now count as a whole person
- In no case shall any room be occupied by more than two persons
- 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 or licence. 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.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping / living accommodation.
- 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.

2.13 Room Sizes And Permitted Occupation

Category A1 HMOs (Bedsits)

The following are the minimum floor areas required:-

(a) One person units of Accommodation

(i) One Room Units

- A single room including kitchen facilities 13 m²

| | | |
|------|---------------------------------------------------------------------------------------------|--------------------|
| | • A bed /sitting room with a separate kitchen | 10 m ² |
| (ii) | <u>Two or more roomed units</u> | |
| | • Each combined living room / kitchen | 11 m ² |
| | • Each living room (without kitchen facilities) | 9 m ² |
| | • Each bedroom | 6.5 m ² |
| | • Each separate kitchen | 3.5 m ² |
| (b) | <u>Two or more persons units of Accommodation</u> | |
| (i) | <u>One room units</u> | |
| | • A bed sitting room including kitchen facilities for two persons | 20 m ² |
| | • A bed sitting room for two persons with separate kitchen facilities. | 15 m ² |
| (ii) | <u>Two or more Roomed Units</u> | |
| | • Each combined living room / kitchen | 15 m ² |
| | • Each living room | 12 m ² |
| | • Each bed /sitting room | 15 m ² |
| | • Each single bedroom | 6.5 m ² |
| | • Each double bedroom | 10 m ² |
| | • Each separate kitchen for exclusive use of up to three occupants, living as one household | 4.5 m ² |

NB. A unit of bedsit type accommodation is unlikely to be occupied by more than three persons. In cases where more than three persons are or are likely to be accommodation with in any particular unit of accommodation then the advice and agreement of the City Council must be sought.

Category A2 HMOs (Bedsits with Communal Kitchen)

(a) One Person Units of Accommodation

| | |
|----------------------------------------------------------------------------------------|--------------------|
| Each bedroom where all occupants have access to a separate communal living room | 6.5 m ² |
| Each bedroom where all occupants do not have access to a separate communal living room | 10 m ² |

(b) Two Person Units of Accommodation

- Each bedroom where all occupants have access to a separate communal living room 11 m²

- Each bedroom where all occupants do not have access to a separate communal living room. 15 m²

(c) Communal Rooms

(i) Kitchens

Communal kitchens will be intensively used with perhaps several people all attempting to prepare their own separate meals at the same time.

It is therefore important for there to be adequate space for all of the facilities as detailed in sub-section 2.15 below to be installed and properly arranged so that food can be safely and hygienically prepared and cooked.

The overall floor area of a kitchen may not be so important as the usable space available. For instance a large kitchen with three or four doorways opening into it may have less usable space than a smaller kitchen with only one or two doorways.

As a general guide the following minimum overall floor areas for communal kitchens will apply:

(Minor variations will be permitted provided this does not interfere with the provision of facilities.)

| | |
|---------------------------------|---------------------|
| - Kitchens for 2 to 5 persons | 6.5 m ² |
| - Kitchens for 6 persons | 7.5 m ² |
| - Kitchens for 7 persons | 8.5 m ² |
| - Kitchens for 8 persons | 9.5 m ² |
| - Kitchen for 9 to 10 persons | 10.5 m ² |
| - Kitchens for 11 persons | 11.5 m ² |
| - Kitchens for 12 persons | 12.5 m ² |
| - Kitchens for 13 to 15 persons | 13.5 m ² |

NB A single kitchen would not normally be suitable for use by more than 15 persons regardless of its size. In cases where more than 15 persons are using or are likely to have use of the same kitchen, the advice and agreement of the City Council must be sought.

2.14 Kitchen Facilities For Category A1 HMOs (Bedsits)

Each unit of accommodation must be provided with adequate facilities for the storage, preparation and cooking of food and the disposal of waste water. Wherever possible, such facilities should be for exclusive use and be located within the unit of accommodation. Where this is not practicable, the kitchen must be located not more than one floor distant from the accommodation. In some properties, not all of the bedsits may be provided with kitchen facilities for exclusive use and some sharing of kitchens may be necessary. The shared kitchen is to be not more than one floor distant from any individual letting having use of it.

The kitchen facilities appropriate for any of the circumstances mentioned above are: -

(a) Bedsitting Room With Combined Kitchen (this is the most usual situation)

The facilities shall comprise as a minimum: -

- Single person: a gas or electric cooker with two burners/hobs, oven and grill
- Two persons: a gas or electric cooker with four burners/hobs, oven and grill
- A 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
- Sufficient fixed 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 person's 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.
- 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 to an adequate extent 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.

(b) Separate Kitchen Directly Off the Bedsitting Room

The kitchen must be of sufficient size and layout to enable food to be prepared safely and hygienically. A minimum floor area of 3.5 m² for a single person letting and 4.5 m² for a two person letting is normally required for this purpose. The facilities to be provided are as those for kitchens within the bedsitting room.

(c) Separate Kitchen For Exclusive Use But Accessed From Outside The Unit Of Accommodation

The facilities are as those for separate kitchens off a bedsitting room. The kitchen is to be not more than one floor distant from the unit of accommodation.

(d) Communal Kitchen Shared With Other Units Of Accommodation

In most Category A1 HMOs, the majority of the accommodation units will have their own kitchen facilities for exclusive use. There may however be some units of accommodation which share a kitchen. Usually there will be only two or three rooms which share a kitchen in which case the standards specified below are appropriate. Where more than this number are expected to share a kitchen, the standards specified for Category A2 HMOs in **Section 2.15** below should be followed.

- A set of kitchen facilities must be provided for each three single person units of accommodation having use of the shared kitchen
- Kitchens must be of sufficient size and layout to enable the intended number of users to prepare and cook food safely and hygienically.
- The kitchen is to be not more than one floor distant from any unit of accommodation having use of it.

A set of kitchen facilities shall comprise: -

- A gas or electric cooker with four burners/hobs grill and oven. A combination microwave oven/grill may be used in place of a conventional oven.
- A metal or ceramic sink and drainer with a constant supply of hot and cold water
- Sufficient fixed work surface to enable each user to prepare food safely and hygienically. A minimum 500 mm clear run of work surface per person will be required.
- Two twin switched electric power sockets set at a convenient height and safe position in relation to the kitchen facilities in addition to any sockets serving any major appliances.
- Mechanical extract ventilation (min 60 litres / second)

Shared kitchens within Category A1 bedsit type accommodation should not be used for communal food storage purposes (either refrigerated or dry food storage). This is due to the fact there may be little interaction between each occupancy which could result in poor storage practice and the likelihood of conflict between residents. A suitable refrigerator and food storage cupboard should therefore be provided within each unit of accommodation.

The refrigerator must be 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.

2.15 Kitchen Facilities For Category A2 HMOs (Bedsits with Communal Kitchen)

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.

Each shared kitchen shall comprise as a minimum:

(a) Cooking Facilities

- The kitchen must be provided with sufficient cooking appliances suitably located 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 4 burners/hobs, oven and grill.
- For up to and including 7 persons a microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.
- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

(b) Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 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 7 persons.

- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

(c) 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 will generally be sufficient for this purpose although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.
- 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 2 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 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

(d) Food Storage

Shared kitchens within Category A2 bedsit type accommodation should not generally be used for communal food storage purposes (either refrigerated or dry food storage). This is due to the fact there may be little interaction between each occupancy and this could result in poor storage practice and the likelihood of conflict between residents. A suitable refrigerator and food storage cupboard must therefore be provided within each unit of accommodation.

The refrigerator within the individual unit of accommodation must be of sufficient size to store an average person's dietary requirements on a day to day basis. A freezer compartment is desirable but not essential in a single person bedsit.

(e) Ventilation

All shared kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres / second flow rate.

2.16 Personal Washing and Bathing Facilities For Bedsits (Category A1 and A2)

(a) Baths and Showers (personal bathing).

Where some or all of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located bathrooms to enable those facilities to be used on a shared basis.

Either a shower or a bath is suitable for this purpose, however a shower facility installed over a bath will not count as an additional shower. Baths must be provided with constant supplies of hot and cold water and showers with thermostatically controlled warm water.

Such bathroom facilities must be provided not more than one floor distant from any intended user and must be accessible from a common area.

The extent to which such shared bathroom facilities need to be provided will be dependant upon the availability of personal washing facilities within the individual units of accommodation, as follows:-

Where there are wash hand basins or sinks within the units of accommodation a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of **one bath or shower to every 5 persons sharing.**

Where the units of accommodation do not have wash hand basins or sinks, a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of **one bath or shower to every 4 persons sharing.**

(b) Wash Hand Basins (personal washing).

Where some or all of the units of living accommodation do not contain personal washing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located full sized (min. 500mm x 400mm) wash hand basins together with constant supplies of hot and cold water to enable those facilities to be used on a shared basis.

Such shared wash hand basins may be located either within a bathroom, separate WC compartment or other suitable room and must be provided on a ratio of **one wash hand basin to every 4 persons sharing.**

Small wash hand basins or corner wash hand basins (such as those fitted only for hand washing purposes within WC compartments) will not be counted for these purposes.

Every room containing a WC must be provided with a wash hand basin. Small wash hand basins or corner wash hand basins within separate WC compartments are acceptable however, as stated above, such wash hand basins will not be counted towards the total number of shared wash hand basins for personal washing purposes.

For those units of accommodation having an en-suite bathroom containing a WC for the exclusive use of the occupants, but where there is no wash hand basin within the bathroom, it is acceptable for a wash hand basin to be provided within the adjoining bed sitting room. If there is already a sink within the bed sitting room, then this will be acceptable as an alternative to a wash hand basin.

2.17 Toilet Facilities for Bedsits (Category A1 and A2)

Toilet facilities shall be provided on a ratio of at least:-

- One WC per five persons sharing where the WC 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

Wherever possible, WCs should be located not more than one floor distant from any bedroom

Examples of acceptable minimum combinations of WCs and bathrooms are given in the table below . (Other combinations may achieve the same required minimum provisions, however).

Explanatory note

{The term “full suite“shall mean a bathroom containing a bath or shower, a wash hand basin plus a WC.

The term “bath only“shall mean a bathroom containing a bath or shower plus a wash hand basin.

The term “separate WC” shall mean a separate WC compartment with a wash hand basin.}

| NUMBER OF PERSONS SHARING | FULL SUITE | BATH ONLY | SEPARATE WC |
|---------------------------|------------|-----------|-------------|
| 4 or less | 1 | | |
| 5 | 1 | | 1 |
| 5 | | 1 | 1 |
| 6, 7 or 8 | 2 | | |
| 9 | 1 | 1 | 1 |
| 9 or 10 | 2 | | 1 |
| 11 or 12 | 3 | | |
| 13, 14 or 15 | 3 | | 1 |
| 16 | 4 | | |
| 17,18,19 or 20 | 4 | | 1 |

2.18 Fire Precautions in Bedsits

Detailed advice about the required level of fire protection can be found in a booklet entitled “A Guide to Fire and Security Protection in Multi- Occupied Residential Properties” which has been produced by a consortium of West Midlands Councils plus the West Midlands Fire Service and West Midlands Police acting in conjunction with the National Landlords Association (Midlands), Residential Landlords Association, Universities plus other organisations with an interest in the private rented sector.

The consortium operates under the title ‘Homestamp’ and a copy of the advice booklet mentioned above can be found on the website www.homestamp.com or by telephoning the Licensing Helpline on 0121 303 4009 to request a copy.

The main fire protection requirements can be summarised as follows:-

Category A1 (Bedsits with Cooking in the Rooms)

(a) **3 or 4 storey properties**

The required fire protection scheme will in most cases consist of :-

- A protected escape route which is created by fitting half hour fire resisting self-closing fire doors to all risk rooms adjoining the communal escape route in accordance with British Standard 476 Part 22.

- Installing a mixed automatic fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade A giving a Category LD2 level of coverage (smoke detectors located throughout the communal escape route (plus cellar, if any) interlinked with heat detectors in each bedsit) plus stand alone single point smoke alarms within each bedsit in accordance with British Standard 5839 Part 6: 2004 Grade D.
- Installing an emergency lighting system to the communal escape route in accordance with British Standard 5266.
- A fire blanket within each kitchen area

It is known that many bedsit type properties will have had a fire alarm system installed in the 1990s which does not comply with the latest standard in that rooms containing cooking facilities will only have a heat detector fitted and no single point smoke alarm.

In such cases it is intended that the fire alarm systems will need to be upgraded to the latest standard through the setting of licence conditions giving a reasonable period for compliance.

(b) **2 Storey Properties**

The required fire protection scheme will in most cases consist of :-

- A protected route as for a 3 or 4 storey property (see above)
- Installing a mixed automatic fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade D giving a Category LD2 level of coverage (smoke alarms located throughout the communal escape route interlinked with heat alarms in each bedsit) plus stand alone single point smoke alarms within each bedsit in accordance with British Standard 5839 Part 6: 2004 Grade D.
- An emergency lighting system to the communal escape route will not normally be required unless the route is long or complex or if there is no effective borrowed light.
- A fire blanket within each kitchen area

(c) **Properties of more than 4 storeys or mixed residential / commercial use.**

Properties of this description will require individual consideration by the City Council and West Midlands Fire Service.

In general, the standards may be similar to that for a 3 or 4 storey property but additional structural Protection or an alternative means of escape may be required.

Category A2 (Bedsits with a Communal Kitchen(s) and no Cooking in the Rooms)

(a) 3 or 4 storey properties

The required fire protection scheme will in most cases consist of :-

- A protected escape route which is created by fitting half hour fire resisting self-closing fire doors to all risk rooms adjoining the communal escape route in accordance with British Standard 476 Part 22.
- Installing a fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade A giving a Category LD2 level of coverage (interlinked smoke detectors located throughout the communal escape, each bedsit plus cellar (if any) and a heat detector in each kitchen)
- Installing an emergency lighting system to the communal escape route in accordance with British Standard 5266.
- Providing a fire blanket within each shared kitchen.

It is known that many 3 or 4 storey properties of this type may already have an interlinked smoke / heat alarm system installed in accordance with British Standard 5839 Part 6 Grade D rather than Grade A (this means they do not have a control panel or manual call points and the cabling does not meet fire resistance standards).

In such cases, if the property is licensable, there will not generally be any requirement to replace the Grade D system with a Grade A system as a condition of a licence, provided the existing Grade D system is maintained in good working order and gives an equivalent degree of coverage (or if it can be made to give an equivalent level of coverage where there is a partial shortfall).

It is however recommended that any existing Grade D system be replaced by the appropriate Grade A system once the existing system comes to the end of its design life and is no longer serviceable.

Three or four storey Category A2 HMOs where the stairs rise from a high fire risk room (such as a living room , kitchen or dining / kitchen) rather than a lower risk hallway will in most cases require additional fire safety measures. There are a number of possible approved methods to remedy this increased fire hazard. Please contact the Private Rented Services Team (tel No. 0121 303 4009 or e-mail hounforcement@birmingham.gov.uk) for further advice.

(b) **2 Storey Properties**

The required fire protection scheme will in most cases consist of :-

- A protected route as for a 3 or 4 storey property (see above)
- Installing a fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade D giving a Category LD2 level of coverage (interlinked smoke alarms located throughout the communal escape, each bedsit plus cellar (if any) and a heat alarm in each kitchen)
- An emergency lighting system to the communal escape route will not normally be required unless the route is long or complex or if there is no effective borrowed light.
- Providing a fire blanket within each shared kitchen.

Two storey Category A2 HMOs where the stairs rise from a high fire risk room (such as a living room , kitchen or dinin/kitchen) rather than a lower risk hallway will in most cases require additional fire safety measures. The fitting of emergency escape windows to the bedrooms at first floor level is the most common method of overcoming this increased fire hazard, however please contact the Private Rented Services Team (tel No. 0121 303 4009 or e-mail houdenforcement@birmingham.gov.uk) if you require further advice.

(c) **Properties of more than 4 storeys or mixed residential / commercial use.**

Properties of this description will require individual consideration by the City Council and West Midlands Fire Service.

In general, the standards will be similar to that for a 3 or 4 storey property but additional structural Protection or an alternative means of escape may be required.

2.19 Heating In Bedsits

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room (which in the case of a bedsit will usually be the only room), the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C. Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Heaters which use full price electricity are not normally acceptable as the main form of heating.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable.

In fully insulated and draught – proofed accommodation, full price electricity may be a viable option if it can be shown that the overall costs are affordable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with adequate heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.20 Category B HMOs (Shared Houses and Shared Flats)

2.21 Definition

Shared houses are described as HMOs where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. Each occupant normally has their own bedroom but they share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. All the tenants will have exclusive legal possession and control of all parts of the house, including all the bedrooms. There is normally a significant degree of social interaction between the occupants and they will, in the main, have rented out the house as one group. There is usually a single joint tenancy agreement. In summary, the group will possess many of the characteristics of a single family household, although the property is still legally defined as a HMO because the occupants are not all related.

2.22 Room Sizes and Permitted Occupation

The following are the minimum floor areas required:

- (a) One Person Units of Accommodation
- (i) Each bedroom/study where all occupants of the house have access to a separate communal living room – 6.5 m²
- (ii) Each bedroom/study where all occupants of the house do not have access to a separate communal living room – 10 m²

NB It is recognised that many houses which are used to provide shared accommodation for students may have one bedroom which is marginally below the required floor area of 6.5 m². In such cases it is acceptable to allow for up to ten per cent shortfall in floor area subject to the following conditions:

- The occupiers must have approached the landlord/managing agent as a group wishing to rent the house under the terms of a joint contract.
- The fact that one bedroom is marginally below the required floor area must be drawn to the attention of any potential occupiers prior to the signing of a tenancy agreement.
- The group of occupiers must decide amongst themselves who will occupy the small bedroom.
- Compensatory measures such as the use of a cabin-type bed with desk and storage space beneath should be employed.

(b) Two Person Units of Accommodation

- Each bedroom/study where all occupants have access to a separate communal living room 11 m²
- Each bedroom/study where all occupants do not have access to a separate communal living room. 15 m²

(c) Communal Rooms(i) Kitchens

Communal kitchens within shared houses will be intensively used with perhaps several people all attempting to prepare their own separate meals at the same time.

It is therefore important for there to be adequate space for all of the facilities as detailed in sub section 2.24 to be installed and properly arranged so that food can be safely and hygienically prepared and cooked.

The overall floor area of a kitchen may not be so important as the usable space available. For instance a large kitchen with three or four doorways opening into it may have less usable space than a smaller kitchen with only one or two doorways.

As a general guide the following minimum overall floor areas for communal kitchens will apply:

(Minor variations will be permitted provided this does not interfere with the provision of facilities.)

| | |
|---------------------------------|---------------------|
| - Kitchens for 2 to 5 persons | 6.5 m ² |
| - Kitchens for 6 persons | 7.5 m ² |
| - Kitchens for 7 persons | 8.5 m ² |
| - Kitchens for 8 persons | 9.5 m ² |
| - Kitchen for 9 to 10 persons | 10.5 m ² |
| - Kitchens for 11 persons | 11.5 m ² |
| - Kitchens for 12 persons | 12.5 m ² |
| - Kitchens for 13 to 15 persons | 13.5 m ² |

NB A single kitchen would not normally be suitable for use by more than 15 persons regardless of its size. In cases where more than 15 persons are using or are likely to have use of the same kitchen, the advice and agreement of the City Council must be sought.

(ii) Dining Kitchens (only applicable where provided)

Where a kitchen is large enough for it to be also used as a dining room, it is important that there is sufficient space for the majority of the intended number of users to sit around a table without impinging upon the working area of the kitchen.

Again, the overall shape, layout and positioning of doorways may influence the amount of usable space available. As a general guide the following minimum floor area will apply:

- Dining kitchens for 2 to 5 persons 11.5 m²

plus an additional 1 m² for every additional person thereafter.

(iii) Combined Living Rooms and Dining Rooms

In the majority of shared houses there is a communal living room which also serves as a dining room.

There must be sufficient space for the majority of occupiers to sit and eat a meal and also for other social activities such as watching television etc.

As a general guide, the following floor areas will apply:

- Living room and dining room for 2 to 5 persons 11 m²
- Living room and dining room for 6 persons 13 m²

plus an additional 1m² for every additional person thereafter.

(iv) Combined Living/Dining Room/Kitchens

It is recognised that there is a growing trend for landlords to take down the dividing wall between the rear living room and the kitchen (which is normally situated within the rear wing building of the average terraced type house).

This is in response to an increased demand for a more modern open-plan living style.

This is permissible provided adequate support is incorporated to the rear main wall in accordance with current Building Regulations

The kitchen facilities within the open plan room must be suitably arranged such that food preparation and cooking activities are safely separated from the adjoining dining/living area.

As a general guide, a combined living/dining/kitchen for 2 to 5 persons should be around 17 to 18m² in floor area plus an additional 1.5m² for every additional person thereafter.

Please note that creating an open plan living/dining/ kitchen in a three storey house may raise the overall risk of harm from fire where the stairs rise directly from such an open-plan room.

It is anticipated that the fire precaution measures detailed in subsection 2.27 will be adequate in such circumstances, however, the matter is currently subject to further consultation with the West Midlands Fire Service.

In the meantime you must consult with the Housing Department's Private Rented Housing Services Team on tel no. 0121 303 4009 for further advice if you are planning to carry out such a conversion, or if a house you own or manage has already been converted in this way and the means of escape from fire has not yet been assessed.

2.23 General Principles of Occupation

- Children below the age of 10 years now count as a whole person.
- In no case shall any room be occupied by more than two persons.
- 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 or living as a married couple 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 or licence. 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, bedroom or bed/sitting rooms may be used for living or sleeping purposes.
- Each separate bedroom within a shared house is regarded as a unit of accommodation for the purpose of assessing amenity standards.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping/living accommodation.

- Irrespective of overall floor area, consideration will be given to the shape and usable 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).

2.24 Kitchen Facilities for Shared Houses

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 dining room adjacent to the kitchen or where the kitchen is of sufficient size to serve as a kitchen/dining room.

Each shared kitchen shall comprise as a minimum:

(a) Cooking Facilities

- The kitchen must be provided with sufficient cooking appliances suitably located 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 4 burners/hobs, oven and grill.
- For up to and including 7 persons a microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.
- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

(b) Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 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 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

(c) 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 will generally be sufficient for this purpose although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.

- 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 2 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 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

(d) 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 3 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 larger 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 half standard base unit or standard single wall 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.

Lockable cupboards and refrigerators may be appropriate in certain circumstances although providing them in each individual unit of accommodation will always be preferable where there is any doubt as to how the residents will interact. In such cases the house will more likely be regarded as a Category A2 HMO (Bedsits with communal kitchen) rather than a Category B HMO.

(e) Ventilation

All shared kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres / second flow rate.

2.25 Personal Washing and Bathing Facilities for Shared Houses

(a) Baths and Showers

A bathroom containing a bath or shower shall be provided on a ratio of at least one bath or shower for every five persons sharing. A shower facility installed over a bath will not count as an additional shower. Shared bathrooms must be accessible from a communal area within the property (i.e not through a bedroom) and must be of sufficient size to enable users to dry themselves and get dressed safely and conveniently.

Bathrooms should, wherever possible, be situated not more than one floor in distance from any bedroom.

In recognition of the fact that many terraced houses have already had bathroom facilities installed within a ground floor rear extension, it will be acceptable for the bathroom(s) to be situated up to two floors in distance.

(b) Wash Hand Basins

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin together with constant supplies of hot and cold water, trapped waste pipe and a tiled splashback.

2.26 Toilet Facilities for Shared Houses

Toilet facilities shall be provided on a ratio of at least: -

- One WC per five persons sharing where the WC 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

Wherever possible, WCs should be located not more than one floor distant from any bedroom.

In recognition of the fact that many terraced houses have already had bathroom and toilet facilities installed within a ground floor rear extension, it will be

acceptable for the bathroom(s) / WC(s) to be situated up to two floors in distance.

Explanatory note

{The term “full suite“ shall mean a bathroom containing a bath or shower, a wash hand basin plus a WC.

The term “bath only“ shall mean a bathroom containing a bath or shower plus a wash hand basin.

The term “separate WC“ shall mean a separate WC compartment with a wash hand basin.}

Examples of acceptable minimum combinations of WCs and bathrooms are given in the table below . (Other combinations may achieve the same required minimum provisions, however.)

| NUMBER OF PERSONS SHARING | FULL SUITE | BATH ONLY | SEPARATE WC |
|----------------------------------|-------------------|------------------|--------------------|
| 4 or less | 1 | | |
| 5 | 1 | | 1 |
| 5 | | 1 | 1 |
| 6 , 7 or 8 | 2 | | |
| 9 | 1 | 1 | 1 |
| 9 or 10 | 2 | | 1 |
| 11 or 12 | 3 | | |
| 13 , 14 or 15 | 3 | | 1 |
| 16 | 4 | | |
| 17,18,19 or 20 | 4 | | 1 |

2.27 Fire Precautions in Shared Houses

Detailed advice about the required level of fire protection can be found in a booklet entitled “A Guide to Fire and Security Protection in Multi- Occupied Residential Properties” which has been produced by a consortium of West Midlands Councils plus the West Midlands Fire Service and West Midlands Police acting in conjunction with the National Landlords Association (Midlands), Residential Landlords Association, Universities plus other organisations with an interest in the private rented sector.

The consortium operates under the title ‘Homestamp’ and a copy of the advice booklet mentioned above can be found on the website www.homestamp.com or by telephoning the Licensing Helpline on 0121 303 4009 to request a copy.

The main fire protection requirements can be summarised as follows:-

(a) **3 or 4 Storey Properties**

The required fire protection scheme will in most cases consist of:

- A protected escape route which is created by fitting half hour fire resisting self-closing FD30 fire doors to all risk rooms adjoining the communal escape route.
- Installing an automatic fire detection and warning system in accordance with British Standard 5839 Part 6 : 2004 Grade D, giving a category LD3 level of coverage (ie smoke alarms in any communal living room, entrance hall, landings plus any walk-in cupboards within the escape route and any cellars (where appropriate) plus a heat alarm in each shared kitchen).
- Installing an emergency lighting system to the communal escape route in accordance with BS5266 if the communal escape route is long or complex or lacks sufficient borrowed lighting.
- Providing a fire blanket within each shared kitchen.

Three or four storey shared houses where the stairs rise from a high fire risk room (such as a living room , kitchen or dinin/kitchen) rather than a lower risk hallway will in most cases require additional fire safety measures. There are a number of possible approved methods to remedy this increased fire hazard. Please contact the Private Rented Services Team (tel no. 0121 303 4009 or e-mail prs@birmingham.gov.uk) for further advice.

(b) 2 Storey Properties

The required fire protection scheme will in most cases consist of:

- The fitting of fire doors to create a protected escape route is not generally required, however doors to rooms off the hallway and landing should be sound well fitting conventional doors (i.e not light weight doors with a cellular core)
- Installing an automatic fire detection and warning system in accordance with British Standard 5839 Part 6 : 2004 Grade D, giving a category LD3 level of coverage (ie smoke alarms in any communal living room, entrance hall, landing plus any walk-in cupboards within the escape route and any cellars (where any) plus a heat alarm in each shared kitchen).
- Providing a fire blanket within each shared kitchen.

Two storey shared houses where the stairs rise from a high fire risk room (such as a living room , kitchen or dinin/kitchen) rather than a lower risk hallway will in most cases require additional fire safety measures. The fitting of emergency escape windows to the bedrooms at first floor level is the most common method of overcoming this increased fire hazard, however please contact the Private Rented Services Team (tel No. 0121 303 4009 or e-mail houdenforcement@birmingham.gov.uk) if you require further advice.

2.28 Heating in Shared Houses

All habitable rooms within a shared house must be provided with an adequate fixed form of heating.

Bedrooms in shared houses are used not only for sleeping purposes, but also serve as studies/living rooms, therefore adequate heating is particularly important.

Within all bedrooms plus any communal living room or dining room, the heating appliance must be capable of achieving a room temperature of at least 21 °C within one hour of turning on when the air temperature outside is –1°C.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Heaters which use full price electricity are not normally acceptable as the main form of heating.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of the general rental charges or general energy charges rather than any type of prepayment meter. Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. All heaters,

other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable. In fully insulated and draught-proofed accommodation, full price electricity may be a viable option if it can be shown that the overall cost is affordable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with a fixed form of heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.30 Category C HMOs (Halls of Residence)

2.31 Definition

Houses or buildings occupied by people whose occupation is ancillary to their education or employment. These are normally operated by the employer or education establishment but increasingly by private accommodation providers. Each occupier has exclusive use of a bedroom but would share kitchen facilities. Bathroom and toilet facilities may also be shared or may be en-suite. Such properties would normally be occupied by students or professional groups such as nurses, doctors, police, etc. It should be noted that properties which are owned or managed by public organisations such as universities, the NHS, Police, Fire Service etc are usually exempt from the definition of HMO. Some smaller independent colleges with living accommodation may be included however.

2.32 Room Sizes and Permitted Occupation

The following are the minimum floor areas required.

- | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| (a) | <u>One Person Units of Accommodation</u> | |
| | (i) Each bedroom/study where all occupants of the building or relevant part of the building have access to a communal living room | 6.5 m ² |
| | (ii) Each bedroom/study where all occupants of the building or relevant part of the building do not have access to separate communal living room | 10 m ² |
| (b) | <u>Two Person Units of Accommodation</u> | |
| | (i) Each bedroom/study where all occupants of the building or relevant part of the building have access to a communal living room | 11 m ² |
| | (ii) Each bedroom/study where all occupants of the building or relevant part of the building do not have access to separate communal living room | 15 m ² |

(c) Communal Rooms

(i) Kitchens (self catering)

- Kitchens for 2 to 5 persons 7 m²
- Kitchens for 6 to 10 persons 10 m²
- Kitchen for 11 to 15 persons 14 m²

Plus an additional 1 m² for each person above 15.

(ii) Dining Room/Kitchen (self catering)

- Dining/kitchen for 2 to 5 persons 12 m²
- Dining/kitchen for 6 to 10 persons 20 m²
- Dining/kitchen for 6 to 10 persons 24 m²

Plus an additional 1 m² for each person above 15.

(iii) Dining/Living/Kitchen (self catering)

- Dining/living/kitchen for 2 to 5 persons 18 m²
- Dining/living/kitchen for 6 to 10 persons 24 m²
- Dining/living/kitchen for 11 to 15 persons 30 m²

Plus an additional 1 m² for each person above 15.

(iv) Separate Dining/Living Rooms

- Dining/living room for 2 to 5 persons 11 m²
- Dining/living room for 6 to 10 persons 16 m²
- Dining/living room for 11 to 15 persons 22 m²

Plus an additional 1 m² for each person above 15.

2.33 General Principles of Occupation

- Children below the age of 10 years now count as a whole person.
- In no case shall any room be occupied by more than two persons.
- 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 or living as a married couple 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 or licence. 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, bedroom or bed/sitting rooms may be used for living or sleeping purposes.
- Each separate bedroom within a hall of residence is regarded as a unit of accommodation for the purpose of assessing amenity standards.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping/living accommodation.
- Irrespective of overall floor area, consideration will be given to the shape and usable 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).

2.34 Kitchen Facilities for Halls of Residence

(a) Fully Catered Accommodation

Where all meals are provided it will not generally be necessary for any additional kitchen facilities to be installed for occupiers to prepare their own meals.

It is, however, customary for limited facilities to be made available for occupiers to prepare light snacks and hot drinks. In many cases vending machines may be sufficient for this purpose. It is not intended to set any specific standards for this type of accommodation at this stage.

All meals provided on a catered basis must be prepared in accordance with the provisions of the Food Safety Act and Food Hygiene (England) Regulations 2006.

Further information on food hygiene requirements can be found on the following website: www.food.gov.uk. Follow the link to 'Safer Food Better Business'.

(b) Partially Catered and Self Catered Accommodation

In Halls of Residence type accommodation it is usual for shared kitchen facilities to be provided either within a cluster unit serving between 5 and 8 bedrooms, or on a floor by floor basis in which case the kitchen may serve well above this number of users.

A shared kitchen should never be more than on one floor distant from the bedroom of any person having use of it.

Each shared kitchen shall comprise as a minimum:

(i) Cooking Facilities

The kitchen must be provided with sufficient cooking appliances suitably located 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 7 persons a combination microwave oven/grill of minimum 20 litres capacity suitably located on a fixed work top may be provided in place of an additional conventional cooker.
- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided. This ratio of cookers to persons will continue accordingly for every five additional users.

(ii) Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- For up to and including 7 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 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

(iii)

Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. At least 0.5 metre run of work surface for each user will generally be acceptable for this purpose.
- 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 2 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 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

(iv)

Food Storage

- Adequate refrigerated food storage must be provided within the shared kitchen.

For every 3 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 larger 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 half standard base unit or standard single wall 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.

Lockable cupboards and refrigerators may be appropriate in certain circumstances although providing them in each individual unit of accommodation will always be preferable where there is any doubt as to how the residents will interact.

(v) Ventilation

All shared kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres / second flow rate.

2.35 Personal Washing and Bathing Facilities for Halls of Residence

(a) Baths and Shows

Bedrooms with en-suite facilities are becoming increasingly common in halls of residence type property. This is the ideal standard to aim for. However, in many older buildings, bathroom and toilet facilities continue to be shared in which case the following minimum provisions shall apply:

A bathroom containing a bath or shower shall be provided on a ratio of at least one bath or shower to every 5 persons sharing. A shower facility installed over a bath will not count as an additional shower.

Any bathrooms should, wherever possible, be situated on the same floor as the accommodation having use of it. Consideration should be given as to whether separate bathroom facilities for males and females should be provided in mixed sex accommodation.

(b) Wash Hand Basins

Each separate bedroom shall be provided with a wash hand basin, together with constant supplies of hot and cold water. (In most cases this will be within the en-suite bathroom).

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin.

2.36 Toilet Facilities for Halls of Residence

Where toilet facilities are shared they shall be provided on the same floor as the accommodation of any person having use thereof and on a ratio of at least:-

- One WC per five persons sharing where the WC 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

Explanatory note

{The term "full suite" shall mean a bathroom containing a bath or shower, a wash hand basin plus a WC.

The term "bath only" shall mean a bathroom containing a bath or shower plus a wash hand basin.

The term "separate WC" shall mean a separate WC compartment with a wash hand basin. }

Examples of acceptable minimum combinations of WCs and bathrooms are given in the table below . (Other combinations may achieve the same required minimum provisions, however.)

| NUMBER OF PERSONS SHARING | FULL SUITE | BATH ONLY | SEPARATE WC |
|----------------------------------|-------------------|------------------|--------------------|
| 4 or less | 1 | | |
| 5 | 1 | | 1 |
| 5 | | 1 | 1 |
| 6 , 7 or 8 | 2 | | |
| 9 | 1 | 1 | 1 |
| 9 or 10 | 2 | | 1 |
| 11 or 12 | 3 | | |
| 13 , 14 or 15 | 3 | | 1 |
| 16 | 4 | | |
| 17,18,19 or 20 | 4 | | 1 |

Consideration should be given as to whether separate toilet facilities for males and females should be provided in mixed sex accommodation.

2.37 Fire Precaution in Halls of Residence

Having regard to the potentially large scale and complex layout of tenements encountered in halls of residence, it is not possible to specify any standard scheme.

Each case must be given individual consideration acting in consultation with West Midlands Fire Service in order to design an appropriate fire protection scheme for the building in question.

Buildings constructed recently to current Building Regulation Standards should provide a satisfactory standard of fire protection.

2.38 Heating in Halls of Residence

All bedrooms and communal rooms must be provided with adequate fixed form of heating, capable of maintaining indoor temperatures of 21 °C when the temperature outside is -1°C.

Where central heating or night storage heating is provided, it is acceptable for this to be operated via a pre-set timer programmed to ensure that the building as a whole is kept adequately heated.

In such cases it is acceptable for the residents not to have control of the heating system at all times, provided there is a procedure in place to report any problems of inadequate or excessive heating, and that steps can be quickly taken to adjust the heating input accordingly.

Where individual fixed electric heaters using full price electricity are provided within bedrooms, it must be shown that the operating costs are affordable.

Gas or electric heaters which have glowing radiants are not generally acceptable in a bedroom/study unless there is sufficient space to position the bed at least 2 metres away from the heater. Such heaters must also not be positioned beneath or adjacent to any window where there is any possibility of the curtains/blinds catching fire.

Any open flued gas heater provided in a room used for sleeping purposes must be of modern design and fitted with an automatic oxygen depletion cut off device.

Paraffin heaters, LPG heaters and free-standing plug-in electric heaters are not acceptable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's instructions and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use, must also be provided with a fixed form of heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.40 Category D HMOs (Hostels and Bed and Breakfast Establishments)

2.41 Definition

Houses generally referred to as 'hostels', 'guest houses' and 'bed and breakfast hotels' or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by local authorities to house homeless families or persons pending permanent placement, and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes even on a casual basis and hotels housing a mixture of homeless households and visitors.

Normally each occupant (or family) has exclusive use of a room but would share bathroom and toilet facilities, although in some cases there may be en-suite facilities.

Some or all meals may be provided on a catered basis, however, some hostels operate on a fully self catering basis. There is usually a communal living room and dining room.

2.42 Room Sizes and Permitted Occupation for Hostel Type Accommodation

(a) General Principles of Occupation

- (i) The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple or partners shall be permitted only where both persons give their consent.
- (ii) In general no bedrooms shall be occupied by more than two unrelated persons.

It is, however, acceptable for a room to be occupied by a maximum of three unrelated persons provided the room is large enough (ie meets the family room standard for three persons – see details later) and the persons concerned have lived together for a prolonged period of time such that they have become interdependent. In such cases the occupation must reduce to a maximum of two when one or more of the group naturally leaves the property or agrees to move to another room.

It is not acceptable to permit any new occupation agreements to arise resulting in the multiple sharing of a room (ie more than two unrelated persons) as from July 2006.

- (iii) Provided a bedroom is large enough it may be used for occupation by more than two persons subject to them all being members of the same family (family includes married couples, or couples living as a husband and wife or equivalent same sex relationship, parent, grandparent, child, step-child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin).
- (iv) Persons of the opposite sex and of age 10 or over 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.

An exception to this general rule may be considered appropriate in cases whereby a family is placed in emergency accommodation and their stay does not exceed five nights. For example, a mother with a son aged 13 and a daughter aged 14 may, in exceptional circumstances, be allowed to occupy a family room for a maximum of five nights if there is no other appropriate accommodation available within the same premises or within the locality.

- (v) Family rooms are considered to be suitable for use only as temporary accommodation and for a maximum of four persons. Occupation must be limited to a maximum of 30 nights unless exceptional demand otherwise. Such circumstances must be agreed by the local housing authority.
- (vi) Rooms containing cooking facilities are not suitable to accommodate families with children below the age of five years.
- (vii) Children below the age of ten years now count as a whole person.
- (viii) No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. 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).
- (ix) Only rooms designated as bed rooms may be used for sleeping purposes.
- (x) Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, roof spaces etc, shall be deemed unsuitable for use as sleeping/living accommodation.
- (xi) Irrespective of overall floor area, consideration will be given to the shape and usable 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).
- (xii) Rooms that are accessed externally whereby residents would need to come out in to the external air in order to gain access to facilities

within the main part of the premises are not suitable for living / sleeping purposes.

(b) The following are the minimum floor areas required:

(i) Bedrooms where kitchen facilities are separately provided:

| | | |
|----------------------|------------------------|----------------------|
| 1 person | 6.5 m ² (10 | m ²) |
| 2 persons | 11.0 m ² | (15 m ²) |
| 3 person family room | 15.0 m ² | (20 m ²) |
| 4 person family room | 19.5 m ² | (24 m ²) |

(ii) Bedrooms where kitchen facilities are provided within the room

| | | |
|----------------------|---------------------|----------------------|
| 1 person | 10.0 m ² | (13 m ²) |
| 2 persons | 14.0 m ² | (20 m ²) |
| 3 person family room | 18.5 m ² | (24 m ²) |
| 4 person family room | 23.0 m ² | (28 m ²) |

The above room sizes are based upon the assumption that communal living space is also available for use by all occupants. In cases where there is no communal room available, the appropriate room sizes are indicated in brackets.

(iii) Communal Rooms

In general need or short term accommodation there must be a communal living room (or rooms) provided unless the bedrooms meet the higher room area standard as detailed above. A communal living room of at least 15 m² must be provided for the first four persons in occupation plus 1 m² for each additional person thereafter.

In long term accommodation where occupiers are likely to reside for periods of more than six months, perhaps for the purposes of rehabilitation etc, an additional 2 m² for each additional person shall be required.

2.43 Kitchen Facilities for Hostel Type Accommodation

(a) Catered Accommodation

Where any meals are provided for residents, all food must be stored, handled, prepared and served in accordance with the provisions of the Food Safety Act 1990 and associated regulations (in particular the Food Hygiene (England) Regulations 2006).

All persons who are employed to handle food must have received appropriate and approved food hygiene training and the operation must be registered as a food business with the Regulatory Services Department.

Kitchens must be adequately equipped according to the number of meals expected to be served on a daily basis.

Further information on food hygiene matters and the adequacy of kitchen facilities can be found on the Government's website www.food.gov.uk and follow the link to 'Safer Food Better Business'.

Advice leaflets are also available from the Regulatory Services Department.

The following general principles apply to catered accommodation.

- Meals must be served and consumed in the premises in which the occupants reside (i.e. residents should not be expected to travel to another hostel/hotel or café premises in the locality to obtain their meals).

It is acceptable for hotels which have an annexe building within the same curtilage to serve meals in the main building provided there is safe and well lit access between the buildings.

- Where there are insufficient catering facilities within a particular premises, meals may be prepared elsewhere and brought in, provided the food is prepared in a food safety compliant kitchen and transported in hygienic conditions under proper temperature control.
- An appropriate dining room must be provided together with sufficient tables and chairs for the number of users. (Meals may be served on a sitting basis, however.)
- Residents must not generally have access to any catering kitchen in order to prepare their own meals.
- In some small hostels (ie those with six or less occupants in total), it may be acceptable for residents to prepare some meals within the kitchen which is also used for catering purposes provided such meals are prepared under the supervision of a person having undertaken appropriate food hygiene training.

This will normally be 'Supported Lodgings' type accommodation where residents are assisted to gain skills which may help them to live independently in the community.

- The extent that meals are provided for residents will vary from premises to premises with some providing breakfast only, and

some providing full board. Meal provision may also vary between weekdays and weekends.

There may also be variation from person to person with some choosing to take meals and some choosing to cater for themselves.

Whatever the arrangements, all residents must have access to adequate kitchen Facilities (separate from any catering kitchen) in order to prepare their own food.

The following separate kitchen facilities shall be provided for use by residents according to the predominant characteristics of the catering operation:

(i) **Two or Three Meals Provided per Day (Breakfast and Evening Meal or Breakfast Lunch and Evening Meal**

Kitchen facilities must be sufficient for residents to prepare their own light meals and hot drinks as follows:-

One set of facilities shall be provided for every **fifteen** persons consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner /hob cooker with oven and grill or a combination microwave oven/grill of minimum 20 litres capacity,
- A minimum two metre run of fixed work surface (minimum 500mm depth).
- A standard work top domestic refrigerator incorporating a freezer compartment.
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving major appliances.
- Adequate storage for cooking utensils, crockery and cutlery etc.
- A kettle for making hot drinks or a vending machine if considered appropriate.
- Mechanical extract ventilation (min 60 litres / second flow rate)

Such facilities may be located within an appropriately laid out area within a communal room but should preferably be located within a separate kitchen or kitchens.

A minimum floor area of 7m² per set of such kitchen facilities is required.

(ii) One Meal Provided per Day (usually this will be breakfast)

One set of kitchen facilities shall be provided for every **seven** persons, consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner /hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not be generally permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500mm depth).
- Two twin 13 amp switched power sockets suitably sites in relation to the work surface and in addition to any sockets serving any major appliances.

A minimum kitchen floor area of 7m² per set of such kitchen facilities is required.

- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.
- Mechanical extract ventilation (min 60 litres / second flow rate)

(b) Self Catering Accommodation

For hostels providing fully self-catered accommodation, food preparation facilities may be located either within each unit of accommodation or within shared kitchens.

(i) **Food Preparation Facilities within the Unit of Accommodation**

The facilities shall comprise as a minimum:

- Cooking:

Single Person: a gas or electric cooker with two burners/hobs, oven and grill

Two Persons or Family Room: a gas or electric cooker with four burners/hobs, oven and grill

A microwave oven may be substituted for one or two of the burners/hobs respectively and a combination microwave oven / grill in place of a conventional oven.

- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water.
- Sufficient fixed work surface to enable food to be prepared safely and hygienically.
- A suitable refrigerator of adequate size according to the number of occupants. A family room would require a standard work top height refrigerator with freezer compartment.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.
- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent 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.

(ii) Shared Kitchens

One set of kitchen facilities shall be provided for every five persons, consisting as a minimum of:

- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

The use of deep fat fryers shall not generally be permitted unless supervision of cooking activity is likely to take place.

- A minimum two metre run of fixed work surface (minimum 500 mm depth).
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving any major appliances.
- A minimum kitchen floor area of 7 m² per set of such kitchen facilities is required.
- For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

2.44 Personal Washing and Bathing Facilities for Hostel Type Accommodation

(a) Baths and Showers (personal bathing).

Where some or all of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located bathrooms to enable those facilities to be used on a shared basis.

Either a shower or a bath is suitable for this purpose, however a shower facility installed over a bath will not count as an additional shower. Baths must be provided with constant supplies of hot and cold water and showers with thermostatically controlled warm water.

Such bathroom facilities must be provided not more than one floor distant from any intended user and must be accessible from a common area.

The extent to which such shared bathroom facilities need to be provided will be dependent upon the availability of personal washing facilities within the individual units of accommodation, as follows:-

Where there are wash hand basins or sinks within the units of accommodation a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of **one bath or shower to every 5 persons sharing**.

Where the units of accommodation do not have wash hand basins or sinks, a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of **one bath or shower to every 4 persons sharing**.

Institutionalised type bathroom arrangements with communal changing facilities shall not be permitted

(b) Wash Hand Basins (personal washing).

Where some or all of the units of living accommodation do not contain personal washing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located full sized (min. 500mm x 400mm) wash hand basins together with constant supplies of hot and cold water to enable those facilities to be used on a shared basis.

Such shared wash hand basins may be located either within a bathroom, separate WC compartment or other suitable room and must be provided on a ratio of **one wash hand basin to every 4 persons sharing**.

Small wash hand basins or corner wash hand basins (such as those fitted only for hand washing purposes within WC compartments) will not be counted for these purposes.

Every room containing a WC must be provided with a wash hand basin. Small wash hand basins or corner wash hand basins within separate WC compartments are acceptable however, as stated above, such wash hand basins will not be counted towards the total number of shared wash hand basins for personal washing purposes.

For those units of accommodation having an en-suite bathroom containing a WC for the exclusive use of the occupants, but where there is no wash hand basin within the bathroom, it is acceptable for a wash hand basin to be provided within the adjoining bed room.

2.45 Toilet Facilities for Hostel-type Accommodation

Toilet facilities shall be provided on a ratio of at least: -

- One WC per five persons sharing where the WC 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

Explanatory note

{The term “full suite” shall mean a bathroom containing a bath or shower, a wash hand basin plus a WC.

The term “bath only” shall mean a bathroom containing a bath or shower plus a wash hand basin.

The term “separate WC” shall mean a separate WC compartment with a wash hand basin.}

Examples of acceptable minimum combinations of WCs and bathrooms are given in the table below . (Other combinations may achieve the same required minimum provisions, however.)

| NUMBER OF PERSONS SHARING | FULL SUITE | BATH ONLY | SEPARATE WC |
|----------------------------------|-------------------|------------------|--------------------|
| 4 or less | 1 | | |
| 5 | 1 | | 1 |
| 5 | | 1 | 1 |
| 6 , 7 or 8 | 2 | | |
| 9 | 1 | 1 | 1 |
| 9 or 10 | 2 | | 1 |
| 11 or 12 | 3 | | |
| 13 , 14 or 15 | 3 | | 1 |
| 16 | 4 | | |
| 17,18,19 or 20 | 4 | | 1 |

Wherever possible, WCs should be located not more than one floor distant from any bedroom

Institutionalised type toilet arrangements where there is more than one WC cubicle within the same room shall not be permitted. Where such arrangements already exist, this will be counted as being one WC only for the purposes of assessing the overall number of WCs available for use in the premises.

Consideration should be given as to whether separate toilet facilities for males and females should be provided in mixed sex accommodation.

2.46 Fire Precautions Hostel Type Accommodation

Hostel type accommodation may vary greatly in its size and complexity, ranging from small 'Supported Lodgings' schemes to large direct access hostels having over 50 bedrooms.

It is therefore difficult to specify standard fire protection schemes and as such each case must be assessed individually in consultation with the West Midlands Fire Service.

For this reason, fire protection schemes for hostels are not included within the Homestamp advice booklet.

In general, hostels of three or more storeys having up to 10 occupants will require an automatic fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade A giving a Category LD2 level of coverage.

Larger hostels or hotels will, in most cases, require a more sophisticated system in accordance with British Standard 5839 Part 1: 2002 giving an L2 level of coverage.

In all cases the communal escape route must be made a protected escape route by fitting half hour fire resisting self-closing doors to all adjoining risk rooms in accordance with British Standard 476 Part 22.

In certain circumstances this may need to be supplemented by providing alternative escape routes, double fire door lobby separation or fire door breaks to long corridors, where escape travel distances are excessive, complex or particularly hazardous.

Communal escape routes and communal lounges or dining rooms etc must always be provided with emergency lighting in accordance with British Standard 5266 and fire escape signage may also need to be fixed in place.

Communal kitchens must be provided with fire blankets and appropriate fire extinguishers. Additional fire extinguishers may be required at appropriate locations throughout the building if staff are employed who have been trained to use them.

The specific advice of the West Midlands Fire Service or Housing Department should always be sought before carrying out fire protection work to any hostel-type premises.

2.47 Heating in Hostel Type Accommodation

All habitable rooms within a hostel or bed and breakfast establishment must be provided with an adequate fixed form of heating capable of achieving a room temperature of 21 °C within one hour of turning on when the air temperature outside is -1°C.

For heating to be properly used by residents, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. Heaters which use full price electricity are not normally acceptable as the main form of heating.

In many hostels, the heating is operated by timer and under control of the landlord or manager. This is acceptable provided adequate temperatures are maintained and adjustments are quickly made when problems of cold or excessive heat are brought to attention.

Central heating radiators in residents rooms should be fitted with a thermostat under control of the occupier.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains/blinds are likely to catch fire.

Paraffin heaters, LPG heaters and free standing plug-in electric heaters are not acceptable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive use or shared use, must also be provided with a fixed form of heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are design to operate in moist atmospheres.

Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of pre-payment meter.

2.50 Category F HMOs (Self-Contained Flats)

2.51 Definition

Houses or buildings which are constructed as or converted entirely into self-contained flats. Access to the house or building would be via a communal entrance doorway and hallway but thereafter the entrance to each individual flat is via a single doorway. All amenities (i.e. WC, wash hand basin, bath or shower plus kitchen facilities) must be accessible from within each individual flat and the flat must be occupied by a single household to be regarded as self-contained.

Houses which have been converted into self contained flats to a proper standard in accordance with the 1991 Building Regulations or equivalent are exempted from the HMO definition.

Houses which were converted prior to this date or which have been subsequently converted to a lesser standard not in accordance with Building Regulations are not included within the mandatory licensing requirements. Such houses converted into self contained flats could however become subject to licensing if the City Council were to declare any "additional licensing schemes" at some time in the future.

Larger individual flats which are occupied by groups of 3 or more unrelated persons are regarded as houses in multiple occupation in their own right and those standards relevant to Category B HMOs (shared houses) would be applicable within each such flat

2.52 Room Sizes and Permitted Occupation

The minimum room sizes for existing properties are as given below. Please note that if a house is about to be converted into self contained flats then Planning consent and Building Regulation approval must be obtained. Planning conditions may call for higher standards than those given.

One Person, Four Room Flat

| | |
|----------------------------|---------------------|
| Bedroom | 7.0 m ² |
| Living room | 11.5 m ² |
| Kitchen | 5.5 m ² |
| Total habitable floor area | 24 m ² |

One Person Flatlet With Separate Kitchen

| | |
|----------------------------|---------------------|
| Bed/living room | 14 m ² |
| Kitchen | 5.5 m ² |
| Total habitable floor area | 19.5 m ² |

One Person Flatlet With Separate Bedroom

| | |
|----------------------------|---------------------|
| Bedroom | 7.0 m ² |
| Kitchen/living room | 14.5 m ² |
| Total habitable floor area | 21.5 m ² |

Two Person, One Bedroom Flat

| | |
|----------------------------|---------------------|
| Bedroom | 10.5 m ² |
| Living room | 13.0 m ² |
| Kitchen | 5.5 m ² |
| Total habitable floor area | 29.0 m ² |

Three Person, Two Bedroom Flat

| | |
|----------------------------|---------------------|
| Main bedroom | 10.0 m ² |
| Secondary bedroom | 7.0 m ² |
| Living room | 16 m ² |
| Kitchen | 7 m ² |
| Total habitable floor area | 40.0 m ² |

Four Person, Three Bedroom Flat

| | |
|----------------------------|---------------------|
| Main bedroom | 10.0 m ² |
| Second bedroom | 7.0 m ² |
| Third bedroom | 7.0 m ² |
| Living room | 18.0 m ² |
| Kitchen | 7.0 m ² |
| Total habitable floor area | 49.0 m ² |

2.53 General Principles Of Occupation

- Children below the age of 10 years now count as a whole person.
- In no case shall any bedroom be occupied by more than two persons for sleeping purposes.
- 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 or 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 or licence. 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.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, rooftop spaces etc shall be deemed unsuitable for use as sleeping/living accommodation.
- 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).
- All bedrooms, living rooms, bathrooms and kitchens must be accessible directly from a lobby or hallway within the flat and not through another room. (except one room flatlets in which case access is usually directly off a communal hallway or landing).
- Each flat shall be provided with a lockable post box situated on the ground floor in a lobby or hallway accessible to the postal delivery service (unless the flat has its own front door accessible directly from the exterior).

2.54 Kitchen Facilities For Flats

Kitchen facilities should be provided in a separate kitchen or clearly defined kitchen area within any studio-type flat and consist of the following minimum provisions:

- Cooking

Single person: a gas or electric cooker with two burners/hobs, oven and grill

Two or more persons : a gas or electric cooker with four burners/hobs, oven and grill

A 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
 - Sufficient fixed work surface to enable each user to prepare food safely and hygienically
 - A suitable refrigerator of sufficient size according to the number of occupants, A standard worktop height domestic refrigerator with freezer compartment (or equivalent) is required in most cases.

- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.
- 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.

2.55 Personal Washing and Bathing Facilities for Flats

(a) Baths and Showers

Each flat must be provided with its own bath or shower together with constant supplies of hot and cold water. Wherever possible the bath or shower should be provided in a separate bathroom. Shower cubicles may however be permitted within a bedroom or the bed/living room of a one room single person flatlet provided the following precautions are taken to avoid condensation dampness within the room and electrical hazards:

The room containing the shower must be provided with an automatic humidistat controlled extractor fan of minimum extract capacity 60 litres per second.

Any electrical switches, sockets or equipment must be safely positioned in relation to the shower in accordance with current IEE Regulations and Part P of the Building Regulations.

(b) Wash hand Basins

Each flat must have its own wash hand basin together with constant supplies of hot and cold water. The wash hand basin should be provided within the bathroom but may be located within a bedroom.

Each room or compartment containing a WC must be provided with a wash hand basin.

2.56 Toilet Facilities for Flats

Each flat must be provided with its own WC which must be located either within a bathroom or in a separate compartment.

Fire Precautions in Flats

Further details of the required level of fire protection can be found in an advice booklet entitled "A Guide to Fire and Security Protection in Multi – Occupied Residential Properties" which has been produced by a consortium of West Midlands Councils plus the West Midlands Fire Service and West Midlands Police acting in conjunction with the National Landlords Association (Midlands), Universities plus other organisations with an interest in the private rented sector

The consortium operates under the title 'Homestamp' and a copy of the advice booklet mentioned above can be found on the website www.homestamp.com or by telephoning the licensing Helpline on 0121 303 4009 to request a copy.

2.58 Heating in Flats

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C. Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Heaters which use full price electricity are not normally acceptable as the main form of heating.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable.

In fully insulated and draught-proofed accommodation, full price electricity may be a viable option if it can be shown that the overall costs are affordable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (installation and Use) Regulations 1998 (as amended).

All bathrooms must also be provided with a fixed form of heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.60 Mixed Category A and F (Bedsits and Flats)

In many cases houses are converted to a combination of bedsits (where occupants may share some amenities) and self-contained flats. Such houses will always fall within the HMO definition and may be subject to mandatory licensing. The relevant standards for Category A and Category F houses would be applied as appropriate.

2.70 Temporary Accommodation for Seasonal or Migrant Workers

This type of accommodation is more likely to be prevalent in rural areas (for instance accommodation for fruit pickers etc) and is not known to be widespread in Birmingham. The situation will be kept under review however and specific standards may be developed if considered necessary.

Standards as for Category B (shared houses) or Category D (hostels) would most likely be applied to any such house in residential areas.

Section 3: General Specification Applicable To Amenities And Associated Services In All Categories Of HMO

3.10 Kitchens

3.11 The room

All kitchens, whether for exclusive or shared use must have floor coverings which are 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.

3.12 Ventilation

In addition to any natural means of ventilation, all shared kitchens must be provided with adequate mechanical ventilation. Extractor fans with an extract rate of 60 litres per second venting directly to the extended air will normally be sufficient.

Kitchens for exclusive use may also need to be provided with mechanical extract ventilation where there is inadequate natural ventilation or where a gas cooker is provided and opening a window would lead to excessive draughts, which might extinguish the burner flames.

3.13 Lighting

Adequate ceiling mounted electric lighting must be provided to the working area of the kitchen.

3.14 Layout

Kitchens must be arranged such that hot food can be prepared and handled safely. In particular cookers must be located away from any door, which might open on to and collide with a person standing in front of the cooker.

There must be adequate space in front of any cooker for persons to retrieve hot food from the oven.

There should be fixed work surfaces either side of any cooker to shield any overhanging panhandles and so that hot foods and utensils can be placed down quickly and safely.

3.15 Sinks

Must be stainless steel or have a comparable impermeable, easily cleansable surface. They must be provided with a drainer, overflow, supplies of constantly available hot and cold water and all requisite drainage. The sink top (or surface into which it is inset) must be a minimum 900mm x 500mm. Sinks must have a tiled or similar waterproof splash back (where the sink abuts a window reveal, the sill of the window must be clad in waterproof tiles or similar) extending to a minimum height of 150mm above the sink top. There must be a flexible waterproof joint between the sink and the splash back.

3.16 Food Preparation Surfaces

Must be of impermeable, heat resistant, durable and easily cleansable materials. Where these are fixed, the joint between the food preparation surface and any abutting units or the wall must be watertight and a tiled splash back as detailed above for sinks must be provided.

3.17 Food Storage Cupboards

The internal and external surfaces must be of durable and easily cleansable materials and, where wall mounted, must be fixed securely to take the considerable weight of stored tinned/bottled foods. Food storage underneath a sink is not acceptable.

3.18 Cooking Appliances

Must be installed according to the manufacturer's instructions and in particular, electric cookers must be connected via an appropriately rated switch and fuse. Gas cookers must be fitted with a safety restraint to prevent them tipping over.

3.19 Compact Domestic Kitchens

Compact domestic kitchens in a modular layout are becoming increasingly available from various manufacturers.

Provided such kitchen facilities are installed in accordance with the manufacturers recommendations and give an equivalent level of provision to that specified above, then their use may be acceptable rather than installing individual pieces of equipment. It is advisable to obtain prior approval of the Housing Department before installing this type of kitchen.

3.20 Bathrooms (Includes Shower Rooms)

3.21 The Room

Bathrooms must be of adequate size to enable users to dry themselves and get dressed without undue restriction. Showers fitted in to small restricted spaces such as under stairs cupboards may therefore not be regarded as being adequate.

Floors to bathrooms must be impervious reasonably smooth and easily cleanable. 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.

Obscured glazing must be provided to bathroom windows and doors as appropriate and all shared bathrooms to be fitted with a privacy lock/bolt.

3.22 Ventilation

All bathroom must be adequately ventilated. Mechanical extract ventilation giving an extract rate of at least 15 litres per second must be fitted where there is no openable window to provide natural ventilation.

Any extractor fan installed in a bath or shower room must be provided with an "overrun" device which is connected to the artificial lighting circuit in the room and ensures that the fan continues to operate for 20 minutes (or at least one air change) after the artificial room lighting is switched off. This helps to remove moisture from the room, which might otherwise lead to condensation and black mould growth. Alternatively a humidistat controlled extractor may be provided.

3.23 Baths and Showers

Baths should be a minimum 1.67 meters in length and be provided with a tiled splash back to a height of at least 150mm where they abut walls. A waterproof seal between the bath must be provided using a flexible silicon mastic sealant or a sealant gasket with a similar degree (high) elasticity.

Where showers are provided they must either purpose designed waterproof shower cubicles or formed from a proper shower base with waterproof wall tiling and associated waterproof screen/doors. Seals between the shower base and walls must be provided with elastic mastic sealant as specified for baths. Shower trays should be minimum 800 mm x 800 mm

Showers which rely on a curtain to contain the water spray are not permitted above the ground floor.

Baths or showers shall not be provided in kitchens.

All baths and showers must be provided with an adequate supply of constantly available hot and cold water and adequate drainage. Hot water to showers must be capable of being delivered at a thermostatically controlled temperature.

3.24 Wash Hand Basins

All wash basins must be provided with supplies of constantly available hot and cold water plus adequate drainage. Washbasins must be firmly and securely anchored to the wall which they abut or surface in which they are inset.

Unless there are severe space constraints the minimum dimension of wash-basins shall be 500mm x 400mm. All washbasins must be provided with an overflow and splash back with a minimum height of 150mm where they abut a wall and be sealed to the splash back using a flexible silicon mastic sealant.

3.25 Water Closets

Every separate room or compartment containing a WC must have: -

- An easily cleansable impervious floor covering
- Reasonably smooth wall and ceiling surfaces which can be easily cleaned and redecorated
- Adequate natural or mechanical extract ventilation supplemented by permanent background ventilation in the form of an air brick or trickle vent.
- Obscured glazing to windows and doors as appropriate
- A privacy lock fitted to the door
- WC pedestals must be securely fixed to the floor and properly connected to the drainage system in accordance with current building Regulations
- Be provided with a high or low level cistern fitted with an efficient flushing mechanism.
- WCs accessed from outside do not count towards the overall number of WCs available for use in a property.

3.26 Cold Water Supplies

All HMOs must be provided with an adequate water supply via a proper service connection from the public supply provided by the statutory undertaker (in Birmingham this would be Severn Trent Water plc or South Staffordshire Water plc).

The supply of water for drinking purposes (ie at the sink) must be taken from the rising main. Where there is any doubt as to whether a supply point is suitable for drinking water it shall be conspicuously marked accordingly.

In the rare event that a public water supply is not available the landlord must demonstrate that an adequate supply is available and that arrangements are in place to ensure that the supply is safe for drinking both from a chemical and bacteriological point of view. The Council will insist on seeing that periodical chemical and bacteriological tests are carried out to verify its wholesomeness.

All water supply pipes and any water control valves, apparatus and fittings connected with a supply of water must be protected from frost where they are vulnerable to freezing. This will generally be in any unheated common areas, but landlords should consider insulating all water pipes where central heating is not employed in the house or where the house is not likely to be heated for several days, for example, over the Christmas period.

The water supply must be capable of being turned off in case of emergency or to enable repair works to be carried out – stop valves should therefore be provided to isolate individual units of accommodation or each floor within the HMO as appropriate.

3.27 Hot Water Supplies

All systems supplying hot water must be designed and installed so that hot water is available at wash-basins, sinks, baths or showers at all reasonable times. “Creda Corvette” type batch boiling appliances are not acceptable as a means of heating water. Electric instantaneous type heaters are only acceptable for sinks if they are rated at 5 Kilowatts or above and are fitted with a proper hot water delivery arm.

The cost of supplying hot water to wash-basins, sinks, baths or showers which are exclusive to particular lets may be met out of general rental charges or may be charged for by meter so long as the occupier of the let has total and exclusive control over the use of that hot water.

Any hot water storage tank must be provided with an accessible stop cock to the down service pipe, and be adequately insulated.

Hot water to showers must be capable of being delivered at a thermostatically controlled temperature.

3.28 Disposal of Waste Water And Drainage

All waste pipes serving sinks, wash hand basins, baths and showers must be of the appropriate diameter and fitted with a trap. Waste pipes must be adequately supported along their entire length to prevent sagging and to maintain proper drainage falls. Waste water must be discharged in to the correct drainage system in accordance with current Building Regulations and Water Authority Bye-Laws.

Section 4: Property and Tenancy Management Standards

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

These new regulations replace the previous similar management regulations and apply to **most HMOs**, whether licensable or not, but do not apply to HMOs comprising properties converted into self-contained flats – these will become subject to a separate set of management regulations due to come in to force in October 2006. In the meantime, houses converted entirely into self-contained flats will continue to be subject to The Housing (Management of Houses in Multiple Occupation) Regulations 1990 which were previously in force. The new regulations detail the management standards to be met and require the manager of the premises to carry out certain duties to maintain their property, taking account of the age, character, locality and prospective life of the house. The Regulations are summarised below but a full copy may be obtained by clicking on the link www.opsi.gov.uk. Follow the links to *legislation; statutory instruments; year 2006; statutory instrument number 372*. They may also be purchased from The Stationery Office Limited.

The duties of the manager are as follows:

- **To display their contact details** – the manager's name, address and contact telephone number must be clearly displayed in a prominent position. On the wall in the entrance hall is usually the best place. (Regulation 3)
- **To maintain all means of escape from fire** – all fire doors must be maintained in a good condition, free from damage and fully self-closing so that they will close fully into the rebates of the frame. The main routes of escape e.g. exit doors, landings, staircases and hallways must be kept free from obstruction. Escape routes must also be clearly indicated by fixing notices in appropriate places in all HMOs having five or more occupants. The fire detection and warning system and emergency lighting system must be tested regularly. For most small and medium sized HMOs a monthly test by the land lord should suffice in addition to a thorough annual test by a suitably competent person (such as a qualified electrician or specialist fire alarm engineer). For larger HMOs more regular testing may be required. Fire fighting equipment, where provided, must also be maintained in good working order. (Regulation 4).
- **To take safety measures** – all necessary measures to protect the occupiers from injury must be taken, having regard to the design, the structural condition and the number of occupiers in an HMO. In particular this relates to the prevention of accidents associated with access to any roof or balcony and any low window sill (Also Regulation 4).
- **To maintain the water supply and drainage system** – the water supply or drainage system must be maintained in a good, clean and working condition. They must not be unreasonably interrupted from use by any occupier and any water storage tank must be covered and kept

clean. Any water fitting which is liable to damage by frost must be suitably protected (Regulation 5).

- **To maintain gas and electrical supplies and to provide safety certificates** – the gas installation and any appliances must be tested annually by a CORGI registered engineer who will issue a 'Landlords gas safety certificate'. This must be supplied to the local authority within 7 days of any written request to do so. The electrical installation must be inspected and tested at least every five years by a qualified electrician who must issue a test certificate. Again, this must be supplied to the local authority within 7 days of a written request to do so. Neither the gas or electricity supplies must be unreasonably interrupted. (Regulation 6).
- **To maintain all common parts and installations within the property** – all common parts of the HMO eg. Entrance hallways, entrance doors, porches, steps, staircases, landings, shared bathrooms and kitchens plus all shared fittings and appliances must be maintained in a good state of repair and safe and working condition and kept clear from obstruction. Communal areas must also be kept clean and well decorated. In HMOs where the occupants are previously acquainted with each other and rent the house under the terms of a single tenancy agreement, for example a student shared house, it may be acceptable to expect the tenants to undertake the cleaning of the common areas on a group basis. The manager should visit from time to time, by prior appointment, to ensure that the common areas are being maintained to a satisfactory standard of cleanliness. In all other types of HMO, cleaning of communal areas will normally be the responsibility of the manager (Regulation 7).
- **To maintain in good order and repair any outbuildings, yards, gardens or boundary fences** – any outbuilding, yard, forecourt, boundary wall, fence or railing belonging to the HMO must be maintained in good and safe repair so as not to constitute a danger to the occupiers. Any yard or garden belonging to the HMO must be kept in a safe and tidy condition (also Regulation 7).
- **To maintain each unit of accommodation** – each unit and any furnishings must be clean at the beginning of a person's occupation of it. The internal structure, any fixtures, fittings or appliances, any window or other means of ventilation must be maintained in good repair as long as the tenant has treated the accommodation properly in accordance with the conditions contained within his lease or tenancy agreement (Regulation 8).
- **To ensure refuse is stored and disposed of adequately** – a sufficient number of bins must be provided for the storage of refuse pending disposal. Arrangements must be in place to ensure that all refuse is removed and disposed of on a regular basis, generally this will be undertaken by the Local Authority. It would be expected that one standard refuse bin be provided per three occupiers and that appropriate instructions are provided to each tenant at the beginning of the tenancy as to the refuse collection arrangements. For larger hostel type premises (10 or more occupiers), a Trade Refuse Contract with the local

authority would be expected. This may also be necessary for smaller premises, particularly where meals are provided (Regulation 9).

The regulations (Regulation 10) also place a duty on all occupiers of an HMO to:

- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- Allow the manager at all reasonable times to enter any living accommodation to enable him to carry out any duty. Except in the case of emergencies, at least 24 hours notice either in writing or by phone of any intended visit should be given to the occupiers.
- Provide the manager with any information requested to enable him to carry out his duties.
- Take reasonable care to avoid causing damage to the property and its contents.
- Store and dispose of refuse in accordance with the arrangements made by the manager.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

Under regulation 11, the manager is not expected to carry out any works or actions with respect to the supply of water, gas or electricity or to the drainage of the house where responsibility for a particular fault or problem lies with either the local authority or the supply company. The manager is however expected to bring any such faults or problems to the attention of the appropriate person, authority or company as necessary as soon as he becomes aware of the matter (for example a blocked sewer or power failure)

It is an offence not to comply with these regulations. A person who is convicted of such an offence may be fined up to level 5 on the standard scale (currently £5000). This applies to both the manager of a property and to the occupiers as appropriate.

4.20 Management Arrangements and Competency of the Manager

4.21 Management Arrangements

Before issuing a licence, the Council must be satisfied that the management arrangements for the property are satisfactory and that the person involved in the management is a fit and proper person and competent to do so. Where there are any concerns over the competency of the manager, the Council can require that he / she attends an approved training course as a condition of a licence. Management arrangements will obviously be different for each property, depending upon the age, size and type of house, the number and the type of tenants and the type of accommodation provided. However, the sort of issues for which arrangements should be in place are as follows:

- Procedure for tenants to report any repairs.
- Procedure for ensuring that any repair work or general maintenance work is carried out.
- Ensure that sufficient funds are available to enable emergency repairs to be carried out.
- Procedure for checking that the emergency lighting and the fire detection and warning devices are in good working order.
- Ensure that all tenants are made aware of the fire safety procedures and the proper use of fire safety installations.
- Procedure for ensuring that the escape routes are kept free from obstructions.
- Arrangements to ensure that the gas installation and all appliances are kept in safe and good working order.
- Arrangements to ensure that the electrical installation and appliances are kept in a safe and good working order.
- Ensure that tenancies are created and terminated in accordance with the law.
- Ensure that the common areas such as shared kitchens, bathrooms, entrance hallway and stairwells are kept clean and in good order.
- Ensure satisfactory arrangements are in place for the storage and collection of refuse.
- Ensure that the front and rear yards, gardens and fencing are kept in good order.

4.22 Financial Arrangements

The Council must also assess that suitable financial arrangements are in place before a licence can be issued. Again, these will vary from property to property but, in the majority of cases, the manager will need to demonstrate that arrangements have been made for the following:

- Financing the cost of repairs and general maintenance
- Receiving rents
- Receiving and handling deposits
- Paying the mortgage (if appropriate)
- Paying the Council Tax (if appropriate)
- Paying utility bills (if the owners responsibility)

For larger hostel type premises further financial arrangements may need to be in place, such as:

- To hire and pay staff such as caretakers, cooks, cleaners etc
- To purchase food and other supplies

4.23 Terms of Occupation

When a licence is issued by the Council it will contain a number of conditions, some of which are mandatory for all licences and others will be specific to that particular property. One of the mandatory conditions is a requirement of the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it. In many cases the landlord may already have fulfilled this requirement by the provision and signing of a Tenancy Agreement at the start of each tenancy. It is important that any such statement or tenancy agreement contains certain information, as listed below: (references to licence or licensee below relate to a persons occupation of a property and not to the property licence).

- Name of tenant(s) or licensee and address of property
- Name and address of landlord(s)
- Name and address of agent (if any)
- Tenancy or licence start date
- Amount of deposit paid, how held and terms of return
- Inventory of items supplied by landlord e.g. Furniture
- Length of tenancy, if a fixed term tenancy

- Amount of rent and how often due
- Arrangements for payment/collection of rent
- Recording of rent i.e. Rent book or receipt
- How and when rent can be increased
- Responsibility for payment of Council Tax, Water Rates and fuel bills
- Repairing obligations for both parties
- Arrangements for reporting repairs
- A statement as to expected standards of behaviour of tenants and their visitors. For instance prohibiting use of the premises for illegal activities, not playing loud music -- particularly late at night, not holding parties involving excessive noise or numbers of people, not using the premises for illegal business e.g. car repairs or second hand car sales.
- The consequences of failing to abide by these prohibited behaviours.
- Tenants right to quiet enjoyment of the property.
- Ending a tenancy – notice requirements on both parties, including the need for a Possession Order and a Warrant before eviction. Procedure for ending a term of occupation under a licence.
- Landlords right of access into the property
- Duty of the tenant to enable the landlord to perform his management responsibilities
- Duty of the tenant to avoid causing unnecessary damage to the property and its contents
- Duty of the tenant to store and dispose of refuse as arranged by the landlord and in accordance with local authority arrangements for refuse collection.
- Duty of the tenant to comply with the landlords reasonable instructions in respect of any means of escape from fire, the prevention of fire and the use of fire equipment

There is a procedure to be followed to terminate any tenancy. It is a criminal offence to either illegally evict or to harass a tenant so as to cause them to leave a property, for example threatening them or cutting off supplies of fuel or water. The Council will take legal action against anyone committing harassment or illegal eviction. In addition, the HMO licence may be revoked and a Management Order may be made whereby the Council will take over the day to day management of the property, including receipt of the rent.

4.24 Temporary Exemption Notices

If a landlord or a person in control of a licensable property intends to stop operating as an HMO or reduce the number of occupants and can give clear evidence of this then he or she can apply for a Temporary Exemption Notice (TEN). Where occupation levels are to be reduced, the tenants being displaced must confirm (in writing if possible) that they intend to vacate the property. Where it is intended that a property will cease to be in multiple occupation, the landlord must be able to provide evidence that any existing tenants have made suitable alternative housing arrangements and that they will have moved out within 3 months from the date of application for the TEN. If necessary, consideration may be given to issuing a further TEN for another 3 months but each case will be considered separately. A person who applies for a TEN but is refused may appeal to the Residential Property Tribunal within 28 days.

Upon expiry of a TEN, the property must either be licensed, cease to be an HMO, be no longer licensable or become subject to an Interim Management Order.

4.25 HMO Declarations

The Council may declare a building or part of a building to be an HMO if it is used for some other purpose but the living accommodation is also occupied, by persons who do not form a single household, as their main residence and this constitutes a significant use of that accommodation. This may be most commonly used for premises operating as bed & breakfast type establishments where a number of rooms are also used to house people who would otherwise be homeless. Such use will be deemed as significant if 25% or more of the total number of sleeping rooms are occupied by persons in receipt of housing benefit or paying a weekly or monthly rent as opposed to an overnight charge.

In order to make such a declaration the Council must serve a notice on the owner and/or manager of the premises who will have the right to appeal to a residential property tribunal within 28 days. If no appeal is made the premises will be deemed to be an HMO and may require to be licensed. If circumstances change and the premises is no longer occupied in a similar manner, the Council may revoke the declaration, either by its own initiative or on application by the owner or manager.

4.30 Regulatory Powers

4.31 Offences

It is an offence if a landlord or the person in control of a property either fails to apply for a licence for a licensable property or allows a property to be occupied by more people than are permitted under the licence without reasonable excuse. A fine of up to £20,000 may be imposed.

It is also an offence to break any of the licence conditions without reasonable excuse and conviction can result in fines of up to £5,000.

4.32 Interim Management Orders

Where the condition of a property is such that it presents an imminent risk to the health and safety of the occupiers or if a landlord fails to apply for a licence or bring a HMO up to the required standard, or fails to meet the fit and proper person criteria, the Council can issue an Interim Management Order (IMO), which allows it to step in and manage the property. The owner keeps their rights as an owner but the rental income will be collected by the Council and can be used to fund repairs and other charges incurred in managing the property. The order can last for a year but once it has expired the Council must decide whether a licence can now be issued or whether to make a Final Management Order (FMO).

An IMO can also be issued if the Council intends to revoke a licence and it is necessary to make the order to protect the health, safety and welfare of the occupants of the property.

4.33 Final Management Orders

A Final Management Order (FMO) cannot be made unless immediately beforehand an IMO or another FMO was in force. A Final Management Order lasts for a maximum of five years but can be renewed. It transfers the management of the house to the Council for the duration of the order. As with an IMO the owner retains rights as an owner but the Council will collect the rental income to fund repairs and other charges incurred in managing the property and may also create new tenancies without the owners agreement. The Council would need to produce a written management scheme detailing how it would intend to manage the property during the period the FMO was in force.

A person who is aggrieved by the making of a FMO may appeal to the Residential Property Tribunal within 28 days.

4.34 Rent Repayment Orders

A tenant living in a HMO that should have been licensed, but was not, can apply to the Residential Property Tribunal to claim back any rent they have paid during the unlicensed period (up to a limit of 12 months). The Residential Property Tribunal must make such an order if the landlord has been found guilty of the offence of failing to obtain a licence or where an order has already been made in favour of a local authority to claim back housing benefit payments. Councils can also reclaim any housing benefit that has been paid during the time the property was without a licence where a landlord has been found guilty of the offence of failing to obtain a licence or if the Council has sufficient evidence that an offence has been committed.

Section 5: The Housing Health And Safety Rating System (HHSRS)

The housing health and safety rating system is a new method of assessing how poor or dangerous housing conditions can affect the health and safety of occupiers.

The legislation is contained within the Housing Act 2004 and came in to effect on 6th April 2006 along with the licensing provisions.

It replaces the former Housing Fitness standard under the Housing Act 1985 and applies to all dwellings regardless of whether they are HMOs or single households and regardless of the type of tenure.

The basic theory behind the system is that all dwellings should provide a safe and healthy environment for all occupiers, potential occupiers or their visitors. The system relies upon an assessment of the whole dwelling to identify any deficiencies which could pose a risk to health and safety.

Deficiencies are then related to a wide range of hazards ranging for example from excess cold, falling on stairs to fire and structural collapse (the full list contains 29 identified hazards).

To assess the seriousness of any particular hazard an assessment is made as to the likelihood of a person suffering harm during the forthcoming twelve months and how serious the harm is likely to be. For example if a house has a steep poorly lit staircase with no handrail, an assessment is made as to the likelihood of a person falling on the stairs and if they do fall, how serious will their injuries be. An assumption is made that the dwelling is occupied by the most vulnerable age group. For example when assessing falling on stairs it is assumed that the dwelling is occupied by a person aged 60 or over.

In order to reach an informed decision the Government has issued guidance based upon national accident and ill health statistics.

By application of a prescribed formula, hazards are given a numerical score. The scores have been divided into bands ranging from A to J for ease of comparison.

Hazards which have a score in the top 3 bands (A, B, and C) are known as Category 1 hazards and every local authority has a duty to take some form of action to remove or lessen the hazard, once identified, using a range of new powers contained in part 1 of the Housing Act 2004.

Hazards falling in the lower bands, D to J are known as Category 2 hazards for which every local authority has discretionary powers to take action to remove or lessen.

This is a very brief description of the HHSRS and to find out more you are advised to refer to a new document recently issued by the Government (Department for Communities and Local Government) entitled: HHSRS – GUIDANCE FOR LANDLORDS AND PROPERTY RELATED PROFESSIONALS.

You can download a version of the document from the website www.communities.gov.uk

Follow the links to Housing or enter HHSRS in the search box.

This DCLG document gives a full explanation of the HHSRS and how you as a landlord can carry out your own assessments to reduce risks to the health and safety of your tenants.

Local authorities are under a duty to inspect every property for which a licence has been issued within 5 years from the date of application to assess for hazards under the HHSRS.

Carrying out your own risk assessment and attending to any hazards so identified is therefore considered very worthwhile in order to lessen the likelihood of any enforcement action having to be taken following this compulsory inspection by the City Council.