

# **Medway Council**

**August 2008**

## **HOUSES IN MULTIPLE OCCUPATION (HMO) POLICY**

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## **GLOSSARY**

<b>HMO</b>	<b>House in Multiple Occupation</b>
<b>IMO</b>	<b>Interim Management Order</b>
<b>FMO</b>	<b>Final Management Order</b>
<b>HHSRS</b>	<b>Housing Health &amp; Safety Risk Assessment</b>
<b>TEN</b>	<b>Temporary Exemption Notice</b>
<b>RPT</b>	<b>Residential Property Tribunal</b>
<b>RPO</b>	<b>Rent Payment Order</b>

## **1.0 INTRODUCTION**

This Policy is made in accordance with the provisions of the Housing Act 2004. The Act came into force in April 2006 and introduces a mandatory licensing requirement in relation to certain categories of houses in multiple occupation (HMO).

The Act introduces a new and clearer definition of what constitutes an HMO. A dwelling will be considered to be in multiple occupation if it contains occupants who do not form a single household, share one or more facilities and is the occupant's main place of residence. The definition includes houses containing bedsits, hostels, shared houses and flats. The exact definition is described by standard tests detailed in Section 254 Housing Act 2004.

Medway Council aims to maximise the availability of private rented accommodation in Medway and ensure that it is of a decent standard to protect the health, safety and welfare of tenants. The availability of good quality HMO's helps sustain the availability of affordable housing, particularly for those more vulnerable residents who access Housing Needs and Social Services.

The risk to health and risk of death and injury from fire is greatly increased in this type of dwelling and persons who live in such properties tend to be more vulnerable than persons in other types of accommodation. The Government has therefore introduced a mandatory licensing scheme for certain types of HMO and has also introduced standards specific to these properties over and above those expected of normal rented dwellings.

Medway Council aims to ensure that the occupiers of HMO's live in safe and healthy homes by providing advice, education and where appropriate enforcing the relevant provisions of the Housing Acts. Consequently, Medway Council are taking a proactive approach by actively identifying and inspecting HMO's in the borough.

This Policy sets out the way that Medway Council will carry out the requirements of the Housing Act 2004 in relation to HMO licensing.

## **2.0 BACKGROUND**

The 2006/2007 Housing Condition Survey estimated that 23% of Medway Council's households rent from private landlords, which is above the national average from the English House Condition Survey in 2001 of 10%. With 7.24% of private sector dwellings in Medway being considered unfit, housing conditions are poorer in the private rented sector than in any type of tenure in Medway. 0.92% of Medway's private rented sector has been identified as HMOs, equating to about 950 houses.

General house condition surveys usually under estimate the true number of HMO's in a locality because of the sampling methodology. Further discrepancies

can arise due to the definitions and categorisations applied by the consultants undertaking the survey. Medway Council will therefore continue to undertake a fully constituted HMO survey to ensure identification and classification of the Medway's HMO's is accurate.

The Government has set a target for 70 percent of private sector homes, occupied by vulnerable people, to meet the Decent Homes Standard by 2010. Medway Council is working towards meeting the government target and our implementation and enforcement of the HMO Licensing regime will support this requirement.

### **3.0 GENERAL OBLIGATIONS**

Local Housing Authorities have a duty to:

- Effectively implement a licensing regime.
- Deal with applications in a reasonable time.
- Satisfy themselves as soon as practicable (within 5 years maximum) that no functions under Part 1 of the Housing Act 2004 (Housing Health & Safety Rating System -HHSRS) ought to be exercised.

In parallel with HMO reforms Local Authorities' powers and duties with respect to house condition generally have been re-cast. The Housing Health and Safety Rating System (HHSRS) applies to any unit of residential accommodation and to all landlords. Consequently, it is the principal tool in assessing physical conditions in HMO's under the Licensing regime. The system seeks to provide proper enforcement of the HHSRS in the highest risk HMO's. This Policy is therefore written in the context of Medway's Private Sector Housing Enforcement Policy and the Enforcement Concordat.

In addition to physical property standards the reform focuses on management competency and the 'fitness' of those managing or providing HMO accommodation. Licensing aims to ensure that those HMO's presenting the most significant health and safety risks, come to the attention of the Local Authority, placing a more direct obligation on landlords to provide acceptable standards.

### **4.0 HMO LICENSING**

#### **4.1 Aim & Objectives**

The aim of this HMO licensing policy is to ensure that all licensable HMO properties in the private rented sector meet the legal standards and are properly managed.

The objective of this Policy is to clearly state:

- The procedure by which a landlord can apply for an HMO Licence.
- The licensing fee that a landlord will have to pay to licence an HMO.
- The tools available for HMO enforcement.

- How the system will operate in practice.

## 4.2 Definition

Under the Housing Act 2004, an HMO will need a licence if:

- It is three or more storeys high;
- It has five or more people in more than one household; and
- The occupants share amenities such as bathrooms, toilets or cooking facilities

The number of tenancy agreements is not relevant to the Licensing regime and the Act confirms that shared houses, including those occupied by students, are HMO's.

A self-contained flat that is occupied by people who are not from the same family, pay rent and share a kitchen, bathroom or toilet is an HMO. These properties are known as flats in multiple occupation, and will also be subject to the Licensing regime if they meet the above definition.

Self-contained flats in converted buildings may also be HMO's if they were converted before 1991 and did not meet the requirements of the Building Regulations 1991, with at least one third of the flats occupied under short tenancies. These are known as Section 257 HMOs and are only licensable if the Council adopts discretionary licensing as a separate policy. There is no intention at the current time to adopt discretionary licensing. However this will be kept under review.

Bed and breakfast hotels will be treated as HMO's if they are housing any people who use the hotel as their main residence and if the use of the hotel by the Council is significant. When this accommodation is used as a main residence, the same standards as for other HMO's should be met. People who use a hotel as a main residence are likely to be homeless and placed there by a local authority.

Medway Council has an estimated 818 HMO's, of which 12% are currently known to require licensing. The majority of the HMO's in Medway are small properties and will be outside the scope of the mandatory licensing arrangements. The only additional Regulation relevant to these HMO's will be under the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. They will need to be free of all Category 1 housing hazards under the HHSRS, as this applies to all dwellings irrespective of whether they are an HMO or not.

## 4.3 Licensing Exemptions, Non-Licensable HMO's

The Act and the regulations made under it exclude certain types of buildings as HMO's for licensing purposes. The following types of buildings will not need to be licensed:

- Managed or owned by a public body such as the police, the NHS, the Council or an RSL;
- Where the residential accommodation is ancillary to the main use of the building e.g. religious establishments etc;
- Entirely occupied by freeholders or long leaseholders and their households;
- Occupied by no more than two households each of which comprise of a single person;
- Owned or managed by educational establishments and occupied principally by full time students, e.g. halls of residence.
- Regulated elsewhere e.g. care homes, bail hostels, etc.
- Owner-occupied and having no more than two lodgers.

#### **4.4 Discretionary Additional Licensing**

Properties below three or more storeys will still be considered HMO's, but would not require licensing unless the Local Authority considers there is a need for additional licensing provisions.

The Act gives discretion to Local Authorities to extend the licensing of HMO's beyond the requirements of mandatory licensing. The Local Authority may designate part or all of its boundaries as subject to its additional licensing regime for specified types of HMO's. The Local Authority has an obligation to consult on any additional licensing scheme with those who are likely to be affected by it. Before making such a designation the Local Authority must formally determine that the management of specified HMO's is causing anti-social problems. The extension of licensing has to be part of a co-ordinated approach to deal with such problems.

Medway Council is satisfied that there is no need at present to set up any additional licensing, but this will be reviewed on a regular basis.

#### **4.5 Licensing Fee**

The current fee for each application will be £550.00.

The availability of decent HMO properties is an important resource in order to sustain affordable housing within Medway. Fees will be reviewed annually.

#### **4.6 Procedure**

Licenses will be granted where the house is deemed reasonably suitable for occupation as an HMO; the management arrangements are satisfactory; and the licensee and manager are deemed 'fit and proper' persons. The applicant must

be the most appropriate person to hold the licence. See Appendix 2 for procedure and flowchart.

#### **4.7 'Fit and Proper' Persons**

Medway Council is required to assess whether the applicant, and any manager, and any person associated with them or formerly associated with them\*, are 'fit and proper' people to own or manage an HMO.

A person will be considered fit and proper if Medway Council is satisfied that:

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

\* If a person associated or formally associated with the applicant or any manager, has done any of the things stated above, the Council will only take these issues into account if they are relevant to the applicant or manager being a 'fit and proper' person to manage the house.

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

#### **4.8 Licence Period**

A licence will be valid for 5 years, unless revoked, and will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities. Each licence will represent a single property and is not transferable upon change of property manager or controller.

#### **4.9 Licence Conditions**

A licence may include such conditions, as Medway Council considers appropriate for management use and occupation of the house. Any required improvement,

alteration or repairs to the house such as structural works or installation of fire detection system will be enforced separately.

The following mandatory conditions will be applied to all licences:

- Provide copies of gas safety certificates annually.
- Keep electrical appliances and furniture in a safe condition.
- Keep smoke alarms in working order.
- Provide tenants with a written tenancy agreement.

Continued failure to resubmit a satisfactory application, within agreed timescales, could result in more formal action being taken (See enforcement tools). The situation may arise where an owner of an HMO, which falls under the provisions of mandatory licensing, will be taking steps to make the HMO non-licensable. In these circumstances the council may serve a Temporary Exemption Notice (TEN) (See enforcement tools).

All valid applications will be logged onto an HMO database. This database is compatible with Central Government's mandatory monitoring requirements. The database can be accessed as a public register.

On receipt of a valid application form a notice of intention to grant a licence must be served on all interested parties allowing at least fourteen days for representations before granting the actual licence.

The Private Sector Housing Service aims to serve notice of intentions within 14 days of a full valid application. Any representations received within that time will be reviewed and investigated where appropriate.

#### **4.10 Discretionary Licence Conditions**

In addition to the mandatory licensing conditions, Medway Council will apply discretionary conditions to all licences. These will include:

- The HMO will comply with the statutory Management Regulations within 3 months.
- The Private Sector Housing Service is provided with copies of the maintenance report for the fire detection, alarm system and emergency lighting on an annual basis
- The name, address and telephone number for the licensee or manager will be displayed in the common parts of the HMO
- A copy of the licence is displayed in the common parts.
- Anti-social behavior caused by tenants or their visitors, which causes nuisance to people in the locality, is dealt with and possession sought through the courts where all other routes have been exhausted.

#### **4.11 Housing Health & Safety Rating System (HHSRS)**

This Policy is written in the context of the Private Sector Housing Service Enforcement Policy and the Corporate Enforcement Policy.

The HHSRS will apply to any unit of residential accommodation and to all landlords, and will be the principal tool in assessing physical conditions in HMO's under the licensing system.

Following licensing, HMO's will be risk assessed and prioritised for HHSRS inspection. With reference to the Enforcement Policies, the Private Sector Housing Service will consider both Category 1 hazards and Category 2 hazards.

The enforcement regime contained within the Enforcement Policies details the most practical course of action, which will be taken dependent on the severity of the housing hazards identified. An improvement notice will be the most practical remedy for most hazards; repair or renewal is generally the most cost-effective because of the value of property in Medway.

However, prohibition notices may be required on part or all of a dwelling, for Category 1 hazards if necessary.

**Landlord information packs are made available to all applicants to help them identify and deal with all serious housing hazards.**

#### **4.12 Standards in Houses in Multiple Occupation not covered by Mandatory Licensing**

The majority of HMOs in Medway will not be licensable. These include houses containing self-contained flats and smaller HMOs. Many of these still pose some degree of risk to occupying tenants or have a history of being badly managed. Regulation of such HMOs will be achieved under the newly introduced HMO Management Regulations and by the application of the HHSRS, which applies, to all dwellings irrespective of whether they are an HMO. In determining the suitability of such accommodation for multiple occupation, reference will be made to the relevant standards for licensable HMOs, together with the current operating guidance for the HHSRS. Where the HMO is found not to be suitable for the number of occupants then the appropriate control measures will be used. These control measures could include the service of an overcrowding notice under Part 4 or the service of a notice under Part 1. Regulation of the management of such HMOs will be achieved under the newly introduced HMO Management Regulations.

### **5.0 OTHER ENFORCEMENT TOOLS**

As a general principle, action is taken in accordance with the enforcement policies, the key principles of which are consistency, transparency and proportionality. A graduated approach, embracing risk assessment and risk management, is considered to be the most appropriate. Such a graduated approach is aimed at encouraging owners, landlords and managers to acquire licences and to improve the standards of their premises and provide 'decent homes', rather than to solely punish poor management.

Enforcement will conform to the Corporate Enforcement Policy, which follows the Central and Local Government Concordat on good enforcement practice.

## **5.1 HMO Declaration**

Where it is unclear whether the households are occupying the building as their only or main residence, Medway Council can declare the building to be an HMO to remove any doubt. Medway Council must serve a Notice on the person managing or controlling the property within 7 days of deciding to make the declaration stating:

- The date of the Council's decision to serve the Notice
- The date on which the Notice will come into force (which must not be less than 28 days from the date the Notice is served.)
- The recipient's right to appeal to the Residential Property Tribunal within 28 days of the Council's decision.

If no appeal is made within 28 days, the Notice comes into force on the day stated in the Notice and the person managing or controlling the premises will have to apply for a licence if the dwelling is of the type where one is mandatory required.

Fire Authorities also have the powers under the Regulatory Reform (Fire Safety) Order 2005 and although this does not apply to private dwellings it can be used for common areas in HMO's, purpose built flats and workplace accommodation.

The local Authority will liaise with the Fire Authority in cases where substantial fire precaution works are required to a property.

## **5.2 Charges For Enforcement**

The Housing Act 2004 does not set a maximum charge for enforcement. The Act allows Medway Council to charge for certain enforcement activities, which are outlined below:

- Serving an improvement notice
- Making a prohibition order
- Serving a hazard awareness notice
- Taking emergency remedial action
- Making an emergency prohibition order
- Making a demolition order

Medway Council may levy a charge based on the amount of work undertaken by Officers in performing their enforcement functions.

A charge may also be made for other works agreed with applicants such as drawing of plans.

### **5.3 Appeals**

A landlord may appeal to the Residential Property Tribunal (RPT) in certain cases, such as:

- Where it is believed a legal Notice has been served on them incorrectly or where they believed that works were over specified or;
- Where it is believed that a licence has been refused without adequate justification

The RPT is an independent body, and appeal panels consist of three people, a legal expert, a technical expert and a lay member. The function of the RPT is to consider the appeal and it may accept the appeal, dismiss the appeal or vary the requirements of a Notice or Order.

The RPT is also responsible for authorising Rent Payment Orders on behalf of Local Authorities, and where an application is made, authorising Interim and Final Management Orders.

### **5.4 Complaints**

Medway Council has an established corporate complaints procedure for dealing with complaints. Information on how to make a complaint is outlined in a Medway leaflet that is available at all Medway Offices and on the website.

### **5.5 Temporary Exemption Notice**

A Temporary Exemption Notice (TEN) will be served where an owner of a licensable HMO states in writing that he/she is taking steps to make an HMO non-licensable. The TEN exempts that property from being licensed for a period of 3 months (from the date the Notice is served). In exceptional circumstances, Medway Council may serve a second TEN that lasts a further 3 months and that takes effect when the first TEN ends. No further TENs can be served after the expiry of the second TEN.

The Private Sector Housing Service will not use these Notices routinely, and therefore, a second notice will only be used in exceptional and unforeseen circumstances agreed by the Service Manager.

### **5.6 Interim Management Order**

Where there is no prospect of an HMO being licensed, the Act requires that Local Authorities use their interim management powers. Medway Council must make an Interim Management Order (IMO) if it is satisfied that:-

- There is no reasonable prospect of the property being licensed in the near future; or

- The health and safety condition applies (see below).

The health and safety condition applies when an IMO is necessary to protect the health, safety and welfare of the occupiers of the property and/or residents and/or owners of properties in the vicinity. Medway Council has the discretion (but not the duty) to treat a threat to evict the occupiers in order to avoid the licensing requirements as a threat to the welfare of the occupiers. If general action using HHSRS is needed to deal with a Category 1 hazard then the health and safety condition is not met.

An IMO is in force for 12 months and the Council must:

- Take immediate steps to protect health, safety and welfare (if appropriate) and;
- Take steps to manage the property pending the grant of a licence, the making of a Final Management Order or the ending of the IMO.

An IMO enables Medway Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In extreme cases this can be extended to five years, with Medway Council also having the power to grant tenancies. Medway Council will consult with Registered Social Landlords and private companies to establish the most appropriate mechanisms for the management of such properties.

The IMO allows Medway Council to manage the property with all rights of a landlord and to collect rent and expend it on work to the property. Any balance must be paid to the landlord. However, Medway Council cannot create any interests (e.g. grant tenancies) without the written permission of the owner. The IMO must contain the date upon which it ceases to be in force (being no more than 12 months from its creation) and there are provisions to vary, revoke and appeal against an IMO.

The IMO ceases to have effect if a licence is granted within its duration.

Before such action can be taken, Medway Council needs to put in place arrangements to manage HMO's subject to management orders.

## **5.7 Discretionary Interim Management Order**

Medway Council also has the discretion to apply to the Residential Property Tribunal for an IMO in other circumstances. The power is available if the property concerned is an HMO, which does not come within the mandatory licensing remit. The tribunal can only grant this IMO if it is satisfied that the health and safety condition applies and must take into account any past compliance on the part of the landlord with any codes of practice (the Management Regulations).

The conditions in which discretionary IMO's will be available can be used to tackle isolated problems of anti-social behaviour. The aim is to allow Medway

Council to tackle individual problems without having to draw up a full Additional Licensing Scheme.

## **5.8 Final Management Order**

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

## **5.9 Residential Property Tribunal**

Where a landlord fails to licence an HMO or breaches any of the conditions, they will commit a criminal offence for which Medway Council will gather information and recommend a prosecution case to the Residential Property Tribunal (RPT).

RPT rather than the Courts will have the jurisdiction to deal with some offences as well as appeals against licence decisions under the Act.

Where a landlord is convicted for failure to licence and the rent is paid as Housing Benefit, Medway Council will apply to the RPT for a Rent Payment Order (RPO) requiring that up to 12 months' rent is repaid to the tenant or to Medway Council where the tenant is on housing benefit for the period since the landlord was required to license the HMO. The Private Sector Housing Service will provide tenants not on housing benefits with information on how to apply. The Private Sector Housing Manager will consider any exceptional circumstances where Medway Council should not seek an RPO.

## **6.0 HMO STANDARDS**

Minimum national standards to be applied to licensable HMO's have been set under schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

Medway Council will adopt the Kent Fire Safety Protocol for HMO's (currently being drafted). This protocol is being developed in partnership with other Kent Local Authorities and Kent Fire & Rescue Service to ensure a robust and consistent approach to the standards applied to HMO's.

The Private Sector Housing Service will determine the number of people an HMO is licensed for in accordance with the Guidance to HMO Amenity Standards and the Kent Fire Safety Protocol for HMO's.

The intention of the Guidance and Protocol is to accord with national standards and to offer local interpretation both with regard to the minimum standards

required for HMO licensing and to meet the ideal provision to be expected under requirements to meet HHSRS.

Applications will need to include dimensions of rooms and details of the kitchen and bathroom facilities to enable assessment of the number of occupiers permitted in the licence.

## **7.0 HMO MANAGEMENT ARRANGEMENTS**

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006, apply minimum standards i.e. HMO's to be kept in a reasonable state of repair, all installations and appliances (including fire safety), to be in good working order, and the common parts to be kept clean.

Medway Council will expect the licensee(s) to comply with the minimum national standards, the adopted HMO Amenity Standards, the standards contained in the Kent Fire Safety Protocol and to have satisfactory arrangements in place for the management of the HMO.

Satisfactory arrangements for management will include:

- A reliable contact for tenant to report defects, including in emergencies who will arrange for repairs to be carried out within a reasonable period.
- For any manager of an HMO to have the relevant authority to fund urgent repairs, where the owners approval cannot be obtained.
- Arrangements in place for periodic inspections to identify where repair or maintenance is needed.
- A system for dealing with anti-social behaviour caused by tenants or their visitors, which causes nuisance for people in the local neighbourhood.

## **8.0 ENCOURAGING APPLICATIONS**

Medway Council will encourage landlords to apply for licences using a variety of methods, including:

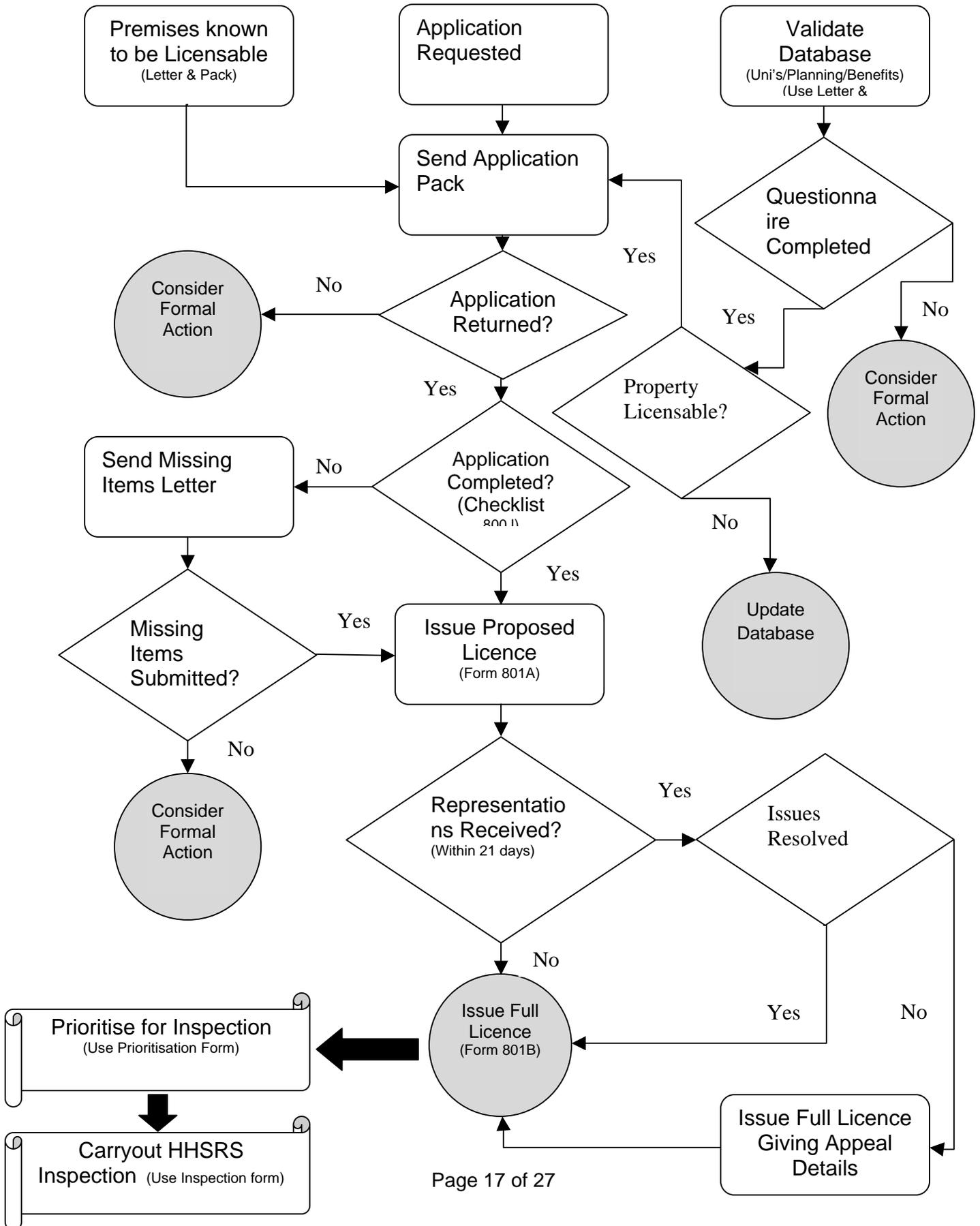
- Periodically publicise the need to license HMO's using local newspaper advertising.
- Provide electronic and paper application forms
- Provide Landlord Information Packs detailing general guidance on the landlord's role and responsibilities when renting property.
- Offer a service assisting applicants with completion of forms and measuring rooms, where resources permit.
- Send information letters, reminders to landlords and letters of warning of prosecution, where necessary.
- Involve landlords and letting agents through information sessions and the landlords forum.

## **9.0 POLICY REVISION**

The Policy will be reviewed regularly and will take account of any changes to Legislation, Guidance and Procedure.

Minor changes to policy delivery may be required from time to time, and will be undertaken with the agreement of the Head of Service.

# Appendix 1 Licensing Process Flowchart.



## Appendix 2 HMO Amenity Standards

### HMO STANDARDS FOR SHARED HOUSES/FLATS, SELF CONTAINED FLATS, HOSTELS AND BEDSITS

This document sets out the minimum standards required in Houses in Multiple Occupation (HMO's) with in the Medway Council area. The Council will refer to these standards when deciding the maximum number of households or persons that can occupy a property.

On inspection, a risk assessment may determine that it is necessary to take other measures to ensure that the housing standards are satisfactory for each individual unit of living accommodation or that variation from these standards is appropriate.

#### 1. Personal washing and toilet facilities

<p><b>1.1</b> Location, size and condition</p>	<p><b>All accommodation</b></p>	<p><b>All facilities should be located in rooms of an adequate size and layout no more than 1 floor distant of any bedroom and accessible from communal areas unless provided as en-suite facilities for the exclusive use of that occupant.</b></p> <p><b>All baths, toilets and wash hand basins (WHB) should be fit for purpose. Each WHB and sink is to be provided with an appropriate splashback.</b></p> <p><b>All bathrooms and toilets must be suitably heated, lighted and ventilated.</b></p> <p><b>Walls and floors should be reasonably smooth and non-absorbent and capable of being readily cleansed.</b></p> <p><b>All baths, showers and wash hand basins must be fitted with taps and supplied with a cold and constant supply of hot water and properly connected to the mains drainage system.</b></p>
<p><b>1.2</b> Facilities in relation to number of persons</p>	<p><b>All accommodation</b> <b>1 - 4 persons</b></p>	<p><b>Where appropriate wash hand basins in sleeping rooms plus</b> <b>At least 1 bathroom with full size WHB and 1 WC with WHB (the bathroom and WC may be combined)</b></p>

	<b>5 persons</b>	<p>Where practicable wash hand basins in sleeping rooms plus 1 bathroom and full size WHB and</p> <p>1 separate WC with WHB (but the WC can be contained within a second bathroom)</p>
	<b>6 - 10 persons</b>	<p>Where practicable wash hand basins in sleeping rooms plus 2 bathrooms 2 full size WHBs and</p> <p>2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms.)</p>
	<b>11 - 15 persons</b>	<p>Where practicable wash hand basins in sleeping rooms plus 3 bathrooms with 3 full size WHBs and</p> <p>3 separate WCs with WHBs (but two of the WCs can be contained within 2 of the bathrooms).</p>
<b>1.3 Ventilation</b>	<b>All accommodation</b>	<p>Bathrooms to have mechanical ventilation extracting 15 litres/second to the outside air in addition to any window(s).</p> <p>Each toilet in a separate compartment is required to have a window equivalent to 1/20<sup>th</sup> (5%) of the floor area or mechanical ventilation extracting at 6 litres/second to the outside air.</p> <p>Ventilation should not be obstructed externally</p>
<b>2. Kitchens</b>		

<p><b>2.1</b> Location, size and condition</p>	<p><b>All accommodation</b></p>	<p>Unless kitchens contain a suitable dining area, they must be positioned within 2 floors of any bedroom or unit of accommodation and must be directly accessible from the communal areas. The kitchen size and layout must enable the occupants to safely use the kitchen and to store, prepare and cook food in a safe and hygienic way.</p> <p>If hostels have a commercial kitchen where access is not available at all times and breakfast and a further main meal is provided every day a reduced standard may be agreed, contact Environmental Health to determine.</p> <p>All facilities must be fit for purpose. Each sink is to be provided with an appropriate tiled splashback.</p> <p>In relation to hostels and staff accommodation where all main meals are provided, a reduced kitchen standard may be applied. Licensing Officers will advise in individual circumstances.</p>
<p><b>2.2</b> Sinks</p>	<p><b>Shared accomm/ Hostels</b></p>	<p>A sink with constant hot and cold water and a draining board per 5 occupants (a dishwasher will be acceptable as a second sink).</p>
	<p><b>Bedsits</b></p>	<p>A sink with constant hot and cold water and a draining board or such a sink per 5 occupancies in a shared kitchen.</p>
<p><b>2.3</b> Cookers</p>	<p><b>Shared accomm/ Hostels</b></p>	<p>A cooker with a 4-ring burner, an oven and a grill per 5 occupants (a 27 litre microwave with a grill will be acceptable as a second cooker).</p>
	<p><b>Bedsits</b></p>	<p>A cooker with a 4-ring burner, an oven and a grill for a 2-person bedsit or such a cooker per 5 occupancies in a shared kitchen (a full size microwave with a grill will be acceptable as a second cooker). A 2-ring burner, an oven and a grill will be acceptable in bedsits occupied by 1 individual.</p>
<p><b>2.4</b> Electrical sockets</p>	<p><b>All accomm</b></p>	<p>A minimum of two double electrical sockets are required at worktop height plus one per major appliance (i.e. a cooker microwave, refrigerator/freezer, washing machine etc.).</p>

<b>2.5 Worktops</b>	<b>All accomm</b>	<b>Fixed worktop(s) with a smooth impervious surface for food preparation, minimum size 600mm x 1000mm (1-3 persons) 600mm x 2000mm (4-6 persons) 600mm x 3000mm (7-10 persons)</b>
<b>2.6 Storage</b>	<b>Shared accomm/ Hostels</b>	<b>A 720 x 290 x 1000mm dry goods storage wall cupboard or a 870 x 570 x 500mm under work top cupboard other than a sink base unit per occupant either in each occupant's room or in a shared kitchen.</b>
	<b>Bedsits</b>	<b>A 300mm x 1000mm dry goods storage cupboard other than a sink base unit per occupancy either within the bedsit or in a shared kitchen.</b>
<b>2.7 Refrigerators</b>	<b>All accomm</b>	<b>A refrigerator with an adequate freezer compartment (or where the freezer compartment is not adequate, adequate separate freezers) for every five occupants or part thereof within the property.</b>
<b>2.8 Refuse</b>	<b>All accomm</b>	<b>Suitable and sufficient provision for refuse disposal must be provided.</b>
<b>2.9 Ventilation</b>	<b>All accomm</b>	<b>In addition to any windows, mechanical ventilation extracting 60 litres/second to the outside air or 30 litres/second if sited within 300mm of the centre line of the hob.</b>
<b>3. Heating</b>		
<b>3.1 Fixed heating</b>	<b>All accomm</b>	<b>A risk assessment approach will be taken, in general, an adequate, controllable and affordable form of central heating or storage heaters capable of maintaining a temperature of 21°C when the external temperature is -1°C.  Where heating is provided by a gas or electric central heating system, the fuel supply must be via a quarterly credit meter and not a key or card meter (except where a system is exclusive to a unit of accommodation).</b>

<b>4. Gas and Electric</b>		
<b>4.1 Electrical Installation</b>	<b>All accomm</b>	<b>Electrical Installation to be tested every 5 years by a competent electrical engineer and a copy of the test certificate provided to the council.</b>
<b>4.2 Electrical Appliances</b>	<b>All accomm</b>	<b>All items of portable electrical equipment to be subject of a PAT Test, in accordance with the relevant Code of Practice issued by the Institution of Electrical Engineers</b>
<b>4.3 Gas</b>	<b>All accomm</b>	<b>A copy of the current CORGI gas safety certificate should be provided to the Council on an annual basis.</b>
<b>5. Furniture</b>		
<b>5.1</b>	<b>All accomm</b>	<b>All furniture should comply with current regulations – ‘The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 and 1993)’</b>
<b>6. Fire precautions</b>		
<b>6.1 Fire detection</b>	<b>All accomm</b>	<b>An automatic fire detection and alarm system shall be provided to ensure early warning in the event of a fire. The actual works required in any particular case will depend on the size and layout of the property and will be specified by the Council following consultation with the Fire Authority. In all cases, kitchens will require an appropriate heat detector. The electricity supply to the automatic fire detection and alarm system shall be from a landlord’s supply.</b>
<b>6.2 Emergency lighting</b>	<b>All accomm</b>	<b>An emergency lighting system* shall be provided with luminaries provided in such numbers and locations so as to adequately illuminate the staircase enclosure in the event of failure of the main lighting. The electricity supply to the emergency lighting system shall be from a landlords supply. The installation must comply with BS5266: Part 1: 1999. * Subject to Risk Assessment</b>
<b>6.3 Fire blankets</b>	<b>All accomm</b>	<b>A fire blanket conforming to BS EN 3:1996 in each shared kitchen.</b>

<p><b>6.4</b> Fire doors</p>	<p>All accomm</p>	<p>All fire doors specified by the Local Housing Authority to meet the following requirements, conform to BS476 Part 22 (FD30 type). Each fire door to be hung on three 100mm mild steel butt hinges, and provided with an approved intumescent strip incorporating a cold smoke seal to the top edge, lock and hinge sides of the door. <u><i>(Alternatively the intumescent strip and cold smoke seal may be inserted into the identical position of the door frame/lining).</i></u></p> <p>Each fire door must be provided with an approved self-closing device to ensure that the door closes firmly onto the latch.</p> <p>All doors are to be well fitted within the frame. Any gap between the top edge, lock and hinge sides of the door and the frame must not exceed 4mm. All fire doors must be fitted with furniture, including hinges having a melting point of not less than 800°C. Fire doors fitted with key operable locks must be capable of being operated from the inside in the direction of escape without the use of a key.</p>
<p><b>6.5</b> Fire Separation</p>	<p>All areas</p>	<p>All separating structures (walls, floors, ceilings etc.) between separate lettings, common parts and kitchens etc. should be constructed to meet an appropriate fire-resisting standard to the approval of the local Housing Authority in consultation with the Fire Authority.</p>
<p><b>6.6</b> Extinguishers</p>	<p>All accomm</p>	<p>Subject to your Local Housing Authority requirements you may have to provide:-</p> <ul style="list-style-type: none"> <li>a) A multi purpose dry powder content fire extinguisher, which has a capacity of not less than 2kg (13A / 70B rating) in each shared kitchen;</li> <li>b) An appropriate extinguisher on each landing.</li> </ul>
<p><b>6.7</b> Sprinkler Systems</p>	<p>All accomm</p>	<p>The installation of a certified British Standard sprinkler system may allow for some relaxation of requirements in respect of physical protection e.g. doors and intumescent seals, together with a lesser standard of alarm devices. All consultations with the Local Housing Authority will be carried out in conjunction with Kent Fire &amp; Rescue Service.</p>
<p><b>6.8</b> Maintenance of Fire Warning/Detection Systems</p>	<p>All accomm</p>	<p>The manager/person in control must ensure that any fire fighting equipment, emergency lighting and fire alarms are maintained in good working order. A maintenance contract must be arranged (with a competent contractor) at the time of initial</p>

		<b>installation for regular servicing in accordance with the relevant British Standard. The system must also be tested on a weekly basis by the manager/person in control and all such tests should be properly recorded within the system log book supplied by the installer during the handover procedure.</b>
<b>6.9 Contact details</b>	<b>All accomm</b>	<b>Contact details of the person responsible for the maintenance of the fire warning/detection systems should be displayed in a prominent position in accordance with the current management regulations.</b>

<b>HMO MINIMUM ROOM SIZES</b>		
<b>Accommodation With Facilities Shared By Occupiers</b>		
These standards apply where there is sharing of some or all facilities i.e. HMOs where: <ul style="list-style-type: none"> <li>· occupiers live independently of others e.g. single room lettings or bedsit accommodation (kitchen facilities within own room);</li> <li>· occupiers forming a group e.g. students, professional persons and others who Interact socially.</li> </ul>		
Room Description	Minimums	
	1 Person Unit	2 Person Unit
Combined bedroom, living room and kitchen	13m <sup>2</sup>	20.5 m <sup>2</sup>
Combined bedroom and living room	10m <sup>2</sup>	14m <sup>2</sup>
Combined living room and kitchen	12m <sup>2</sup>	15m <sup>2</sup>
Kitchen	4.5m <sup>2</sup>	4.5m <sup>2</sup>
Living Room	9m <sup>2</sup>	12m <sup>2</sup>
Bedroom	6.5m <sup>2</sup>	10m <sup>2</sup>

Number of Persons					
Where the Kitchen is shared by occupiers	1 – 3	4	5	6	7-10
Kitchen (minimum)	5m <sup>2</sup>	6 m <sup>2</sup>	7 m <sup>2</sup>	9 m <sup>2</sup>	11m <sup>2</sup>
Dining Area	2 m <sup>2</sup> per person is recommended				

<b>Hostels – To include Guest House &amp; Bed &amp; Breakfast accommodation</b>					
Room Description	Number of Occupants				
	1	2	3	4+	
Bedroom only	6.5m <sup>2</sup>	10m <sup>2</sup>	15 m <sup>2</sup>	Add 4.5 m <sup>2</sup> per each person over 3 occupants	
Combined Bedroom & Living Room	10m <sup>2</sup>	14m <sup>2</sup>	18.5 m <sup>2</sup>	Add 4.5 m <sup>2</sup> per each person over 3 occupants	
For shared use of occupants	Number of persons				
	1-3	4	5	6	7-10
Kitchen (all main meals* not provided)	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	9m <sup>2</sup>	11 m <sup>2</sup>
Kitchen (all main meals provided)	5m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	7m <sup>2</sup>

Communal living room (not required if individual bedroom & living room meet the standard above)	<b>8.5m<sup>2</sup></b>	<b>11m<sup>2</sup></b>	<b>11m<sup>2</sup></b>	<b>11m<sup>2</sup></b>	<b>16.5m<sup>2</sup></b>
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\*Three meals a day (to be provided each day of the week)

<b>Access</b>	
All facilities described in this standard must be available to the occupants at all times.	
<b>Application of Standards</b>	
<p>When a licensing application is received, the Council will check whether the property complies with these standards. If the property does not fully comply, any necessary remedial works will become a licence condition. When setting licence conditions, the Council will set a reasonable timescale for the work to be completed.</p> <p>Even if a property complies with these standards, the Council may still require other works to be carried out. Within five years of the licence being granted, a Council Officer will carry out a full inspection of the property. The Officer will decide whether any further work is required to bring the property up to a reasonable standard under the housing health and safety rating system. The officer will also check that the property is being properly managed and maintained.</p>	
<b>Definitions</b>	
Shared use	Where one or more basic amenities (e.g. bathroom, toilet or kitchen facilities) are shared by two or more households.
Shared type house or flat	Traditionally occupied by a defined social group, namely student lets.
Exclusive use	Where one or more basic amenities are provided for the sole use of a single household.
Occupant(s)	Everyone living in the property regardless of age.
Single household	Person(s) of the same family group. If a group of people share a property, each person is defined as a single household unless they are members of the same family.
Family	Includes husband, wife, partner, child, step-child, step-parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, cousin, foster child.
Unit of accommodation	Part of the HMO occupied by a single household. This includes bedrooms in shared houses or flats, bed-sitting rooms or self-contained flats.

### **Further Information**

Should you require any further information, please contact:

Private Sector Housing  
Medway Council  
Level Two, Dock Road  
Chatham  
Kent ME4 4TR  
Tel: 01634 333066