

Houses in Multiple Occupation (HMOs)

Guidance for Landlords and Agents

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Introduction

Fenland District Council wants to ensure that private rented properties are safe, and do not pose an increased harm to the health of the occupants and visitors. There is an expectation that landlords and letting agents are aware of their legal responsibilities and comply with relevant legislation.

Houses in Multiple Occupation (HMOs) provide affordable accommodation and are in high demand within Fenland and are a growing sector of the Private Rented market. In order to support landlords and agents, the Private Sector Housing Team has produced this guidance to assist landlords and agents to provide a better understanding of the minimum safety, facility, and amenity standards required for HMOs. Landlords and agents are encouraged to seek advice from the Private Sector Housing Team before developing, refurbishing, or letting a property as a HMO.

The team will support landlords and agents by:

- Providing advice on how to achieve minimum legal standards.
- Providing guidance on good practice on managing HMOs successfully.
- Providing information and guidance on existing and new housing legislation.

The team will also provide advice and guidance relating to properties occupied by single households, which is available in a separate document.

Fenland District Council has made every effort to ensure the information provided in this guidance is accurate and up to date. It offers general guidance with regards to the law but is not intended to provide an authoritative statement of the law and should not be treated as such.

What is a House in Multiple Occupation (HMO)?

At its simplest, a House in Multiple Occupation (HMO) is a building, or part of a building, that is occupied by three or more people from two or more households (unrelated families) who share facilities such as a kitchen or bathroom, pay rent, and it is their main place of residence. For example, HMOs can commonly be a house or flat which is occupied by a group of individuals, a property where individuals are living in bedsit accommodation renting individual bedrooms and can also be properties which have been converted into several flats.

The four tests defining a HMO:

1. The standard test: A building in which three or more unrelated persons live, who form two or more households who share one or more communal facility such as a bathroom, toilet or cooking amenities. There must also be an obligation to pay rent (or other consideration) and it is their main or only residence. Their occupation of the living accommodation constitutes the only use of that accommodation. This includes bedsits, where occupants share kitchen(s) or bathroom(s). A 'house' also includes a flat that has multiple occupancy. Section 254(2) Housing Act 2004

2. The self-contained flat test: A building that has been converted to consist of at least one self-contained flat. It is occupied by three or more persons, forming at least two households and they share a bathroom, toilet, or cooking amenity. Rent must be paid, and the living accommodation is their only or main residence. Their occupation of the living accommodation constitutes the only use of that accommodation. Section 254(3) Housing Act 2004

3. The converted building test: A converted building can be classed as a HMO where it has one or more non-self-contained units. A non-self-contained unit is where a toilet, bathroom or kitchen is not within the occupant's room: this applies even if the facility is for the exclusive use of the occupant. It is occupied by three or more persons and forming at least two households. Rent must be paid, and the living accommodation is their only or main residence. Their occupation of the living accommodation constitutes the only use of that accommodation. Section 254(4) Housing Act 2004

4. Certain converted blocks of flats: Any building which has been converted into and consists of self-contained flats only, and it does not comply with 1991 Building Regulations (or the Regulations at the time of the conversion if post-1991) and less than two thirds of the flats are owner occupied. Section 257 Housing Act 2004

Other definitions:

Lodgings:

- A property, with a live-in resident landlord, with three or more lodgers will also be deemed to be a HMO. These types of HMOs can also require licensing if the property is occupied by five or more lodgers, with shared facilities.

Main residence can include:

- Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are HMOs if they fit the criteria above.
- A residence for the purpose of undertaking full-time further or higher education.
- A refuge, that is a building or part of a building used by a voluntary organisation for temporary accommodation for people who have left their home as the result of domestic violence.
- Occupation by migrant or seasonal workers where the employer or agent provides the accommodation.
- Occupation by asylum seekers and their dependents, where the accommodation has been provided under section 95 of the Immigration and Asylum Act 1999 and the accommodation is provided by a private landlord under contract to or on behalf of UKVI.

Definition of a household:

- Couples who are married or civil partners or who live together as if they were married or civil partners.
- Relatives living together: including parents, grandparents, children, stepchildren, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, or cousins.

Legal Standards

Due to the nature of their occupancy, all properties occupied as HMOs pose an increased risk to tenants' and visitors' health & safety; therefore, landlords must take measures to minimise these risks. The government introduced regulations SI 372 and 373 that are detailed below, which set out the minimum standard.

The Management of Houses in Multiple Occupation Regulations (England) 2006 (SI 372)

All HMOs, except s.257 HMO (refer to Test 4 of the section 'the four tests defining a HMO' and refer to section 'The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (SI 1903)' for regulations for s.257 HMOs), are subject to these Management Regulations irrespective of whether they require a licence or not (please refer to the licencing section). If you are acting on behalf of the landlord; managing the property and receiving the rent, both you and the landlord are responsible for maintaining the standards of the property and complying with these regulations. Failing to do so, could result in formal enforcement action being taken against either the manager and/or the landlord.

The regulations also place a duty on tenants to behave in an orderly manner and not to hinder the manager in the carrying out of these duties.

HMO Regulations:

To display their contact details (Regulation 3)

- The manager's name, address and contact telephone number must be clearly displayed in a prominent position. On the wall in the entrance hall is usually the best place.

To take safety measures (Regulation 4)

- All means of escape from fire are to be kept from obstruction and maintained in good order and repair (means of escape would normally include the landing, stairs and hallway).
- Firefighting equipment and fire alarms are maintained in good working order (firefighting equipment includes a fire blanket but not any fire extinguishers as Cambridgeshire Fire & Rescue Service do not recommend their use by untrained persons).
- All notices indicating the location of the means of escape from fire are displayed in prominent positions that enable them to be clearly visible (this is only applicable to licensable HMOs with 5 or more occupants. (particular requirements are to be found within the LACORS Housing – Fire Safety document).
- Take all such measures as are reasonably required to protect the occupiers from injury, having regard to the design, structural conditions and the number of occupants (this would include the requirement for fire doors on risk rooms and sound, well-constructed and close-fitting conventional doors to bedrooms (not hollow); sound structural construction; and any extra considerations to the numbers occupying, such as fire alarm testing procedures. Particular requirements are to be found within the LACORS Housing – Fire Safety document).
- Ensure any roof or balcony is safe or take all reasonable measures to prevent access to it as long as it remains unsafe.
- Any window with sill which is at or near the floor level must have bars or other safeguards to prevent the danger of accidents with such windows (this particularly applies to having safety catches on any windows with sills lower than 1.1m from the floor level where on the first floor or above, and bars on any portion of window where the glass is below 80cm from the floor level or these windows to incorporate safety glass).

To maintain the water supply and drainage system (Regulation 5)

- The water supply or drainage system must be maintained in a good, clean and working condition; including any tank, cistern or similar receptacle used for the storage of water or other domestic purpose, with a cover kept over it to keep the water in a clean and proper condition and water fittings to be protected from frost.
- The water or drainage supply must not be unreasonably interrupted from use by any occupier.

To maintain gas and electrical supplies and to provide safety certificates (Regulation 6)

- The latest gas appliance test certificate must be supplied to the Local Housing Authority within 7 days of receiving a request in writing (legislation requires that a certificate is obtained every year as it is for any rental property from a recognised gas installer).
- Ensure that every fixed electrical installation is inspected and tested at intervals not exceeding 5 years by a qualified person. A test certificate should be obtained and supplied to the Local Authority within 7 days of a written request.
- Not to unreasonably cause the gas or electricity supply to be interrupted.

To maintain all common parts and installations within the property (Regulation 7)

- Ensure that all common parts are maintained in good and clean decorative repair; maintained in a safe and working condition; and kept reasonably clear of obstruction (common parts include entrance door; doors to living accommodation (normally bedrooms), staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps in communal areas and any other part which is shared).
- Handrails and banisters are at all times kept in good repair.
- Additional handrails and banisters as are necessary are provided (it is expected that handrails are available to all parts of a staircase).
- Stair coverings are safely fixed and kept in good repair (worn carpets on stairs are to be replaced).
- Windows and other means of ventilation within the common parts are kept in good repair (ventilation includes extractors in bath/shower rooms and kitchens).
- Common parts are fitted with adequate light fittings that are available at all times.
- Fixtures, fittings or appliances used in common by two or more households are maintained in good and safe repair and in clean working order (fixtures, fittings and appliances include lighting; space heating; water heating appliances; toilets; baths; showers; sinks; wash basins; cupboards, shelving or fittings supplied in a bathroom or lavatory; cupboards, shelving or appliances used for the storage, preparation or cooking of food; washing machines or other laundry appliances). These items are not included if an occupier is entitled to remove these items from the HMO or are out of the control of the manager.
- Outbuildings, yards and forecourts used in common are maintained in repair, clean condition and good order.
- Any garden is kept in a safe and tidy condition.
- Boundary walls, fences and railings are kept and maintained in good and safe repair.

To maintain living accommodation (Regulation 8)

- Ensure any furniture supplied in the living accommodation is in a clean condition at the beginning of any tenancy. Refer to Furniture & Furnishings section on Page 22.
- The internal structure of the living accommodation is to be maintained in good condition, unless any repair is due to the result of a non-tenant-like manner.
- Fixtures, fittings or appliances within the living accommodation are maintained in good repair and in a clean working order, unless any repair is due to the result of a non-tenant-like manner.
- Windows and other means of ventilation within the living accommodation are to be kept in good order, unless any repair is the result of a non-tenant-like manner.
- The above duties do not relate to any item that is owned by the tenant and is outside the control of the manager.
- A non-tenant-like manner is when a tenant fails to treat the property as per the conditions contained in their tenancy agreement or when they fail to conduct themselves as a reasonable tenant would do.

To provide waste disposal facilities (Regulation 9)

- Ensure that sufficient bins or other suitable receptacles are provided for each household for the adequate storage of refuse and litter (larger HMOs may require a commercial refuse contract due to the quantity of waste produced).
- Make such arrangements for the disposal of refuse and litter as may be necessary (waste is not to be stored on the property and it is the manager's responsibility to have this removed as soon as possible).

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

- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- Allow the manager at all reasonable times to enter any living accommodation to enable him/her to carry out any duty (except in the case of emergencies, at least 24 hours' notice either in writing or by phone of any intended visit should be given to the occupiers).

- Provide the manager with any information requested to enable him/her to carry out his duties.
- Take reasonable care to avoid causing damage to the property and its contents.
- Store and dispose of refuse in accordance with the arrangements made by the manager.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

General (Regulation 11)

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

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 373)

These Regulations provide clarity over the definition of persons who are to be considered part of a single household and those persons who are to be treated as occupying a residence as their only or main residence.

They also underline the processes required for both an applicant and Local Authority in licensing HMOs where there are 5 or more persons in residence. For more details see the section on Licensing.

Schedule 3 details the prescribed standards for deciding the suitability for occupation of a HMO by a particular maximum number of households or persons and require the following:

Heating

- Each letting room in a HMO must be equipped with adequate* means of space heating.
(* fixed heating located in all letting rooms and communal spaces)

Washing facilities

- Where all or some of the letting rooms in a HMO 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 letting room other than a letting room in which a sink has been provided as part of a kitchen within the living accommodation, 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.
- All baths, showers, and wash hand basins in a HMO must be equipped with taps providing an adequate supply of cold and constant hot water.
- All bathrooms in a HMO must be suitably and adequately heated and ventilated.
- All bathrooms and toilets in a HMO must be of an adequate size and layout.
- All baths, toilets and wash hand basins in a HMO must be fit for the purpose.
- All bathrooms and toilets in a HMO must be suitably located in or in relation to the living accommodation in the HMO.

Kitchens

- Where all or some of the letting rooms 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, and,
 - (b) the kitchen must be equipped with the following equipment, which must be fit for the 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.

Units of living accommodation without shared basic amenities

- Where a letting room contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that letting room 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 worktop for the preparation of food,
 - (d) sufficient electrical sockets,
 - (e) a cupboard for the storage of kitchen utensils and crockery, and
 - (f) a refrigerator.
- The standards referred to prior do not apply in relation to a letting room where:
 - (a) the landlord is not contractually bound to provide such appliances or equipment,
 - (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO, or
 - (c) the appliances or equipment are otherwise outside the control of the landlord.
- Where there are no adequate shared washing facilities provided for a letting room, as mentioned in the above section 'Washing facilities', an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that letting room either:
 - (a) within the living accommodation, or
 - (b) within reasonable proximity to the living accommodation.
- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (SI 1903)

In addition to the SI 372/3 regulations, the following Regulation was added in relation to s.257 HMO's (converted building of self-contained flats prior to June 1992 (see Test 4 in the section 'The four tests defining a HMO'). In the main this is identical to SI 372 but has the additional regulation below:

Manager's duties: general (Regulation 3)

- The manager's duty shall only apply in relation to such parts of the HMO over which it would be reasonable to expect the licence holder, in all the circumstances, to exercise control.
- The manager's duty to maintain or keep in repair is to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which, it is situated.
- No requirement for anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment.
- No obligation for the manager to take, in connection with those matters in the previous point, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.

Penalties for non-compliance

Landlords should be aware that where the Local Authority identifies any breach of the above regulations, it may result in a penalty being imposed or a criminal conviction being sought in court. Please consult Fenland District Council's Housing Enforcement Policy for further details. In order to reduce the risk of such breaches, the Council offers a chargeable inspection (see [Fees and Charges 2023-24.xlsx \(fenland.gov.uk\)](#) service, for all landlords and letting

agents. For a small fee an officer will attend the property and carry out a full inspection and highlight any remedial work required to comply with the HMO regulations.

Please also note, that the Local Authority is not obliged to notify a landlord of their entry into the communal parts of a HMO, where there is reason to believe the regulations are not being complied with. Therefore, landlords and agents are urged to ensure that regular inspections are carried out and reports of such inspections are recorded for reference by the Council.

Private Sector Tenants in a HMO

Anti-social behaviour

Anti-social behaviour covers a wide range of problems and includes any behaviour that is capable of causing nuisance or annoyance to an individual(s) or the wider community.

This type of behaviour can include:

- Harassment and intimidating behaviour
- Hate crime, for example racist or homophobic abuse
- Behaviour that creates alarm and fear
- Noisy neighbours and loud parties
- Problems associated with people supplying, dealing or using drugs
- People acting in a manner which is likely to cause distress or nuisance to others, due to the consumption of alcohol
- Vandalism, graffiti and other deliberate damage to property
- Rubbish or litter lying around, abandoned cars

It is usual for a clause to be placed in a tenancy agreement, forbidding tenants from acting in an anti-social way. Where any tenant(s) occupying a licenced HMO are causing anti-social behaviour, the landlord is bound by the licence conditions to take action to prevent it from re-occurring. Landlords and agents should act swiftly to deal with anti-social behaviour. If the behaviour persists or is severe, enforcement of the tenancy conditions should be considered. If appropriate, landlords should contact the Council for advice as working in partnership with other relevant agencies will normally produce the best results.

Some forms of anti-social behaviour may involve serious criminal activity or hate crimes. Where this is the case, the police should be contacted immediately, and the Council also advised.

The Council, where appropriate, will support landlords who are working towards tackling any issues of anti-social behaviour. However, the Council will take action against landlords who fail to engage or are deemed to be in breach of their HMO licence conditions.

Fenland District Council HMO Fire Safety Standards

Cambridgeshire Fire and Rescue Service and Fenland Private Sector Housing Team have adopted the LACORS Housing - Fire Safety guidance* which forms part of the formal Memorandum of Understanding document, to ensure a minimum safety standard within the private sector; including those properties being occupied as HMOs. In 2019 the British Standard 5839-6 for fire detection and fire alarm systems was updated and consequently, some of the information within LACORS is now out of date. The British Standard was further updated in 2020 to BS 5839-6:2019+A1:2020. This document seeks to provide the current standards required, to comply with the above regulations, at the time of its writing.

The local Fire Safety Officer and/or the Housing Officer will assess each property according to its own individual characteristics. Should any remedial work be required to comply with the minimum standards (as set out in the tables below), the landlord will be instructed accordingly, so that compliance is achieved. If the property is considered to be an immediate risk to health, the Fire Officer has the ability to prohibit the use of a HMO with immediate effect. Where premises are occupied in a manner other than that intended under the original construction, compliance with the Building Regulations at the time of that construction will not necessarily negate the requirement for additional fire safety measures.

The factors affecting means of escape in case of fire are varied. All landlords should consult with the Private Sector Housing Team for specific requirements in each case. The Council will have regard to current legislation and fire safety guidance (LACORS*) in relation to fire protection.

* www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf

Design considerations / grades of fire detection system

The BSI's recent update of the domestic fire detection and alarm system standard, specifically Part 6 of BS 5839, outlines the code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic properties. Here we outline the key updates professionals should be aware of in order to ensure constant compliance when specifying, installing and maintaining fire detection systems in domestic properties.

First launched in 1995, British Standard BS 5839-6 has long established itself as a key reference standard for specifiers, architects and fire safety personnel, outlining the specific systems that should be installed for the purpose of life safety and property protection. Covering the implementation of fire precautions in domestic premises, including HMOs, throughout both the dwelling units and common areas, the Standard is applicable to both new build and materially altered dwellings (in conjunction with regional building regulations) as well as existing properties. The recommendations can be applied to the fire detection components of combined domestic fire and intruder alarm systems, or fire and social alarm systems.

Below we outline the key changes to the BS 5839-6 Standard and the areas landlords and agents should be aware of to ensure they're offering individuals the highest standard of fire protection throughout their HMO properties.

Revised system grading for fire detection and fire alarm systems

Whilst BS 5839-6 has previously been split into six varying Grades, each outlining the level of protection appropriate for certain properties and their corresponding levels of risk, the new update has altered the six sections, removing Grade B and Grade E, whilst Grade D and Grade F have been split into Grade D1 / Grade D2 and Grade F1 / Grade F2 respectively. Grade C has been revised and its recommendations expanded.

The new grading system is as follows:

Grade A	<p>Separate detectors, sounders and central control and indicating equipment with back-up power supply that conforms to:</p> <p>British Standards BS EN 54.</p>
Grade C	<p>Separate detectors and sounders that are mains powered with back-up power supply and central control equipment.</p>
Grade D1	<p>A system of one or more mains powered detectors, each with a tamper-proof standby supply consisting of a battery or batteries.</p>
Grade D2	<p>A system of one or more mains-powered detectors, each with an integral standby supply consisting of a user-replaceable battery or batteries.</p>
Grade F1	<p>A system of one or more battery-powered detectors powered by a tamper-proof primary battery or batteries.</p>
Grade F2	<p>A system of one or more battery-powered detectors powered by a user-replaceable primary battery or batteries.</p>

The current Grades applicable within HMOs are either Grade A or D1

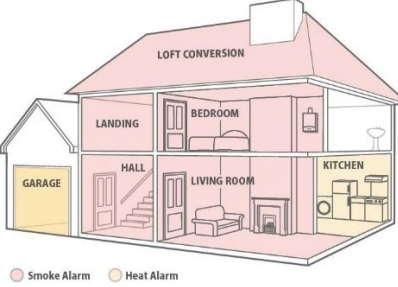
Levels of coverage

Automatic fire detection and warning systems are specified in BS 5839: part 6. Only the two highest categories are applicable to HMOs and are as follows:

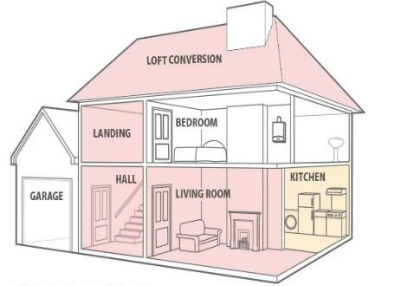
Category LD1 coverage: a system installed throughout the premises, incorporating detectors in all circulation areas that form part of the escape routes from the premises, and in all rooms and areas, other than those with negligible sources of ignition, such as toilets, bathrooms, and shower rooms.

Category LD2 coverage: a system incorporating detectors in all circulation areas that form part of the escape routes from the premises, and in all specified rooms or areas that present a high fire risk to occupants, including any kitchen and the principle habitable room (living room). See following tables:

LD1 Maximum Protection

<p>Escape routes, high-risk rooms plus all areas where a fire might start</p>	<p>Category LD1: The highest level of protection of all occupants who might occupy the dwelling over the lifetime of the fire detection and fire alarm system. A system installed throughout the premises, incorporating detectors in all circulation areas that form part of the escape routes from the premises, and in all rooms and areas, other than those with negligible sources of ignition, such as toilets, bathrooms and shower rooms.</p> <ul style="list-style-type: none"> • Hallway • Landing • Living Room • Kitchen (heat alarm) • Bedroom • Airing / meter cupboards • Loft • Garage 	
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LD2 Additional Protection

<p>Escape routes plus high-risk rooms</p>	<p>Escape routes plus high-risk rooms.</p> <p>Category LD2: A system incorporating detectors in all circulation areas that form part of the escape routes from the premises, and in all specified rooms or areas that present a high fire risk to occupants, including any kitchen and the principal habitable room.</p> <ul style="list-style-type: none"> • Hallway • Landing • Living Room • Kitchen (heat alarm) 	
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Buildings containing self-contained flats or above or are connected to commercial premises.

These buildings require additional fire precautions. Please contact the Private Sector Housing Team for further information before undertaking works.

Types of HMO and their fire safety requirements

The following examples are based on typical properties with a simple layout. For example, where all bedrooms lead onto the means of escape (generally the landing and hallway) and do not have to pass through any other room. These are also based on low-risk occupants.

Individual room lets and bedsit-type HMOs

In bedsit HMOs where the cooking facilities are within the bedsits or where a HMO is located in a block of self-contained flats then a mixed fire detection system is usually recommended, where the escape routes and common parts are protected by an interlinked system of alarms or detectors and the individual units have a separate stand-alone system to alert a sleeping occupant of fire in their own unit of accommodation. This has the benefit of reducing nuisance/false alarms throughout the whole property caused by activities such as cooking within any one unit.

Bedsit-type HMOs of no more than two storeys	Typically, shared cooking and bathing facilities but some may have self-contained elements. Individual room tenancy agreements will be issued, and occupants will live independently with a thumb turn lock on each individual letting room.
Escape routes	<p>30-minute protected route is required, including 30-minute fire-resisting construction and FD30S* or FD30** doors to all risk rooms (please see below). A full 30-minute protected route is the preferred (ideal) option. However, in two-storey, normal risk HMOs the provision of suitable escape windows from all bedsit rooms may be acceptable in lieu of a fully protected route. Travel distance must not be excessive.</p> <p>* FD30S fire doors include intumescent strips and cold smoke seals along with face fixed overhead closers (to be installed on all kitchen, living rooms, and letting rooms where a LD1 fire detection system is installed in the communal areas).</p> <p>** FD30 fire doors include intumescent strips along with face fixed overhead closers (to be installed on letting rooms where a LD2 fire detection system is installed in the communal areas).</p>
Fire separation	No requirement for additional fire resistance, but walls and floors should be of sound, traditional construction. If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route is the ideal (see LACORS paragraph 19.6 regarding existing construction)
Fire detection and alarm system	<p><u>No floor greater than 200m² in area</u></p> <ul style="list-style-type: none"> Existing premise - Grade D1, Category LD2 system. New or materially altered premise – Grade D1, Category LD1 system. <p><u>One or more floor greater than 200m² in area</u></p> <p>Existing, new, or materially altered premise – Grade A, Category LD2 system in the communal areas, in accordance with British Standard 5839-1:2017 for a Category L2 system with:</p> <ul style="list-style-type: none"> Grade D1, Category LD1 system in the individual dwelling units comprising of a single room, not connected to the communal system, where there are no cooking facilities within the unit and the unit comprises of one room. Grade D1, Category LD1 system* in the individual dwelling units, not connected to the communal system, where there are cooking facilities in the unit. Grade D1, Category LD2 system in the individual dwelling units, not connected to the communal system, comprising of two or more rooms. <p>* In individual bedsits which include cooking facilities, a heat sensor or multi-sensor fire alarm should be fitted. In the case of a multi-sensor fire alarm, the provision of an alarm silence facility would be beneficial</p>
Lighting of escape routes	<p>Emergency escape lighting required only if the route is long or complex** or where there is no effective borrowed light.</p> <p>Conventional artificial lighting required.</p>
Firefighting equipment	Fire blanket to be provided in each bedsit with cooking facilities and in shared kitchens.
Fire safety signs	Signage along escape route if the escape route is complex**.
Surface finishes & floor coverings	(See paragraph 28 – 29 of LACORS)
Management & maintenance of fire safety	The responsible person (the licensee, landlord or managing agent) has a duty to ensure that the day-to-day management of fire safety in the premises is properly undertaken and that essential routine maintenance and emergency repairs are properly carried out. (See paragraph 32 of LACORS)

Bedsit-type HMOs of 3 to 6 storeys	Typically, shared cooking and bathing facilities but some may have self-contained elements. Occupancy is with Individual room tenancy agreements and tenants will live independently with a thumb turn lock on each individual letting room
Escape routes	<p>30-minute protected route is required, including 30-minute fire-resisting construction and FD30S* or FD30** doors to all risk rooms (please see below). A full 30-minute protected route is the preferred (ideal) option. Travel distance must not be excessive.</p> <p>Five storeys - Lobby protection to all floors except the top floor or secondary means of escape from top floor.</p> <p>Six storeys - Lobby protection to all floors except the top floor and secondary means of escape from top two floors.</p> <p>* FD30S fire doors include intumescent strips and cold smoke seals along with face fixed overhead closers (to be installed on all kitchen, living rooms, and letting rooms where a LD1 fire detection system is installed in the communal areas)</p> <p>** FD30 fire doors include intumescent strips along with face fixed overhead closers (to be installed on letting rooms where a LD2 fire detection system is installed in the communal areas).</p>
Fire separation	<p>30-minute fire separation between units of accommodation throughout.</p> <p>30-minute fire separation across the stairway between second and third floors and between fourth and fifth floors</p>
Fire detection and alarm System	<p>Existing, new, or materially altered premise – Grade A, Category LD2 system in the communal areas, in accordance with British Standard 5839-1:2017 for a Category L2 system with:</p> <ul style="list-style-type: none"> • Grade D1, Category LD1 system in the individual dwelling units comprising of a single room, not connected to the communal system, where there are no cooking facilities within the unit and the unit comprises of one room. • Grade D1, Category LD1 system* in the individual dwelling units, not connected to the communal system, where there are cooking facilities in the unit. • Grade D1, Category LD2 system in the individual dwelling units, not connected to the communal system, comprising of two or more rooms. <p>* In individual bedsits which include cooking facilities, a heat sensor or multi-sensor fire alarm should be fitted. In the case of a multi-sensor fire alarm, the provision of an alarm silence facility would be beneficial</p>
Lighting of escape routes	<p>Conventional artificial lighting is required.</p> <p>Emergency escape lighting maybe required if escape route is complex** or dark*</p> <p>* Five or six storeys - emergency lighting is required.</p>
Firefighting equipment	Fire blanket to be provided in each bedsit with cooking facilities and in shared kitchens.
Fire safety signs	<p>Fire exit sign required.</p> <p>Three or four storeys – directional signage along escape route if escape route is complex.</p> <p>Five or six storeys - directional signage along escape route required.</p>
Surface finishes & floor coverings	(See paragraph 28 – 29 of LACORS)
Management & maintenance of fire safety	The responsible person (the licensee, landlord or managing agent) has a duty to ensure that the day-to-day management of fire safety in the premises is properly undertaken and that essential routine maintenance and emergency repairs are properly carried out (see paragraph 32 of LACORS).

Single tenancy (shared) HMO properties

The following table indicates the minimum fire safety requirements. However, where an increased risk is identified. For example, due to tenants' lifestyle or property layout additional fire safety measures may be required.

Shared house of no more than 2 storeys	Typically, where a group of non-related occupants, who are known to each other, occupy a property and are named as joint tenants on one tenancy agreement. Where rooms are lockable a thumb turn lock is to be provided.
Escape routes	<p>No requirement for full 30-minute protected route*, but the escape route should have sound, traditional construction and should not pass-through risk rooms (kitchen, living room and letting rooms). No requirement for fire doors*, but sound, well-constructed and close-fitting conventional doors are required. Alternatively, provide suitable escape windows from bedrooms and living rooms (see LACORS paragraph 14).</p> <p>Final exit doors must have a security lock that can be opened from the inside without a key.</p> <p>Bedroom doors must be provided with a lock that can be opened from the inside without a key.</p> <p>* Where construction standards are poor, travel distances are long or other higher risk factors are present, a 30-minute protected route may be required.</p>
Fire separation	No requirement for additional fire resistance, but walls and floors should be of sound, traditional construction. If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route is the ideal (see LACORS paragraph 19.6 regarding existing construction).
Fire detection and alarm system	<p><u>No floor greater than 200m² in area</u></p> <ul style="list-style-type: none"> Existing, new, or materially altered premise – two storey houses, bungalows, flats, single-storey units, and maisonettes with no floors above 4.5m from ground level - Grade D1, Category LD2 system* Existing, new, or materially altered premise – maisonettes with any floor above 4.5m from ground level - Grade D1, Category LD1 system* <p><u>One or more floor greater than 200m² in area</u></p> <ul style="list-style-type: none"> Existing, new, or materially altered premise – bungalows, flats, or single-storey units – Grade D1, Category LD2 system* Existing premise – two storey houses or maisonettes with no floor above 4.5m from ground level – Grade D1, Category LD2 system* Existing premise – maisonettes with any floor above 4.5m from ground level and no alternate means of escape – Grade D1, Category LD1 system* New or materially altered premise – two-storey houses and maisonettes with no floor above 4.5m from ground level – Grade A, Category LD2 system* New or materially altered premise – maisonettes with any floor above 4.5m from ground level – Grade A, Category LD1 system* <p>* Where cooking facilities are situated within the bedrooms:</p> <ul style="list-style-type: none"> Interlinked heat alarms to the communal system with integral tamper-proof standby supply battery back-up located in each bedroom; and Additional non-interlinked smoke alarm with integral tamper-proof standby supply battery back-up located in each bedroom. <p>Any shared house where there are more than 6 persons the fire detection and alarm systems shall comply with bedsit type HMO requirements.</p>
Lighting of escape routes	No requirement for emergency escape lighting, but conventional artificial lighting is required.
Fire-fighting equipment	Fire blanket to be provided in the kitchen.
Fire safety signs	No requirement unless the layout is complex**

Shared house of 3 or 4 storeys	Typically, where a group of non-related occupants, who are known to each other, occupy a property and are named as joint tenants on one tenancy agreement. Where rooms are lockable a thumb turn lock is to be provided.
Escape routes	<p>30-minute protected route is required*, including 30-minute fire-resisting construction and FD30** doors to all risk rooms (kitchen, living room and letting rooms).</p> <p>Final exit doors must have a security lock that can be opened from the inside without a key.</p> <p>Bedroom doors must be provided with a lock that can be opened from the inside without a key.</p> <p>Travel distance must not be excessive.</p> <p>* Three storey properties only: the ideal situation is for the escape route to be enclosed in 30-minute fire resisting construction and FD30 fire doors. However, in existing three-storey shared houses of low risk it may be possible to accept existing walls and partitions if 20-minute fire resistance can be achieved. This is likely to be met if walls and partitions are of sound, conventional construction. Sound lath and plaster construction should meet this requirement. Doors onto the escape route may be acceptable if they are sound, solid construction, are close fitting and self-closing.</p> <p>** FD30 fire doors include intumescent strips along with face fixed overhead closers (to be installed on letting rooms where a LD2 fire detection system is installed).</p>
Fire separation	No requirement for additional fire resistance, but walls and floors should be of sound, traditional construction. If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route is the ideal
Fire detection and alarm system	<p><u>No floor greater than 200m² in area</u></p> <ul style="list-style-type: none"> Existing, new, or materially altered premise – three storey house - Grade D1, Category LD2 system* Existing premise – four-storey house – Grade D1, Category LD1 system* New or materially altered premise – four-storey house - Grade A, Category LD1 system* <p><u>One or more floor greater than 200m² in area</u></p> <ul style="list-style-type: none"> Existing premise – three-storey house – Grade D1, Category LD2 system* New or materially altered premise – three-storey house – Grade A, Category LD2 system* Existing, new, or materially altered premise – four-storey house – Grade A, Category LD1 system* <p>* Where cooking facilities are situated within the bedrooms:</p> <ul style="list-style-type: none"> Interlinked heat alarms to the communal system with integral tamper-proof standby supply battery back-up located in each bedroom; and Additional non-interlinked smoke alarm with integral tamper-proof standby supply battery back-up located in each bedroom. <p>Any shared house where there are more than 6 persons the fire detection and alarm systems shall comply with bedsit type HMO requirements</p>
Lighting of escape routes	Emergency escape lighting required only if the route is long or complex** or where there is no effective borrowed light Conventional artificial lighting required
Fire-fighting equipment	Fire blanket to be provided in the kitchen
Fire safety signs	Signage only required if the escape route is complex**

Flats in multiple occupation

Any self-contained flat which is occupied by 3 or more persons who do not form a single household.

Single and two-storey	
Escape routes	<p>No requirement for full 30-minute protected route within flat*, but the escape route should have sound, traditional construction and should not pass-through risk rooms (kitchen, living room and bedrooms). Travel distance must not be excessive.</p> <p>No requirement for fire doors within flat, but sound, well-constructed and close-fitting conventional doors are required. FD30S** door to flat entrance door with thumb turn lock. In converted or purpose-built flats, 30-minute construction and fire doors are likely to be in place.</p> <p>* Where construction standards are poor, travel distances are long or other higher risk factors are present, a 30-minute protected route may be required and/or LD2 fire detection may be appropriate.</p> <p>** FD30S fire doors include intumescent and cold smoke seals along with face fixed overhead closers.</p>
Fire detection and alarm System	<p>Existing premises - Grade D1, LD2 system</p> <p>New or materially altered premises – Grade D1, LD1 system</p>
Lighting of escape routes	<p>Single Storey - no requirement for emergency lightening, but conventional artificial lighting is required.</p> <p>Two-Storey – conventional artificial lighting required. Emergency lighting may be required if there is no effective borrowed light.</p>
Firefighting equipment	Fire blanket to be provided in the shared kitchen.
Fire safety signs	No requirement.
Surface finishes & floor coverings	(See paragraph 28 – 29 of LACORS)
Management & maintenance of fire safety	(See paragraph 32 of LACORS)

Houses / buildings converted to self-contained flats

Houses or buildings converted into self-contained flats where the conversion did not (and does not) meet the building standards under the Building Regulations 1991 are deemed HMOs (s.257). Buildings that were converted to a standard meeting those regulations and which still meet them are not included here, as they will not require additional fire safety measures unless occupied in a manner other than intended under the original conversion scheme – for example, occupation of a flat as a flat in multiple occupation (which can be found above) or where an additional risk has been introduced post-conversion:

Two storey building converted into self-contained flats	
Escape routes	<p>30-minute protected route is required, including 30-minute fire-resisting construction and FD30S* doors to rooms opening onto communal escape route. No requirement for fire doors within flats, but sound, well-constructed and close-fitting conventional doors are required. Travel distance must not be excessive.</p> <p>It may be possible to accept an existing lower standard of protection in the protected route if there are suitable escape windows from bedrooms and living rooms.</p> <p>* FD30S fire doors include intumescent and cold smoke seals along with face fixed overhead closers.</p>
Fire separation	<p>30-minute fire separation between flats throughout units of accommodation throughout is the ideal, but on risk assessment there may be no requirement for additional fire-resisting separation between units providing walls and floors are of sound, traditional construction and additional compensatory detection is fitted.</p>
Fire detection and alarm System	<p>Mixed system*</p> <ul style="list-style-type: none"> • Grade D1, Category LD2 system in the common areas and a heat alarm in each flat in the room/lobby opening onto the escape route; and • Grade D1, Category LD2 system in each flat, separate to the communal system. <p>Subject to fire separation (above)</p> <p>* Where the fire risk assessment identifies higher than normal risk, the BS 5839: part 6, LD2 interpretation of “rooms or areas that present a high fire risk to occupants” may include living rooms, bedrooms, and kitchens within the flats, thereby providing automatic detection in these rooms in addition to the common parts and internal entrance hall/lobby within flats. Where this is the case, this additional detection would be an additional grade D system within the flat (i.e., a mixed system overall) to avoid whole-house false alarms.</p>
Lighting of escape routes	<p>Conventional artificial lighting is required.</p> <p>Emergency escape lighting is required if route is long or complex** or where there is no effective borrowed light.</p>
Firefighting equipment	<p>Fire blanket to be provided in each kitchen (recommended good practice).</p>
Fire safety signs	<p>No requirement.</p>
Surface finishes & floor coverings	<p>(See paragraph 28 – 29 of LACORS)</p>
Management & maintenance of fire safety	<p>The responsible person (the licensee, landlord or managing agent) has a duty to ensure that the day-to-day management of fire safety in the premises is properly undertaken and that essential routine maintenance and emergency repairs are properly carried out (see paragraph 32 of LACORS).</p>

Three to six storey building converted into self-contained flats (more than 4.5m above ground level)	
Escape routes	<p>Protected communal escape route is required, including 30-minute fire-resisting construction and FD30S* doors to rooms opening onto communal escape route. No requirement for fire doors within flats**, provided that no point in any habitable room is over 9m from the flat entrance door and that kitchen facilities are remote from the main entrance door, but sound, well-constructed and close-fitting conventional doors are required. If these conditions cannot be met, then a protected entrance*** hall is required serving all habitable rooms (not bathrooms or cupboards).</p> <p>Travel distance must not be excessive.</p> <p>* FD30S fire doors include intumescent and cold smoke seals along with face fixed overhead closers.</p> <p>** Five or six storeys - FD30 doors (self-closures are not required) are required to risk rooms within flats</p> <p>*** Protected entrance has 30-minutes fire resistant construction and FD30S fire doors.</p>
Fire separation	<p>30-minute fire resistance between flats throughout is the ideal, but on risk assessment there may be no requirement for additional fire-resisting separation between units providing walls and floors are of sound, traditional construction and additional compensatory detection is fitted*.</p> <p>* <u>Five or six storeys</u></p> <ul style="list-style-type: none"> • 30-minute fire separation between units of accommodation throughout. • 30-minute separation is required across the communal stairway between fourth and fifth floors and first and second floors.
Fire detection and alarm System	<p>Mixed system *</p> <ul style="list-style-type: none"> • Grade A, Category LD2 system in the common areas and a heat alarm in each flat in the room/lobby opening onto the escape route in accordance with British Standard 5839-1:2017 Category L2; and • Grade D1, Category LD2 system in each flat, separate to the communal system. <p>Subject to fire separation (above - applicable to 3 to 4 storeys only).</p> <p>* Where the fire risk assessment identifies higher than normal risk, the BS 5839: part 6, LD2 interpretation of “rooms or areas that present a high fire risk to occupants” may include living rooms, bedrooms, and kitchens within the flats, thereby providing automatic detection in these rooms in addition to the common parts and internal entrance hall/lobby within flats. Where this is the case, this additional detection would be an additional grade D system within the flat (i.e., a mixed system overall) to avoid whole-house false alarms.</p>
Lighting of escape routes	<p>Conventional artificial lighting is required.</p> <p>Emergency escape lighting is required if the route is long or complex** or where there is no effective borrowed light *</p> <p>* Five or six storeys - emergency Lighting is required</p>
Firefighting equipment	<p>Fire blanket to be provided in each kitchen (recommended best practice)</p>
Fire safety signs	<p>Final exit sign required and directional signage along escape route* if the escape route is complex**.</p> <p>* Five or six storeys - Directional signage along escape route is required.</p> <p>** Meaning of complex layout:</p> <ul style="list-style-type: none"> • There are any changes in direction in corridors, stairways and open spaces which form part of the escape route. • There are any areas where confusion may occur when exiting the building. • There are multiple escape routes. • There are any areas where confusion may occur when exiting the building.
Surface finishes & floor coverings	<p>(See paragraph 28 – 29 of LACORS)</p>

Management & maintenance of fire safety	The responsible person (the licensee, landlord or managing agent) has a duty to ensure that the day-to-day management of fire safety in the premises is properly undertaken and that essential routine maintenance and emergency repairs are properly carried out. (See paragraph 32 of LACORS)
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Testing and maintenance of alarm systems and fire safety measures

- Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standard 5838-6:2019+A1:2020.
- Grade D1 and D2 fire alarm systems should be tested at least monthly. All detectors must be cleaned at least annually. Testing and maintenance must be in accordance with the manufacturer's instructions. Landlords can self-certify this has been completed.
- Grade A fire alarm systems should be tested weekly. The system must be inspected and serviced at periods not exceeding six months in accordance with the recommendations of BS 5839-1:2017. An inspection and servicing certificate of the type contained in BS 5839-1:2017 should be issued by a suitably qualified and competent person.
- All emergency lighting systems must be tested monthly. The test is a short functional test in accordance with BS EN 50172 / BS 5266-8. The period of simulated failure should be sufficient for the purpose of this test while minimising damage to the system components, e.g., lamps. During this period, all luminaires and signs shall be checked to ensure that they are present, clean, and functioning correctly. A test for the full rated duration of the emergency lights (e.g., 3 hours) must be carried out annually. The emergency lights must still be working at the end of this test. The result of the monthly and annual tests must be recorded and, if failures are detected, these must be remedied as soon as possible.
- The Fire Service discourages the provision of fire extinguishers except in premises with full time onsite staff who are trained in their use. The emphasis is on escape from danger rather than fighting a fire. Where fire extinguishers are provided, they must be serviced or replaced annually, and a record of date of servicing or replacement attached to the equipment.
- Fire blankets shall be provided in kitchens to enable fires on hobs to be tackled before they get out of hand. They should be prominently mounted on the wall away from the hob and advice on their use should be prominently displayed nearby.

Logbooks

Where a Grade A system is installed, a logbook needs to be kept recording all events that occur in respect to the fire alarm system. This includes fire signals, fault signals and include any works on the system. The logbook needs to be accessible to all interested parties. The following information should be recorded in a logbook:

- The name of those persons delegated as responsible for the fire detection and fire alarm system,
- Brief details of maintenance arrangements,
- Dates and times of all fire alarm signals (regardless of whether the signal is a false alarm or is initiated as the result of a test, fire drill or genuine fire); if the fire alarm signal has resulted from the operation of a manual call point or fire detector, the device and its location should be recorded,
- Causes, circumstances surrounding and category of all false alarms,
- Dates, times and types of all tests, faults, and defects,
- Dates and types of all maintenance (e.g., service visit or non-routine attention).

Where the property is a licenced HMO, and has a Grade D1 system installed, the licence holder shall keep a logbook detailing safety checks, testing, and servicing of the communal fire detection system.

The Furniture and Furnishings (Fire) (Safety) Regulations 1998

A landlord must ensure that where furniture is provided, it is fire resistant, and complies with this regulation. Failure to comply is a criminal offence and is enforceable by the local Trading Standards department. Landlords can be fined up to £5,000 and imprisoned for six months.

Items includes beds, headboards, mattresses, sofas, cushions, pillows, etc. Furniture that complies with the regulation should display a permanent label indicating fire resistance. This label should be displayed on both new and second-hand furniture.

Amenity Standards

These standards enable landlords and managing agents to identify what amenity provision and living space is required in a HMO for any given number of occupants.

Letting room sizes

As of the 1 October 2018 bedroom sizes were regulated in all licensable HMOs by The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. The regulations set out the following minimum room sizes:

- 10.22m² for two persons aged over 10 years.
- 6.51m² for one person aged over 10 years.
- 4.64m² for one child under the age of ten years.
- Any room of less than 4.64m² must not be used as sleeping accommodation. A HMO licence holder will need to notify the Council of any room in the HMO with a floor area of less than 4.64m².
- Any floor area, within a room in where the ceiling height is less than 1.5 m, cannot be used within the minimum room size calculation.

Kitchens for shared use

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 - Statutory Instrument 373 requires:

Location

Ideally, a shared kitchen should not be more than one floor's distance (suitably located) from any unit of accommodation it serves. It is, however, acceptable for a kitchen to be a maximum of three floors distant where there is a furnished dining room adjacent or within the kitchen. Each shared kitchen shall comprise as a minimum:

Cooking

Sufficient and suitably located cooking appliances, to enable tenants to cook food safely and hygienically and to minimise waiting time, when more than one person wishes to cook food at the same time. In particular:

- For every 5 persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.
- For up to and including 7 persons a combination microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop may be provided in place of an additional conventional cooker.
- For 8 to 10 persons there must always be at least 2 conventional cookers and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold-water supply and draining board.
- For up to and including 7 persons a double bowl sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable for up to and including 7 persons.
- For 8 to 10 persons there must always be at least two standard sinks and for 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

Food preparation

There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically:

- A 0.5 metre run of work surface for each user will generally be sufficient although minor variations of up to 20 per cent shortfall may be acceptable provided there is still a good practical working area.
- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.
- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons. This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

Food storage

Shared kitchens within bedsit type accommodation should not generally be used for communal food storage purposes (either refrigerated or dry food storage) where this leads to conflict between residents:

- Lockable food cupboards (a minimum 500mm wide wall or base unit per person) and refrigerators (0.075m³ (one shelf)) can be considered although providing them in each unit of accommodation will be preferable if there is space to do so where problems do arise. Your fire risk assessment should take this into consideration when considering any fire safety requirements.
- Any refrigerator within the individual unit of accommodation must be of sufficient size to store an average person's dietary requirements on a day-to-day basis. A freezer compartment is desirable but not essential within a single person bedsit room.

Ventilation

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

Personal washing facilities / toilets

Baths and showers

For bedsit type accommodation where all or some of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located bathrooms to enable those facilities to be used on a shared basis. Either a bath or shower is suitable for this purpose.

- Any shower must be provided with a constant supply of hot water.
- There must be a shower or bath on a ratio of one bath or shower to every 5 persons.
- Facilities must be provided not more than two floor distant (suitably located) from letting rooms. They should also be accessible from a common area.

Toilet facilities

Toilet facilities should be provided not more than one floor distant from any user on a ratio of at least:

- One WC per 5 persons where the WC is separate from the bathroom (and is accessible from a communal area without going through the bathroom).
- One full suite per 4 persons where the WC is located within the bathroom.
- Facilities must be provided not more than one floor distant (suitably located) from letting rooms. They should also be accessible from a common area.

Sanitary provisions

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

Number of persons	Full Suite	Bath/Shower Only	Separate WC
4 or less	1		
5	1		1
5		1	1
6-8	2		
9	1	1	1
9-10	2		1
11-12	3		
13-15	3		1
16	4		
17-20	4		1

Wash hand basins

Where some, or all the units of accommodation do not contain wash hand basins, for the exclusive use of the individual unit, there must be a ratio of 1 for every 5 persons sharing.

Shared wash hand basins may be located within shared bathrooms, WCs, or other suitable room however all rooms containing a WC must also be provided with a wash hand basin.

Lighting and electrical

All parts of the property shall be provided with artificial lighting.

Any room that is used as a bedroom or living room must contain a minimum of 4 sockets which are provided electricity direct from the ring main. An Electrical Installation Condition Report (EICR) on the electrics shall be carried out every five years as required by the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Ventilation

Adequate ventilation is important in minimising the hazards and harm outcomes associated with damp and mould, excess heat, carbon monoxide and other fuel combustion products.

Every room used for living and accommodation must be provided with adequate ventilation. This can be either mechanical or passive ventilation.

Heating

Each unit of accommodation in a HMO must be equipped with adequate means of space heating. Where heating is provided to communal rooms or areas this cost should be met by the general rental or energy charges rather than via a pre-payment meter.

All bedrooms, hallways and WCs shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18 degrees centigrade. Bathrooms, living and dining rooms at 21 degrees centigrade, and kitchens at 20 degrees centigrade. The heating should be efficient, safely designed and be sited / guarded as to minimise the

risks to health and safety. Any such appliances shall be maintained by a competent person. Any electric heating, where provided, must be hard wired into the electrical installation.

All forms of heating must be always controllable by the occupants. Paraffin, LPG heaters and freestanding plug-in electric heaters are not acceptable.

Any bathroom, whether for shared or exclusive use must also be provided with suitable heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

Proper provision for space heating is important. In addition to maintaining a comfortable temperature for the tenants, good heating will also reduce the maintenance and redecoration needed where condensation forms and leads to mould growth. Therefore, good heating is also likely to protect the structure of the building.

Requirements for central heating systems

A radiator in each bedroom should be fitted with a thermostatic radiator valve (TRV) so the occupant can control the temperature of the radiator without the need to adjust the central controls. One radiator in the system should be left without a thermostatic valve (normally in a bathroom).

Requirements for electric storage heaters

Electric storage heaters are to be fixed to the electrical installation and capable of being run on economy tariffs with minimum standards of auto-charge control in accordance with Building Regulations Part L1 and manual backup. A reasonable proportion of the heating should be provided at off-peak rates: a target of 90% is recommended. Time controls and automatic input and output charge controls, with an internal or external temperature sensor (which is used to set the amount of heat to be stored automatically) should be provided.

Prepayment meters

Where lettings are on an inclusive basis and gas and electricity are supplied by the landlord, the use of prepayment meters are discouraged, but where they are used, there must be a robust arrangement in place to ensure that the supplies of gas and electricity are always maintained without requiring tenants to contact the landlord to arrange for the "topping up" of meters.

Re-sale of gas and electricity to tenants

The practice of charging tenants separately for their use of gas and electricity, usually through individual meters is not encouraged, but where it does occur is restricted to the maximum resale price.

Waste management and recycling

Management of Houses in Multiple Occupation (England) Regulations 2006 require landlords to provide adequate bins for the storage of refuse, having regard to the disposal services provided by the Local Authority. These Regulations also require landlords to arrange for the disposal and storage of waste, as necessary, to comply with the service provided by the local authority.

For further information on waste and recycling go to:

www.fenland.gov.uk/newbins and

www.fenland.gov.uk/media/15159/HMO-Waste-Service-Standards/pdf/Waste_Services_Standards.pdf

Please contact the Private Sector Housing Team if you have any questions or you need to discuss any variations from the standards that may be appropriate for a particular HMO perhaps due to internal layout or long distances to the nearest exit.

Licensing

As of October 2018, the licensing criteria of Mandatory HMOs was amended. The number of storeys was removed, meaning that any rental property housing 5 or more persons, forming two or more separate households, who share at least one facility and using the property as their main residence, is required to be licensed.

The licence

Where a licence is granted by a Local Authority, it is linked to the property, not the owner. However, when the name of the owner is amended on the Land Registry deeds, the licence cannot be transferred into the new owner's name; a new licence application is required.

The licence holder and the person who manages the property will have to be considered 'fit and proper' in order for a licence to be granted.

The licence holder

The landlord can hold the licence or nominate someone else, such as a manager or agent, to be the licence holder. Whoever holds a licence must be the person who is most appropriate to hold the licence.

How licensing works

Anyone who owns or manages a HMO, that is required to be licensed, has to apply to the Council for a licence. The Council will grant a licence if it is satisfied that:

- The HMO is suitable for occupation by the number of people allowed under the licence,
- The proposed licence holder is a 'fit and proper' person,
- The proposed licence holder is the most appropriate person to hold the licence,
- The proposed manager if there is one, is a 'fit and proper' person,
- The proposed management arrangements are satisfactory,
- The person involved in the management of the HMO is competent,
- Whether any person proposed to be involved in the management of the house (other than the manager) is a 'fit and proper' person, and
- The financial structures for the management are suitable.

The meaning of 'fit and proper' person

In deciding whether someone is 'fit and proper', the Council must consider:

- Any previous convictions relating to violence, sexual offences, drugs, and fraud,
- Whether the proposed licence holder has broken any laws relating to housing, landlord and tenant issues, and
- Whether the person has previously managed HMOs which have broken any approved Code of Practice.

Details of the application process, including how to apply for a HMO licence from Fenland District Council can be found at: www.fenland.gov.uk/HMO

Pre-licensing application advice

The Housing Team offers a HMO licence pre-application property inspection service at an hourly rate fee. Please refer to the Council's Charging & Fee policy at www.fenland.gov.uk/finance.

Should you wish to arrange an inspection, please contact the Private Sector Housing Team on 01354 654321 or email hmolicensing@fenland.gov.uk for further information.

Council's refusal to licence a property

The Council can refuse to license a property if it does not meet the standards above, or the landlord is not deemed to be 'fit and proper'. We will endeavour to work with landlords who apply for a licence where the property may not meet the required standards.

Appeal process

You may appeal if the Council decides:

- To refuse a licence,
- To grant a licence with conditions,
- To revoke a licence,
- To vary a licence, and
- To refuse to vary a licence.

You can contact the Council who will advise you of the procedure involved to submit an appeal to the First-tier Tribunal.

There are a number of consequences for landlords and agents who do not comply with this legislation, which include, but are not exhaustive to:

- Being registered on the National Rogue Landlords Register,
- Being unable to operate as a rental manager in England & Wales,
- Being unable to legally evict a tenant,
- Receiving an unlimited fine from the court, and
- Receiving a Civil Penalty of up to £30,000.

Exemptions

The Housing Act 2004, Section 61, requires every HMO meeting the criteria of the Act to be licensed unless there is in force a Temporary Exemption Notice (TEN), or an interim or final management order.

Schedule 14 of the Act also provides a list of buildings which are not considered to be HMOs for any purpose of the Act, except for matters relating to the condition of the building assessed under the Housing Health and Safety Rating System (Part 1):

- Buildings where 2 people who share and form 2 households,
- Buildings occupied by students,
- Buildings occupied entirely by freeholders or long leaseholders (over 21 years),
- Buildings managed or owned by a public body i.e., the police, NHS, fire authority, a local housing authority, a non-profit registered provider of social housing, a body registered as a social landlord,
- Buildings occupied principally for the purposes of a religious community,
- Certain buildings that are controlled or managed by a co-operative society, and
- Buildings regulated otherwise such as bail hostels or care homes.

Temporary exemption from licensing

If a landlord or a person in control of a property intends to stop operating a licensed HMO or wants to reduce the numbers of occupants, rendering it no longer licensable, and can give clear evidence of this, then he or she is at liberty to apply for a Temporary Exemption Notice (TEN). A TEN can be in force initially for 3 months, with a further 3 months being considered at a further application to the Council. Landlords will need to provide evidence that the property does not require a licence but cannot request a TEN in order to avoid licensing.

Unlicensed HMOs

It is a criminal offence to be a person having control of or managing a licensable HMO without applying for licence or a temporary exemption. Failure to apply for a licence is a criminal offence and can result in an unlimited fine if a prosecution is sought. Alternatively, the Council can issue a Civil Penalty up to a maximum of £30,000 as an alternative to prosecution. More information can be found on Fenland District Council's Housing Enforcement Policy at www.fenland.gov.uk. If a landlord is found to be operating a licensable HMO without a licence, rent from housing benefits, or rent paid by tenants themselves can also be reclaimed under a "Rent Repayment Order". In addition, a notice under section 21 cannot be served on an assured short-hold tenant of an unlicensed property that should be licensed.

Inspections

The Council wants to reduce the burden on landlords when making an application for a HMO licence. All such applications can be made online (although a paper application can be requested) and advice is readily available via our website, or by contacting the Private Sector Housing Team at privatesectorhousing@fenland.gov.uk.

The Council carries out inspections of HMOs:

- When it receives information that a property may be unsafe or in disrepair,
- When it has received a report that relevant housing law is being broken,
- When an application has been received for a HMO licence,
- As part of its proactive program of HMO inspections whether licensed or not,
- When it suspects a property is in HMO use, or
- At the landlord's request for a property health inspection (chargeable service).

The Council does not have to give any prior notification of any visit to a HMO or one suspected of being a HMO.

Planning Guidance

The Town and Country Planning (General Permitted Development) Order 1995 (SI 418) grants what are called “permitted development rights”. Permitted development rights are a right to make changes to a building without the need to apply for planning permission. Under this order planning permission is not needed for changes in use of buildings within each class and for certain changes of use between some of the classes.

A table on the Government’s Planning Portal website sets out which changes of use between classes are permitted: www.planningportal.gov.uk/permission/commonprojects/changeofuse

Not every use of building is put into a use class under this legislation and is classed as ‘Sui Generis’. Being sui generis or not falling with the permitted class use change does not preclude a change of use it just means that a planning application must be made so that the Local Planning Authority can consider the implications in detail. No prior approval can be made without the submission of a full planning application and each application is dealt with on its own merit.

Class C3 – dwelling-houses – this class is formed of 3 parts:

C3(a): covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), carers, the person receiving the care, a foster parent and foster children.

C3(b): covers up to 6 people living together as a single household and receiving care e.g., supported housing schemes such as those for people with learning disabilities or mental health problems.

C3(c) allows for groups of people (up to 6) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e., a small religious community may fall into this section as could a homeowner who is living with a lodger.

Class C4 – Houses in Multiple Occupation

Class C4: gives small, shared houses occupied by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as kitchen or bathroom. Planning permission is not needed when both the present and proposed uses fall within the same ‘class’, or if the Town and Country Planning (Use Classes) Order says that a change of class is permitted to another specified class. This means in relation to a HMO that a change of use between Classes C3a, b, c and Class 4 does not require planning permission.

However, HMO management would not be expected to be the same for a single-family unit. This means that if a landlord or agent allows house occupants of a HMO to sublet their rooms, bring in another tenant or let another person (related or not) live in the property (free or otherwise) that causes an increase to the occupation over the ‘permitted’ allowance the landowner will be responsible for the breach of planning control under planning law and to rectify the breach.

Sui Generis – large HMOs over 6 occupants

HMOs with over 6 occupants will require ‘Sui Generis’ permission.

Breaches of planning control

A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:

- The carrying out of development without the required planning permission, or
- Failing to comply with any condition or limitation subject to which planning permission has been granted.

Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the Town and Country Planning (General Permitted Development) Order 2015, constitutes a breach of planning control against which enforcement action may be taken. Under planning remit the onus of planning control falls to the landowner and any third-party issue remains a civil matter between the landowner and the third party.

Permitted rights of entry

Local planning authorities can authorise named officers to enter land specifically for enforcement purposes (Sections 196A, 196B and Section 196C of the Town and Country Planning Act 1990). This right is limited to what is regarded as essential, in the circumstances, for effective enforcement of planning control.

Building control

Building regulations apply to a wide range of works relating to converting a building to HMO use. These include the installing of new kitchen and bathroom facilities, new doors and windows, and fire and sound insulation between units of accommodation, upgrading/renewing electrical wiring, and upgrading/renewing certain heating systems.

When arranging works you should check that your contractor is operating under an approved industry scheme or apply for the correct approval under the Building Regulations.

You can access further information and advice on the Fenland District Council website at:

www.fenland.gov.uk/planningandbuilding

Appendix

Legislation

[Housing Act 2004](#)

[Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)

[The Licensing and Management of Houses in Multiple Occupation and other houses \(Miscellaneous Provisions\) \(England\) Regulations 2006](#)

[The Houses in Multiple Occupation \(Certain Blocks of Flats\) \(Modification of the Housing Act 2004 and Transitional provisions for section 257 HMOs\) \(England\) Regulations 2007](#)

[The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#)

[The Energy Performance of Buildings \(Certificates and Inspections\) \(England and Wales\) Regulations 2007](#)

[The Energy Efficiency \(Private Rented Property\) \(England and Wales\) Regulations 2015](#)

[Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988 and the Furniture and Furnishings \(Fire\) \(Safety\) Amendment\) Regulations 1993](#)

[The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)

Other useful links

[Fenland District Council Housing Enforcement Policy](#)

[Housing Fire Safety - LACORS](#)

[Fire Safety Risk Assessment – Sleeping Accommodation](#)

[Housing Health and Safety Rating System Guidance](#)

[Housing Health and Safety Rating System Enforcement Guidance](#)

[Housing Health and Safety Rating System Guidance for Landlords and Property Related Professionals](#)

[Landlords Guide to Electrical Safety](#)

[Domestic private rented property: minimum energy efficiency standard - landlord guidance](#)

[Energy Performance Certificates – Guide for Landlords](#)

[Electrical Safety Council](#)