

# **The Bath and North East Somerset Council standards for licensed Houses in Multiple Occupation (HMOs) under Part 2 of the Housing Act 2004 (25<sup>th</sup> of September 2019)**

## Contents:

1. Amenity standards for HMOs or parts of HMOs either occupied by a socially interactive group (shared houses or shared flats normally subject to a joint tenancy) or by individual households living independently who either share facilities (bedsits) or have exclusive use of facilities (self-contained flats).
2. Room size standards for properties occupied as above and including specific standards for HMOs where some board is provided, these properties are referred to as 'hostels'.

## Notes:

3. The amenity standards include those prescribed by The Licensing and Management of Houses in Multiple Occupation and Other (Miscellaneous Provisions) (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.
4. The additional amenity standards indicate how the B&NES Council working with WoE local authorities will regard how the 'Tests as to suitability for multiple occupation' can be met under Section 65 Housing Act 2004.
5. The room size standards indicate how the Bath and North East Somerset Council working with WoE local authorities will decide on the maximum occupation of the property under Section 64 Housing Act 2004; this is known as the 'permitted number'.
6. The above standards need not necessarily be met on the date a licence becomes operative. Where the standards are not met the licence will be issued with conditions requiring compliance with the standards within a required time period.
7. The standards do not apply to non-licensable HMOs but can be used as a guide.
8. All licensed HMOs will be subject to an assessment using the Housing Health and Safety Rating System (HHSRS) under Part 1 Housing Act 2004 and the applicable HMO management regulations. As a result, it is possible that there will be additional requirements to be met.

## Application:

9. Where reasonably practicable all HMO licensing standards must be complied with. However, every case must be considered on its own merits as the Council cannot apply a blanket set of standards for all HMOs in its district. The Council should take account of the individual circumstances of the HMO in question, particularly in respect of those standards that are not prescribed by legislation.
10. It is recommended that the Council is consulted prior to undertaking works.

**HMO Licensing Standards  
for facilities provided for shared and exclusive use**

**Personal washing and toilet facilities**

Location, size and condition	General	<p>All facilities should be located in rooms of an adequate size and layout within 2 floors of any bedroom and accessible from communal areas unless provided as en-suite facilities for the exclusive use of that occupant. Facilities should be inside the building.</p> <p>All baths or showers, toilets and wash hand basins should be of an adequate size and be provided with an adequate water supply, necessary fittings, drainage and be in a satisfactory condition to enable thorough cleaning. Constant hot water at a suitable temperature to be provided to baths / showers and wash basins. Baths or showers and wash hand basins should be properly sealed into wall surfaces and have 300mm of tiled splashback (or equivalent). Bathrooms and toilet compartments should be of an adequate size and layout.</p>
Wash hand basins	Shared use	To be provided either within each individual unit of accommodation or within each shared bathroom and compartment containing a toilet (see table below).
	Exclusive use	Within each room and compartment containing a toilet.
Baths or showers and toilets	Shared use	Where there are four or fewer occupiers sharing there must be at least one fixed bath or shower and a toilet (which may be situated in the bathroom). Where there are five or more occupiers sharing there must be at least a fixed bath or shower for every 5 occupants (or part of) and where reasonably practicable at least one toilet separate to the bathroom for every 5 occupants (or part of). A further complete bathroom would be acceptable in place of a separate toilet. See table below as to how this
	Exclusive use	A fixed bath or shower and a toilet.
Ventilation	General	<p>Bathrooms to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second 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> of the floor area or mechanical ventilation to the outside air at a minimum extraction rate of 6 litres/second.</p> <p>Ventilation should not be obstructed externally.</p>
Heating	General	A fixed heating appliance in each bath or shower room sufficient to minimise condensation and provide thermal comfort.
<b>Kitchens</b>		
Location, size and condition	General	<p>If kitchens do not have a suitable dining area this facility must be provided within one floor distant (this may be a living room, bedsit or bedroom of suitable size - see standards for room sizes).</p> <p>If hostels provide all main meals the kitchen facilities below are to be provided for every 10 occupants and the cooker can be replaced with a microwave. If hostels have a commercial kitchen where access is not</p>

		<p>available at all times a separate kitchen must be provided to the standards below.</p> <p>Kitchens must have a safe and efficient layout and be of a suitable size - see standards for room sizes.</p> <p>All facilities and equipment must be fit for purpose.</p>
Sinks	Shared use	A sink with constant hot and cold water, a draining board and tiled splash back to be provided for up to 5 occupants (a dishwasher will be acceptable as a second sink) or within an individual unit of accommodation. For 6 occupants a 1 ½ bowl sink will be acceptable.
	Exclusive use	A sink with constant hot and cold water, tiled splash back and a draining board.
Cookers	Shared use	<p>A cooker with a 4 ring hob, oven and a grill for every 5 occupants or part of.</p> <p>For occupancies of between 6-9 persons, a 27litre microwave with oven and grill will be acceptable as a second cooker.</p> <p>Alternatively, these provisions could be provided within an individual unit of accommodation.</p>
	Exclusive use	<p>A cooker with a 4 ring hob, oven and grill.</p> <p>A cooker with a 4 ring hob, oven and grill or a 2 ring hob, oven and grill together (positioned so that hobs are at worktop level) with a microwave will be acceptable in accommodation occupied by a single person.</p>
Electrical Sockets	General	Four suitably positioned (e.g. work top height) electric sockets are required plus one per major appliance (i.e. a cooker microwave, refrigerator/freezer, washing machine etc.).
Worktop	Shared use	Fixed worktop(s) with a smooth impervious surface for food preparation, minimum size 500mm x 1000mm for up to 5 occupants or within an individual unit of accommodation.
	Exclusive use	Fixed worktop(s) with a smooth impervious surface for food preparation, minimum size 500mm x 1000mm.
Storage	Shared use	A 0.3m <sup>3</sup> dry goods storage cupboard other than a sink base unit per occupier either in each occupant's room or in a shared kitchen.
	Exclusive use	A 0.6m <sup>3</sup> dry goods storage cupboard other than a sink base unit.
Refrigerators	Shared use	<p>Two worktop height refrigerators with freezer compartments or 1 worktop height fridge and 1 worktop height freezer per 5 occupiers.</p> <p>Alternatively, provide a worktop height refrigerator with a freezer compartment within each individual unit of accommodation.</p> <p>Where room sizes permit, additional provision for refrigerators can be considered in individual rooms.</p>
	Exclusive use	A worktop height refrigerator with a freezer compartment.

Refuse	General	Suitable and sufficient provision for household recycling and rubbish disposal both within the unit of accommodation and outside.
Ventilation	Shared use	Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.
<b>Fire precautions (shared houses and bedsit accommodation)</b>		
Provide fire precaution facilities and equipment to reduce fire risk and to ensure the safety of people in the premises as far as is practicable in accordance with the LACoRS (Local Authorities Coordinators of Regulatory Services) publication "Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing." This includes the ability of occupants to escape from a fire avoiding any risk rooms such as kitchens or living areas.		
<b>The following fire precautions must be provided:</b>		
Fire detection (shared accommodation - not bedsits)		A Category LD3 Grade D fire detection system conforming to BS5839: Part 6. The system will normally include interlinked smoke detection in the circulation areas at each floor level, heat detection in kitchens, smoke detection in living room and any cellar. Grade D detectors will have integral battery back-up. A sound level of 75dBA should be reached at bedheads.  For 5 and 6 storey properties a Category LD2 Grade A system will be required with detectors in all risk rooms.
Fire detection (bedsit accommodation)		A Category LD2 Grade A or D fire detection system conforming to BS5839: Part 6 (a Grade A system will be required for properties with 3 or more storey properties).  The system will normally include interlinked smoke detection in the circulation areas at each floor level, heat detection in kitchens and bedsits with cooking facilities, smoke detection in bedsits without cooking facilities, shared lounges and any cellar.  An additional Grade D non-interlinked smoke detector with integral battery back-up will be required in bedsits with cooking facilities. A sound level of 75dBA should be reached at bedheads.
Fire detection (self-contained flat in a converted house/block)		In addition to the fire detection required above, provide a heat detector in the room/lobby opening onto the escape route linked to the fire detection system in the common parts.
Emergency lighting		An emergency lighting system to BS5266.  Only required if: <ul style="list-style-type: none"> <li>• the building has 5 or more storeys, or</li> <li>• the escape route is long / complex or,</li> <li>• other risk factors are present.</li> </ul>
Fire blanket		A fire blanket conforming to BS EN 1869 in each room containing a kitchen.
Doors		All bedroom doors and doors of risk rooms onto hallways, circulation spaces and the means of escape should be well-constructed, solid, of conventional construction, in sound condition. Solid timber doors and panelled doors of substantial construction may be adequate in these lower risk situations (lightweight doors and doors with very thin panels

<p>Fire doors (Fire doors and frames to have a fire resistance of at least 30 minutes and provided with flexible smoke and heat seals. A self-closer must also be fitted to the door).</p>	<p>are not acceptable).</p> <p>A fire door conforming to BS 476-22 is to be provided to each shared kitchen or bedsit containing a kitchen. Alternatively, for up to 2 storey HMOs occupied by 3-4 occupants, other than bedsit accommodation, close-fitting, well-constructed, solid doors of conventional construction in sound condition for each kitchen is acceptable. Solid timber doors and panelled doors of substantial construction may be adequate in these lower risk situations (lightweight or hollow doors and doors with very thin panels are not acceptable);</p> <p>*for 1 and 2 storey HMOs occupied by 5 or more occupants with window escapes to all bedrooms, other than bedsit accommodation, close-fitting, well-constructed, solid doors of conventional construction in sound condition for each kitchen is also acceptable.</p> <p>**for 4 or more storey HMOs, fire doors to bedrooms and living/dining rooms are required.</p>
<p>Security locks</p>	<p>All locks on doors onto the means of escape and final exit doors to be capable of being opened/unlocked from the inside without the use of a key.</p>

**Fire precautions (hostels)**

Requirements determined jointly with Avon Fire and Rescue Service on application.

**Fire precautions (buildings converted entirely into self-contained flats)**

Follow LACoRS publication "Housing - Fire Safety. Guidance on fire safety provisions for certain types of existing housing."

**High Risk Properties**

Additional fire precautions may be required in addition to those required in LACORS. Higher risk properties include: - bedsits, hostels, properties occupied by vulnerable tenants (alcohol/mobility or drug dependency), high occupancy level, properties with long or complex layouts or inner room arrangements and those where there is very poor confidence in management.

**Alternative fire safety works**

Alternatively, provide a fire risk assessment specifying alternative works in accordance with the LACoRS (Local Authorities Coordinators of Regulatory Services) publication "Housing - Fire Safety. Guidance on fire safety provisions for certain types of existing housing."

**Heating**

<p>Fixed heating</p>	<p>General</p>	<p>A fixed and efficient heating appliance(s) capable of maintaining a temperature of 21°C with an outside temp of -1°C in each unit of living accommodation (electrical appliances must have a dedicated socket). Heating should be available at all times and be under the control of the occupier.</p>
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**Access**

All facilities are to be available at all times and should be internally accessed from all bedrooms and bedsitting rooms.

**Definitions**

<p>Shared use</p>	<p>Where one or more basic amenities (personal washing, toilet or kitchen) are</p>
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	shared by two or more households.
Exclusive use	Where a basic amenity is provided for the use of a single household.
Bedsit accommodation	Accommodation occupied by person(s) living independently of others in the HMO, cooking facilities may be in the room or shared.
Single household	Person(s) of the same family group, this includes an individual living on their own. An individual living in a group (e.g. in a shared house) is also regarded as a single household.
Family/household	Includes husband, wife, partner, child, stepchild, step parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, cousin, foster child.
Unit of living accommodation	Part of the HMO occupied by a single household, this includes bedrooms in shared houses or flats, bedsitting rooms, self-contained flats (all basic amenities provided for exclusive use of that household).
Hostel	Where board is provided as part of the occupation and it constitutes a person's only or main place of residence. Hostel includes bed and breakfast and hotel accommodation used by persons as their only and main residence which is a house in multiple occupation.

Table to explain how the standards for baths/showers and toilets can be met

No. of persons sharing	Total no. of baths/showers and toilets* required	No. of toilets* that need to be separate	Or, no. of complete bathrooms accepted (bath/shwr toilet and whb)
1	1	0	-
2	1	0	-
3	1	0	-
4	1	0	-
5	1	1**	2
6	2	1**	3
7	2	1**	3
8	2	1	3
9	2	1	3
10	2	1	3
11	3	1	4
12	3	1	4
13	3	1	4
14	3	1	4
15	3	1	4

20	4	2	6 or (5 + 1 separate toilet)
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\* excluding outside toilets, a wash hand basin (whb) is to be provided within each room or compartment containing a toilet.

\*\*only if reasonably practicable to provide i.e. there must be a suitable room (includes creating an en suite facility within a suitably sized bedroom) or space to install a toilet (with whb) from which a connection can be made into the foul drainage system without the need for a pumped system; alternatively, a bathroom could be partitioned off without the need to make an opening in a structural wall, the resultant layout should leave reasonable space for changing, drying etc.

## Licensable HMO minimum room sizes

(NB sizes relate to areas with a minimum ceiling 1.5m)

### Accommodation with facilities shared by occupiers

These standards apply where there is sharing of some or all facilities i.e. HMOs where:

- occupiers live independently of others e.g. single room lettings or bedsit accommodation (kitchen facilities within own room);
- occupiers forming a group e.g. students, professional persons and others who interact socially.

Where the room is for the sole use of occupier(s)	Number of persons							
	1	2						
Kitchen	4m <sup>2</sup>	5m <sup>2</sup>						
Bedroom	6.51m <sup>2</sup>	10.22m <sup>2</sup>						
Combined kitchen and living room	11m <sup>2</sup>	15m <sup>2</sup>						
Combined bedroom and living room*	9m <sup>2</sup>	14m <sup>2</sup>						
Combined bedroom, living room & kitchen	13m <sup>2</sup>	19m <sup>2</sup>						
	Number of persons							
Where the room is shared by occupiers	1-3	4	5	6	7	8	9	10
Kitchen	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	9m <sup>2</sup>	9.5m <sup>2</sup>	10m <sup>2</sup>	10.5m <sup>2</sup>	11m <sup>2</sup>
Total communal living space**	13.5m <sup>2</sup>	17m <sup>2</sup>	18m <sup>2</sup>	20m <sup>2</sup>	22m <sup>2</sup>	24m <sup>2</sup>	26m <sup>2</sup>	27.5 <sup>2</sup>

\* independent living only

\*\* occupiers forming a group (includes kitchens, dining rooms and living rooms - the kitchen must be at least the minimum size specified above)



### Accommodation with facilities for the exclusive use of occupiers

These standards apply where all facilities are for the exclusive use of occupiers forming a single household i.e. an individual or family (husband, wife, partner, child, stepchild, step parent, grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece, cousin, foster child) i.e.

- self-contained flats within HMOs.

	Number of persons				
	1	2	3	4	5
Bedroom	6.51m <sup>2</sup>	10.22m <sup>2</sup>			
Combined bedroom and living room	9m <sup>2</sup>	14m <sup>2</sup>			
Combined bedroom, living room & kitchen	13m <sup>2</sup>	19m <sup>2</sup>			
Kitchen	4m <sup>2</sup>	5m <sup>2</sup>	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>
Living Room	8m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>

### Hostels

These standards apply to HMOs where board is provided as part of the occupancy.

	Number of persons				
	1	2			
<b>For exclusive use of occupants</b>					
Bedroom	6.51m <sup>2</sup>	10.22m <sup>2</sup>			
Combined bedroom and living room where no separate living room is provided.	9m <sup>2</sup>	14m <sup>2</sup>			
Family bedroom (2 adults and 1 child under 10 years old)	14.5m <sup>2</sup> or 18.5 m <sup>2</sup> where no separate living room is provided.				
	Number of persons				
<b>For shared use of occupants</b>	<b>1-3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7-10</b>
Kitchen (all main meals* not provided)	5m <sup>2</sup>	6m <sup>2</sup>	7m <sup>2</sup>	9m <sup>2</sup>	11m <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 and living room meet the standard above)	8.5m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	11m <sup>2</sup>	16.5m <sup>2</sup>
	<b>11-15</b>	<b>16 or more</b>			
	21.5m <sup>2</sup>	At discretion of Local Authority			

\* three meals a day (to be provided each day of the week)

## HMO with only commercial kitchens available to occupants

### Meals provided – three a day

The facilities below are needed either in the living room or each bedroom (if in each bedroom, a heat detector interlinked with the existing system and a standalone a smoke detector are needed).

Kettle

Microwave/Oven

Refrigerator – worktop height size for up to 5 people

Sink with hot and cold water

Worktop – food preparation area

Electrical points for small kitchen equipment located above worktop

### No meals provided

Kitchen within the HMO is required

## List of Amendments

January 2019 - for 1 and 2 storey HMOs occupied by 5 or more occupants with window escapes to all bedrooms, other than bedsit accommodation, a sound, well-constructed, close fitting conventional door is also acceptable

March 2019 - Fire doors and the frames to have a fire resistance of at least 30 minutes and provided with flexible smoke and heat seals.

A self-closer must be fitted to the door.

The door must be rendered and maintained self-closing, self-latching and close fitting onto 12.5mm door stops. The hinges and locks must not melt below 800°C. In addition, where doors have been upgraded, an additional hinge may be required to support the heavier door.

September 2019 - HMOs without kitchen facilities (located above restaurants) are required some basic facilities within the HMO, so occupants are not to use commercial kitchens to prepare or store their food or drinks when not working. Bedroom doors should be well-constructed, solid, of conventional construction, in sound condition.

### Important information

- Fire doors should be installed and maintained in accordance with BS 8214:1990.
- Self-closers (in three or more storeys HMOs) should be of a type in compliance with BS EN 1154: 1997 (Power size 3 will usually be appropriate for 30 and 30S fire doors).]

Please note upgrading doors to fire doors, walls to fire walls, or adding new fire doors can affect the safe operation of gas and other fuel burning appliances contained within those areas. Ventilation grills may be required to such fire doors/fire walls by the gas or other regulations. These must be intumescent/smoke control grills to ensure that the integrity of the fire doors/fire walls is maintained. You are strongly advised to get a Gas Safe registered engineer (or appropriate qualified person for other fuels) to check the safety of any fuel burning appliances where upgrading has taken place

### Lower risk HMOs

. Non fire-resisting glazed doors, doors of flimsy construction or hollow infill-type doors (commonly known as 'egg box') should not be accepted