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Houses in Multiple Occupation (HMO) Amenity Standards

Policy Details

What is this policy for?	Agreed minimum standards accepted for houses in multiple occupation that are licensable under the Housing Act 2003 for all District and Borough areas in Dorset.
Who does this policy affect?	Landlords and tenants of people living in licensable houses in multiple occupation.
Keywords	HMO, house, multiple, occupation, standard, amenity, licence
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Dorset Council policy adopted from	<ul style="list-style-type: none"> • Dorset Councils Partnership (North Dorset District Council, West Dorset District Council, Weymouth & Portland Borough Council) • Christchurch & East Dorset Councils • Purbeck District Council <p>This policy applies across the Dorset Council area.</p>
Does this policy relate to any laws?	<ul style="list-style-type: none"> • The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 • The Licensing and Management of Houses in Multiple Occupation and other Houses (Additional Provisions) (England) Regulations 2007
Is this policy linked to any other Dorset Council policies?	Private Sector Housing Enforcement Policy for Dorset Council Partnership, East Dorset District Council, Purbeck District Council.
Equality Impact Assessment (EqIA)	An EqIA will be completed when the policy is reviewed for Dorset Council.
Other Impact Assessments	None

Status and Approvals

Status	Live	Version	
Last review date	Originally approved 2012 – reviewed/updated November 2018	Next review date	
Approved by (Director)	PDC - General Manager Public Health and Housing	Date approved	November 2018
Member/ Partnership Board Approval	Full Council of East Dorset District Council, West Dorset District Council, North Dorset District Council, Weymouth & Portland Borough Council	Date approved	November 2018

Amenity Standards for Houses in Multiple Occupation

The Government has prescribed certain standards that must be met in Houses in Multiple Occupation (HMOs) that are licensable under the Housing Act 2004. These prescribed standards are for deciding the suitability of occupation of an HMO for a particular maximum number of households or persons. The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation and other Houses (Additional Provisions) (England) Regulations 2007 apply and some parts are reproduced below in the Prescribed Standards section.

Guidance is also provided (in the boxed sections of text) on how the named Councils below consider these prescribed standards can be met.

In addition to these Regulations the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 specify mandatory conditions that must be included in all HMO licences. These requirements are detailed within the mandatory requirements for licensable HMOs section.

Other standards that the Councils consider to be necessary in licensable HMOs have been included in the “Locally Adopted Standards” section. The Councils have adopted these as the recommended minimum and will require works to achieve them where necessary, unless particular circumstances make them impracticable and they score low when risk assessed using the Housing Health and Safety Risk Assessment.

All standards in this guidance will also be used as a guideline for standards required in non-licensable HMOs. Guidance on particular circumstances should be sought from the Private Sector Housing Team at the Council

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PRESCRIBED HMO STANDARDS

1 FIRE PRECAUTIONARY FACILITIES

1.1 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as considered necessary.

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary by the Council, in consultation with the Fire Authority.
- You have a legal responsibility to carry out a Fire Risk Assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005.
- You will be expected to provide a copy of your Fire Risk Assessment to Dorset and Wiltshire Fire and Rescue Service and to your local Council upon request.
- All fire precaution equipment must be maintained in good order.

2 HEATING

2.1 Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

The whole accommodation should be appropriately heated to be able to achieve adequate thermal comfort under normal conditions. (19°C in living rooms, in bathrooms and 18°C in other parts of the accommodation when the external temperature is -1°C). The following are examples of heating appliances which can be used to achieve this:

- Solid fuel in an approved appliance where the room has adequate ventilation. Fuel storage facilities should be provided in a readily accessible position for each unit of living accommodation; or
- An existing, suitable fixed gas fire fitted with an adequate guard, certified with a current Gas Safe Test Certificate; or
- A suitable fixed electric heater, such as a night storage heater, fitted with an adequate guard and properly connected to an adequate power supply. The electricity point for this heater should be provided exclusively for the purpose.
- Where a central heating system is installed it should operate so that the heat is available at any time it may reasonably be required.

NOTE: Portable paraffin oil heaters and appliances using liquefied petroleum gas (LPG) are considered a fire hazard and their use is prohibited.

3 WASHING FACILITIES

- 3.1 Where all or some of the units of living accommodation do not contain bathing and toilet facilities for the exclusive use of each individual household –
- a. There must be an adequate number of bathrooms, toilets and wash-hand basins (suitable for personal washing) for the number of persons sharing those facilities; and
 - b. Where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4.2, having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms.

In “Bedsit” type HMOs, where reasonably practicable, all individual units of accommodation should be provided with a wash hand basin in accordance with the standards below. In determining what is reasonable, consideration will be given to the following:

- a. the age and character of the building
- b. the size and layout of each unit
- c. the existing provision for washing facilities within the property
- d. the practical implications of installing the wash-hand basins
- e. existing legal definition, RPT decisions and any current case law
- f. the standard of management of the property, including whether the landlord is accredited.
- g. the wishes of the tenant
- h. any other matter identified by the inspecting officer.

No. of persons	Amenity Standard Requirement for Bedsit type HMO's
1 - 4	No requirement for wash hand basins (WHB in sleeping rooms). At least 1 bathroom (a room containing a fixed bath or shower) and 1 WC (the bathroom and WC may be combined)
5	1 WHB required in each sleeping room, plus 1 bathroom and 1 separate WC and WHB (the WC can be contained within a second bathroom)
6 - 10	1 WHB required in each sleeping room, plus 2 bathroom and 1 separate WCs with WHBs (1 of the WCs can be contained within 1 of the bathrooms)
11 - 15	1 WHB required in each sleeping room, plus 3 bathrooms and 3 separate WCs with WHBs (2 of the WCs can be contained within 2 of the bathrooms)

No. of persons	Amenity Standard Requirement for Shared House type HMO's
<p>In determining whether an HMO is occupied as a shared house, consideration will be given to the mode of occupation of the HMO. That is whether the tenants form a group who interact socially, live communally and may be on a single joint tenancy. The accommodation must also include a suitably sized shared lounge and/or dining area and shared kitchen.</p>	
1 - 4	At least 1 bathroom (a room containing a fixed bath or shower) and 1 WC (the bathroom and WC may be combined)
5	1 bathroom and 1 separate WC and WHB (the WC can be contained within a second bathroom)
6 - 10	2 bathrooms and 2 separate WCs with WHBs (1 of the WCs can be contained within 1 of the bathrooms)
11 - 15	3 bathrooms and 3 separate WCs with WHBs (2 of the WCs can be contained within 2 of the bathrooms)

- 3.2 All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
- 3.3 All bathrooms in an HMO must be suitably and adequately heated and ventilated.
- 3.4 All bathrooms and toilets in an HMO must be of an adequate size and layout.
- 3.5 All baths, toilets and wash hand basins in an HMO must be fit for purpose.
- 3.6 All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.
- A readily accessible bathroom or shower-room should be within one floor distance from the occupiers it serves. The hot and cold water supply should be available at all times and where that bathroom or shower-room is shared the hot water supply should be constantly available.
 - Baths, showers and WCs should not be provided in kitchens.
 - A bathroom next to a kitchen is acceptable as long as the bathroom is adequately ventilated.

4. KITCHENS

4.1 Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food -

- a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;
- b) the kitchen must be equipped with the following equipment, which must be fit for purpose and supplied in a sufficient quantity for the number of those sharing the facilities –
 - (i) sinks with draining boards;
 - (ii) an adequate supply of cold and constant hot water to each sink supplied;
 - (iii) installations or equipment for the cooking of food;
 - (iv) electrical sockets;
 - (v) worktops for the preparation of food;
 - (vi) cupboards for the storage of food or kitchen and cooking utensils;
 - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
 - (viii) appropriate refuse disposal facilities; and
 - (ix) appropriate extractor fans, fire blankets and fire doors.

A shared kitchen is deemed to be suitably located and equipped if:

- It is located no more than one floor distant from the occupancies sharing. This is relaxed if there is a communal lounge/dining area in the property which is not more than one floor distant from the kitchen.
- There is adequate refrigerator space, (a minimum capacity of 0.3 m³/ 1ft³ per individual), together with storage space for frozen foods.
- There is a work-top that has not less than 2000mm x 600mm available space per kitchen, with adequate power sockets.
- One cooker to be provided for every three occupants. The main cooker should have three or four rings or hot plates together with a grill and oven. Microwaves are acceptable as the secondary appliance for 4 – 6 occupants with 7 – 9 requiring an additional cooker.
- A sink should be provided for every five occupants. The sinks should be complete with drainer and provided with supplies of constantly available hot and cold running water. Dishwashers are acceptable as the secondary appliances.
- When food is cooked and prepared for residents as part of the board, all catering facilities shall comply with the requirements of the current Food Hygiene Regulations

4.2 Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with-

- (a) Adequate appliances and equipment for the cooking of food;
- (b) A sink with an adequate supply of cold and constant hot water;
- (c) A work top for the preparation of food;
- (d) Sufficient electrical sockets;
- (e) A cupboard for the storage of kitchen utensils and crockery; and
- (f) A refrigerator.

Kitchen facilities within individual units of living accommodation are deemed to be adequate if:

- Each separate unit of living accommodation is provided with a refrigerator for the storage of perishable food. (Equivalent to 0.3 m³/ 1ft³ per person). Each separate unit of living accommodation is provided with a suitable work-top for the preparation of food of at least 800mm x 600mm with adjacent power sockets.
- Each separate unit of living accommodation is provided with a suitable cooking appliance. The acceptable standard is :-
 - A two ring or one ring and a hot plate together with a grill and oven for a one-person unit of living accommodation
 - A cooker with three or four rings or hot plates together with a grill and an oven for units of accommodation for more than one person
 - Microwaves are acceptable only as secondary cooking appliances.
- Each separate unit of living accommodation should be provided with its own sink complete with drainer and provided with supplies of constantly available hot and cold running water.

MANDATORY REQUIREMENTS IN LICENSABLE HMOS

1 SLEEPING ACCOMMODATION ROOM SIZES

Any room to be used as sleeping accommodation is only to be permitted to be occupied in accordance with the criteria stated in the following table.

Sleeping Accommodation Room Size	Permitted Occupancy
<4.64m ²	No occupancy permitted
4.65m ² to 6.51m ²	1 person age under 10
6.52m ² to 10.21m ²	1 person
>10.22m ²	1 or 2 person

NB Any of the room where the ceiling height is less than 1.5 metres is not taken into account in determining the floor area for the purpose of the above.

2 WASTE DISPOSAL ARRANGEMENTS

The licence holder is required to comply with any scheme provided by the local authority and which relates to the storage and disposal of household waste pending collection.”

LOCALLY ADOPTED STANDARDS FOR HMO'S IN DORSET

The following standards are adopted by the Councils in Dorset for the purpose of ensuring the HMO and occupancies are suitable to be used as living accommodation.

1 NATURAL LIGHTING

- 1.1 In every habitable room there should be provided and maintained a clear glazed window, and/or a door with clear glazing, opening directly to the external air. The area of glazing is recommended to be at least one-tenth of the floor area.
- 1.2 All glazing to windows in bathrooms and water-closet compartments shall be obscured where considered necessary by the Council.

2. ARTIFICIAL LIGHTING

- 2.1 All habitable rooms, kitchens, bathrooms, water-closet compartments, staircases, landings and passageways should be adequately lit by electricity.
- 2.2 All wiring and fittings should be maintained in a safe condition.
- 2.3 Artificial lighting for staircases is to be operable from the entrance hall and each landing.

3. VENTILATION

- 3.1 All habitable rooms should be ventilated direct to the external air by a window, the openable area of which should be equivalent to at least one-twentieth of the floor area.
- 3.2 All kitchens, bathrooms, water-closet compartments should comply with 3.1 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour should be provided. Such an installation should be fitted with an over-run device and connected to the lighting circuit of the room.

4. WATER SUPPLY

- 4.1 Each occupant should have ready access to a piped supply of cold running water suitable for drinking purposes. This is to be supplied from the mains.
- 4.2 Storage tanks should not be used for supplying drinking water.
- 4.3 Any storage tank supplying water other than for drinking shall be suitably covered.

5. REFUSE STORAGE

- 5.1 There should be provided and maintained an area suitable for the storage of refuse bins and recycling bins. Bins to be stored outside the building (unless otherwise prescribed) and sited so as to be readily accessible to the occupiers and to the council's refuse collectors.

6. FLOOR AREAS FOR LETTINGS

- 6.1 In calculating the total floor area in any room, any are of floor where the ceiling height is less than 1.5m from the floor, shall be excluded from the calculation. Of the remaining floor area, at least half has to be at least 2.1m to the ceiling, directly overhead.

7. BEDSIT TYPE HMOs

- 7.1 One-person units of living accommodation

a) Bed/living room/kitchen	13m ²
b) Bed/living room Separate kitchen	9m ² 4m ²
c) Living room/kitchen Separate bedroom	9m ² 6.51m ²

7.2 Two-person units of living accommodation

a) Bed/living room/kitchen	19m ²
b) Bed/living room Separate kitchen	14m ² 6m ²
c) Living room/kitchen Separate bedroom	11m ² 10.22m ²

8 SHARED HOUSE TYPE HMOs

8.1 Where a house in multiple occupation is let as a shared house type HMO, the following space standards apply:

Bedrooms – all bedrooms to be as follows

a) 1 Person	6.51m ²
b) 2 Persons	10.22m ²

No more than two persons should share a bedroom.
Unrelated persons should not be required to share a bedroom.

Lounge/Dining Areas – this floor area can be provided as one or more rooms

a) First 6 occupants per person	2m ²
b) Every additional occupant per person	2m ²

If the lounge or dining area in a shared house type HMO does not meet the above minimum sizes, then the minimum bedroom sizes in that property should be as follows:

a) 1 Person	9m ²
b) 2 Persons	14m ²

Note: Where the size of a room is below the minimum standards for that type of room, an assessment will be carried out by the Council to determine whether it is appropriate for the room to continue to be used for that purpose. The criteria to be taken into account will include:

- An assessment under the HHSRS
- The shape and physical layout of the room
- The nature and position of the furniture and fittings required in the room
- The intended use of the room and nature of occupancy
- The wishes of the tenant

9 GENERAL MANAGEMENT

9.1 The person having control of the house should ensure that:-

- a) All services, furnishings, fixtures and fittings are maintained in a sound, clean condition and good order
- b) The structure is kept in good order
- c) Where disrepair is brought to the attention of the landlord, repairs should be arranged promptly
- d) All yards, paving, boundary walls, fences, gardens and outbuildings are maintained in a safer and tidy condition
- e) At the commencement of all tenancies the lettings are clean, in a satisfactory state of repair and decoration, and comply in all respects with these Standards.
- f) All communal areas are regularly cleaned and redecorated as necessary.

10 PLANNING PERMISSION AND BUILDING REGULATION APPROVAL

10.1 These standards have been adopted without prejudice to legislation. Alternations or extensions carried out to a building in order to comply with these Standards will continue to require any necessary Planning Permission / building Regulation approval.