

Halton Borough Council Housing Act 2004



Houses In Multiple Occupation Licensing Requirements And Amenity Standards

1.0 Introduction

This document is for the owners and managers of Houses in Multiple Occupation (HMO's) and sets out the licensing requirements and property amenity standards for Houses in Multiple Occupation (HMOs) in Halton.

1.1 Definitions

A HMO is defined as a property occupied by 3 or more people who do not form a single household and share facilities such as a bathroom or kitchen.

A large HMO is defined as a property occupied by 5 or more people who do not form a single household and share facilities such as a bathroom or Kitchen.

1.2 Mandatory Licensing

Since 2018 any HMO occupied by 5 or more people who do not form a single household and share facilities such as a kitchen or bathroom must be licensed by the local authority.

1.3 Selective and Additional Licensing

The Housing act 2004 provides powers to local authorities to extend licensing to further private rental properties and smaller 3-4 bed HMO's across the borough as a whole or within particular areas. This policy requires consultation and evidence to support the scheme. To date Halton has not introduced selective or additional licensing for private rental properties or smaller HMO's.

2.0 Licensing process

2.1 Initial advice and engagement

In determining an application for a HMO licence the local authority must be satisfied the property is suitable for the maximum number of tenants specified in the application. Alternatively the local authority may determine the maximum number of people that can be accommodated at the property. Licences will specify the maximum number of tenants who can occupy the property. This will be determined on a case by case basis. It is therefore important for potential applicants to engage with the council informally at the earliest opportunity to discuss plans and ensure the property reaches the required standards for the proposed number of tenants. To discuss a proposed HMO email environmental.protection@halton.gov.uk

2.2 Planning and Building Control.

Planning Permission may be required to convert a property to a HMO. Any HMO intended for 7 or more tenants requires planning permission. Developers should contact the planning department at an early stage in their plans to determine if planning permission is required for their development.

<https://www3.halton.gov.uk/Pages/planning/Get-Planning-Advice.aspx>

In addition any work to develop or alter a building into a HMO or work on an existing HMO is likely to require building control approval to ensure compliance with building regulations. The building control department should be contacted to discuss if building control approval is required.

<https://www3.halton.gov.uk/Pages/planning/BuildingRegulations.aspx>

2.3 Formal application process:

The Environmental Health Department will not formally consider a HMO application until it is confirmed that planning permission or building control approval have been obtained or that such consent is not required for that particular development.

Formal applications and payment must be made at;

<https://www3.halton.gov.uk/Pages/business/EnvironmentalHealth/PrivateHousing.aspx>

All applications must be accompanied by the appropriate fee. Licences will not be issued until the appropriate fee is received. A licence must be issued prior to occupation of the property.

Inspections will be made to assess all applications. The inspecting officer may require certain documents in order to assess compliance with the licensee conditions and prescribed standards (for example gas safety and electrical safety certificates or fire risk assessments).

3.0 License conditions

The Housing Act 2004 Schedule 4 (as amended) sets out a number of mandatory conditions that must be included on all HMO licences. In addition the local authority can impose additional conditions to ensure the property is suitable for occupation by the number of tenants specified on the licence and to regulate the management, use and occupation of the house concerned and its condition and contents.

4 HMO property standards.

4.1 Housing Health and Safety Rating Scheme

Landlords and letting agents have a general duty to ensure the properties they let are fit for habitation and do not have an adverse effect on the health, safety and welfare of their tenants.

All houses must provide a healthy and safe environment for their residents. To identify and address potential harms all properties in the private rented sector are assessed against 29 specified hazards set out in the Housing Health and Safety Rating Scheme.

The 29 specified potential hazards are;

- 1 Damp and mould growth
- 2 Excess cold
- 3 Excess heat
- 4 Asbestos and mineral fibres
- 5 Biocides
- 6 Carbon monoxide and fuel combustion products
- 7 Lead
- 8 Radiation
- 9 Un-combusted fuel and gas
- 10 Volatile Organic Compound (VOC's)
- 11 Crowding and Space
- 12 Entry by intruders
- 13 Lighting
- 14 Noise
- 15 Domestic Hygiene, pests and refuse
- 16 Food Safety
- 17 Personal hygiene sanitation and drainage
- 18 Water supply for domestic purposes
- 19 Falls associated with baths and showers
- 20 Falls on the level
- 21 Falls associated with stairs or steps
- 22 Falls between levels
- 23 Electrical Hazards
- 24 Fire
- 25 Hot surfaces and materials

- 26 Collision and entrapment
- 27 Explosions
- 28 Ergonomics
- 29 Structural collapse and falling elements.

When considering a licence application and the suitability of a HMO for the number of occupants the property will be assessed against these specified hazards.

The HHSRS scheme is set out in operational guidance available at:

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

4.2 Prescribed standards and Mandatory Conditions

In addition to the general duty on landlords and the provisions of HHSRS The Housing Act 2004 and associated regulations set out prescribed standards for all licensed HMO's. These regulations are set nationally by Government. Prescribed standards are set out below.

4.2.1 Space Standards

Sleeping accommodation

Rooms must comply with the minimum legal space standards set out below;

One person over 10 years of age	6.51 m ²
Two person over 10 years of age	10.22 m ²

However if no other private or communal living areas are provided the minimum sleeping room sizes that HMO's in Halton must comply with are;

One person over 10 years of age	10 m ²
Two person over 10 years of age	15 m ²

Communal areas

Where communal areas are provided in addition to the rooms used for sleeping the space standards for communal areas are 17.5m² based on a 5 bed HMO.

For each additional tenant an additional 1 m² of space must be provided.

If this cannot be provided in a single room an additional communal room of a minimum 13m² must be provided. The overall size of the additional room must take into account the total number of occupants but as a guide an additional 1m² of space per tenant must be provided.

Space calculation and room design

Any area of the room with a ceiling height of less than 1.5m must not be counted in the calculation for space standards.

The shape and layout of bedrooms must be capable of accommodating a single bed for single occupancy rooms or a double bed or two singles for a double occupancy room. The rooms must also be capable of accommodating basic bedroom furniture such as a wardrobe and dressing table.

4.2.2 Kitchens and kitchen facilities

It is recommended that applicants discuss the design and layout of kitchens with the Council prior to installation particularly for properties with more than 5 occupants.

Kitchen size

Where kitchen facilities are shared the kitchen must have a minimum total floor area of 7m² based on 5 people sharing. Ideally, more than 5 people should not share the same kitchen. If this is not practicable then an additional 1m² of kitchen space must be provided for each occupant up to 10 persons.

Additional Kitchens ratio

If the additional kitchen space cannot be provided within the same room an additional kitchen must be provided i.e

6-10 persons 2 Kitchens

11-15 persons 3 Kitchens

To ensure the safe movement of people a single room must not contain more than 2 sets of kitchen facilities.

Kitchen facilities

Where shared kitchens are provided they must contain the following facilities:

For up to 5 persons:

- A suitable fixed worktop, not including the draining board, no less than 2m by 0.6m
- Four cooking rings an oven and a grill (whether integrated into one appliance or separates).
- Four twin 13amp power socket outlets above the work surface height in addition to any sockets serving major electrical appliances. They must be adjacent to the work surface and at a suitable safe distance of minimum 1 metre, from any sink/wash basin.
- A standard 1m sink unit and integral draining board fixed within a base unit, together with an adequate supply of constant hot water and wholesome cold drinking water, and tiled splash back. The sink unit must be properly plumbed into the water supply and drainage systems.
- A suitable storage cupboard with a minimum capacity equivalent to a 500mm wall unit **per person**.
- A refrigerator of not less than 5 cu ft capacity (0.15m³).

Additional facilities for 6-10 persons sharing a single kitchen must include the following:

- A suitable fixed worktop, not including the draining board, of no less than 3m by 0.6m, instead of the 2m worktop for a single set of kitchen facilities.
- Fridge/freezer capacity to approximately 9 cu ft capacity 0.27m³, instead of 5 cu ft as above.

Facilities for more than 10 residents must be provided on a pro rata basis and agreed with the council.

Hygienic and safe and design

The wall area behind sinks and food preparation areas must be tiled or provided with a splash back to enable the wall to be effectively cleaned. Food preparation surfaces and the surfaces of appliances and equipment must be impervious and easy to clean.

The floor area must be of a suitable material that can be effectively cleaned whilst avoiding the risk of slips and falls.

It is recommended that applicants discuss the design and layout of kitchens with the council prior to installation particularly for properties with more than 5 occupants.

The layout of the kitchen must enable the safe movement of people and avoid the risk of burns, scalds, slips and trips. For example cooking appliances must not be situated adjacent to doors or next to sinks.

4.2.3 Toilet and bathroom facilities

It is recommended that applicants discuss the design and layout of bathrooms and toilet facilities with the council prior to installation particularly for properties with more than 5 occupants.

Bathroom

All baths and wash hand basins must be equipped with taps providing an adequate supply of potable cold water and a constant supply of hot water and be properly connected to the drainage system.

All bathrooms must be situated in a proper room, must be suitably and adequately heated and ventilated and must be of an adequate size and layout.

Adequate electric lighting must be provided and walls and floors must have a non-porous and easily-cleanable finish.

Suitable locking mechanisms must be fitted to the access doors of bathrooms and W/Cs to ensure privacy.

W/Cs

Toilet compartments must be located within 30 metres of the furthest occupant who will be using it, preferably on the same floor. Where this is not possible, the WC must be no more than one floor and no more than 30m distance from the users.

The room must be provided with adequate ventilation and electric lighting and a suitable locking mechanism must be fitted to the access door to ensure privacy.

All foul waste within the building must be adequately connected to the drainage system, with provision of rodding eye and inspection chamber.

A separate w/c compartment must contain:

- A fixed w/c with water supply to the cistern, and foul drainage to the external foul drainage system.
- A fixed wash hand basin with constant hot and cold running water, properly connected to the drainage system.

Wash hand basins

A wash hand basin (WHB) with a tiled splash back and satisfactory supply of cold and constant hot water properly connected to the drainage system must be situated in a bathroom or shower room containing a w/c.

A wash hand basin as described above must also be provided in a separate w/c compartment.

Shared Bathroom and toilet facilities

In bedsit type accommodation or shared houses, the bathroom and W.C. facilities may be shared between the occupants. There must be an adequate number of bathrooms and W.C.s provided for the number of persons occupying the dwelling.

The table below shows the permitted sharing ratios these are based on nationally prescribed standards.

up to 5 persons	1 bath / shower room with 1 WC and 1 wash basin.
6 – 10 persons	2 bath/shower and 2 WCs (+WHB in the same room as the WC, the WCs may be contained within the bathroom or a separate closet).
11 – 15 persons	3 bath/shower and 3 WCs (+WHB in the same room as the WC, the WCs may be contained within the bathroom or a separate closet).

4.2.4 Space Heating

Heating provision and minimum temperate

Where the house is not provided with central heating to the whole of the dwelling, it must be adequately and efficiently heated with the provision of permanent, fixed heating appliances or space heaters. Any heating system must be appropriate to the design, layout and construction of the building and provide adequate heat output to efficiently heat the whole of the property.

Any heating system must be economical and capable of achieving a healthy indoor temperature of 21°C for each habitable letting room, and 18°C in all other rooms and common areas.

Any form of heating must be controllable by the occupier and safely and properly installed and maintained.

In properties where the heating is centrally controlled, such systems must be operated to ensure that occupants are not exposed to extreme indoor temperatures, and must be provided with controls to allow the occupants to regulate the temperature within their own private rooms.

Coin-operated heating and/or hot water systems in are not acceptable.

4.2.5 Energy Efficiency

To make homes as energy efficient as possible adequate insulation must be provided to cavity walls and loft areas.

It is now unlawful to rent a property that does not meet a minimum energy efficient rating of E as part of the licensing and inspection process energy rating certificates may be requested. A HMO license will not be issued to properties that do not achieve the minimum energy efficiency rating.

4.2.6 Gas and Electrical Safety

Gas and Solid Fuel Installations

All gas supplies, distribution pipe-work and gas fired appliances must comply with the relevant gas safety regulations.

All gas appliances must have an annual gas safety check undertaken by a GAS SAFE registered gas installer. A copy of the gas safety record must be made available to the occupier in accordance with the regulations. A copy must be made available to Halton Council on request and will be considered as part of the license and inspection process.

All gas appliances must be serviced and maintained regularly in accordance with regulations and manufacturers instructions (usually every 12 months).

The property manager **MUST** keep the previous two years gas safety records available for inspection upon request.

All work to any gas appliances must be carried out by a suitably qualified GAS SAFE registered engineer.

Where occupants need to operate controls for gas fired central heating or hot water systems, simple and precise instructions for their safe and efficient use must be available.

An emergency control valve must be provided within 500mm of the gas meter that all occupants can easily access.

Electrical Installation

It is a legal requirement that all landlords must arrange for the electrical installation at their property to be inspected and tested every 5 years by a qualified electrician. Landlords are also required to carry out any urgent remedial works identified by the inspection report to ensure the installation is safe. A copy of the inspection report and details of any remedial work undertaken must be provided to the local authority on request and will be required as part of the application process. In practice this will involve obtaining an Electrical Installation Condition Report.

4.2.7 Carbon Monoxide

It is a legal requirement that a carbon monoxide alarm is installed in all habitable rooms that contain a fuel combustion appliance such as a gas fire, gas boiler or wood burner. The alarm must be maintained in working order. Habitable rooms will include bedrooms, kitchens, bathrooms and communal areas.

4.2.8 Fire Safety and Precautions

Building Regulations

Where internal works or changes to the use of a premises require Building Regulation approval these requirements must be complied with as they will determine the appropriate fire precautions required by Building Regulations for that building at that time.

Fire risk Assessment

This is a specialist area and applicants may need to consider obtaining their own professional advice.

The Regulatory Reform (Fire Safety) Order 2005 requires the person responsible for a property to undertake a fire risk assessment. A fire risk assessment must be undertaken for the entire HMO property with the aim to identify potential hazards and reduce the risk of those hazards by deciding what fire precautions need to be installed.

Further detailed guidance on conducting a fire risk assessment and appropriate precautions in relation to sleeping accommodation for certain types of existing housing is available at: <https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation>

A fire risk assessment must be completed for all HMO properties and will be requested as part of the license application process.

Smoke detection

In addition to implementing the precautions identified during the fire risk assessment the prescribed standards set by the Housing Act 2004 require a smoke detector to be installed on each floor of the living accommodation

Fire Safety Enforcement

The responsibility for the enforcement of fire safety requirements in private rented accommodation is shared between Halton Council and Cheshire Fire and Rescue Service. A memorandum of understanding has been signed by both organisations relating to enforcement of the requirement and joint inspections of properties in relation to fire safety will be undertaken as required.

4.2.9 Lighting

Natural light

All habitable rooms must have sufficient natural light to enable normal domestic tasks to be carried out during daylight hours. Windows must be of adequate size, and of appropriate shape and position to allow for reasonable daylight penetration into rooms. Basement and sub-ground level rooms can pose particular problems, and there must be sufficient adequate open space outside the window to allow for adequate light penetration.

Artificial lighting

Artificial lighting must be positioned to provide sufficient light to enable domestic and recreational activities to be carried out without eyestrain and without creating glare or shadows. Artificial light is particularly important where domestic tasks require adequate light, for example in the kitchen over worktops, sinks and cookers.

Staircases must have artificial lighting that sufficiently illuminates their full length to avoid shadows and dark corners where users cannot clearly see where they are going. There must be switches or controls for the artificial lighting at both the top and foot of stairs. Any lighting provision to staircases and common areas must be in addition to any required emergency lighting.

4.2.10 Security

The HMO as a whole and individual private rooms within, must be capable of being secured to deter against unauthorised entry. Windows and doors must be robust and fitted with adequate security. Sheds or outbuildings must be maintained in good order and made secure. However, security measures must not compromise the means of emergency escape in the event of a fire.

4.2.11 Waste Disposal

Adequate facilities must be made available for the storage of waste. Communal bins must be stored in a secure external area within the private curtilage of the property. It will not be acceptable for communal bins to be stored unsecured on public land. The owner or manager of the HMO must ensure adequate bins have been provided to enable the tenants to comply with the councils waste collection and recycling service. Information must be made available to tenants to ensure they are aware of collection days and when to present waste for collection and recycling. Once collected tenants must be instructed to return bins to the property. The owner must periodically monitor the arrangement to ensure the number and types of bins available are adequate and tenants are correctly following the councils waste and recycling scheme. A condition will be attached to all licenses requiring owners and managers take steps to ensure this requirement is complied with.

