

# Licensing of Houses in Multiple Occupation (HMOs) in Middlesbrough

Guidance on accommodation standards



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## **Section 1: General Information**

This guide gives all the information you need to understand about Middlesbrough Council's Houses in Multiple Occupation (HMOs) licensing scheme and how to make a licence application.

The Council aims to use HMO licensing to ensure that all multi occupied properties are well managed and landlords are aware of their responsibilities, including having arrangements in place to deal with general tenancy issues and anti-social behaviour related to their properties. Properties must be suitable for the number of occupants and meet all relevant health, safety and housing standards.

The Housing Act 2004 introduced mandatory licensing of high risk HMOs. The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 requires dwellings that are occupied by five or more unrelated people or two or more families sharing facilities, such as the kitchen and bathrooms, must be licensed by the local authority.

Planning permission to use a property as an HMO may be required. Further details are available from Middlesbrough Council's Planning and Development Services.

### **What is a licensed HMO?**

At its simplest, a licensable HMO is a building or part of a building that is occupied by five or more people from two or more households (unrelated families) who share facilities, and the property meets the tests prescribed under sections 254 (2), (3), and (4) of the Housing Act 2004

### **What happens if you don't have a licence?**

Failure to apply for a licence may result in landlords and managing agents being issued with a civil penalty notice or face prosecution. The Council can also take control of unlicensed properties using Interim Management Orders and can apply to recover all benefits and rent paid over the last 12 months.

Section 21 possession proceedings, which allow landlords to regain possession of a property, cannot be taken whilst the property is not licensed.

### **Licence details and conditions**

Licences will be issued subject to conditions to meet local and national standards. We are required to consult all relevant parties about the conditions of the licence. You are allowed a period of representation about the licence conditions, during which any concerns can be considered.

Where agreement on conditions cannot be reached, the licence will be issued and you will have the opportunity to make an appeal to a 1<sup>st</sup> tier Property Tribunal. Your rights of appeal will be detailed with the issue of the licence.

Details of your licence will be published on a public register that the Council is obliged by law to keep.

An HMO licence is not transferable. Where a property changes ownership the new landlord must make an application for a licence. No repayment of the licence fee will be made for any un-expired period of the licence and a full fee will be required from the new applicant.

If a licence holder dies during the period of the licence, the licence ceases to be in force from the date of death. For 3 months from the date of death the house will be treated as if a Temporary Exemption Notice (TEN) has been served. At any time during the 3 months a formal application may be made for a TEN. The TEN will be valid for a period of 3 months and will take effect after the initial 3 months ends.

Where a licence holder wishes to alter the terms of their licence, for example there is a change in manager details or a change in occupancy levels, they may apply for a Variation to the Licence. There is no fee for this.

Where a licence holder intends to reduce the occupancy level to 4 persons to avoid licensing, they may apply for a Temporary Exemption Notice (TEN). A TEN is valid for up to 3 months and will be recorded on a public register. In exceptional circumstances a TEN may be renewed for a second period of 3 months.

If there is gas to the house a copy of the current gas safety certificate, or in the case of a new installation the commissioning certificate, is required to accompany the application.

It is a criminal offence to make a false statement in an application, or to fail to comply with any licence condition, or to permit the property to be occupied by more than the permitted number of persons/households.

## **Section 2: Prescribed Standards in HMOs**

### **1. Heating**

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

Heating should be provided in every habitable room and bathroom which is capable of maintaining a 20 degrees Celsius (°C) temperature difference with the external air when the outside temperature is -1°C. (The provision of insulation can assist in meeting this standard.)

Such heating provision must be capable of being used at any time.

Heating may be by means of Central Heating, Gas heaters connected to a suitable flue or terminal outlet, Oil heaters connected to a suitable flue and terminal outlet. Any electrical heater should be a fixed installation and connected via a fused spur for the sole use of the appliance.

The use of portable paraffin or oil fires heaters and liquefied petroleum gas heaters (LPG) (Bottled Gas heaters) shall not be acceptable under any circumstances. Portable or removable heating appliances will not be acceptable.

### **2. Washing facilities**

- 2.1 Where all or some of the units of living accommodation in an 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 unit other than a unit in which a sink has been provided

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.

2.2 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.

Hot water may be provided by any of the following methods:

- (a) Piped from boiler and storage
- (b) Immersion heater
- (c) Fixed gas appliance e.g. multipoint
- (d) Instantaneous electric heaters (only to wash hand basins and electric showers) having a minimum rating of 6KW.

2.3 All bathrooms in an HMO must be suitably and adequately heated and ventilated.

2.4 All bathrooms and toilets in an HMO must be of an adequate size and layout.

2.5 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

2.6 All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO needs to be suitably located.

<b>Guidance for amenity provisions in relation to number of persons</b>	
1-5 persons	No requirement for wash hand basins in sleeping rooms At least 1 bathroom and 1 WC (the bathroom and WC may be combined) WHB not required in bedrooms
6-10 persons	2 bathrooms AND 2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms)
11-15 persons	1 x WHB required in each sleeping room plus 3 bathrooms AND 3 separate WCs with WHBs (but two of the WC's can be contained within 2 of the bathrooms)

### **3. Shared Kitchen Facilities**

3.1 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 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 the purpose and supplied in a sufficient quantity for the number of those sharing the facilities-

- (i) Sinks with draining boards;

Sinks shall be at a ratio of one sink for 5 persons. Where 6 persons occupy a house, the provision of a double-bowled sink, or a dishwasher (in addition to a sink) may be treated as meeting this standard where the Council considers that such provision adequately meets the occupiers' needs.

- (ii) An adequate supply of cold and constant hot water to each sink supplied;

Hot water may be provided by any of the following methods:

- (a) Piped from boiler and storage
- (b) Immersion heater
- (c) Fixed gas appliance e.g. multipoint

(iii) Installations or equipment for the cooking of food;

Kitchens shall be equipped with cookers with a minimum of 4 rings, a standard sized oven and grill. They shall usually be provided at a ratio of one per 5 persons sharing the kitchen. Where an HMO is occupied by 6 persons the provision of a cooker with more than 4 rings and more than one oven, or a combination microwave oven (in addition to a cooker with 4 rings, an oven and a grill) may be treated as meeting this standard where the Council considers such provision adequately meets the occupiers needs.

(iv) Electrical sockets;

In addition to sockets provided for appliances required by these standards, a minimum of 2 double sockets should be provided and located in a safe and accessible position above worktop height. Sockets should be provided at a ratio of one double socket for every two persons using the kitchen to a maximum of four double sockets

(v) Worktops for the preparation of food;

Worktops shall be a minimum of 500mm depth and a length of 2m per 5 persons using the kitchen, in addition to any work surface taken by an appliance, sink unit or cooker required to satisfy the standards set out at paragraphs 3.1 (b)(i) and (iii) above.

A suitable splash back should be provided to any work surface that abuts a wall.

All worktops should be capable of being readily cleaned and should be securely fixed.

(vi) Cupboards for the storage of food or kitchen and cooking utensils;

Each household shall be provided with an adequately sized cupboard for the storage of food and kitchen utensils, having a capacity of not less than 0.3m<sup>3</sup> (4ft). This may be located either in the kitchen or unit of accommodation. Cupboards sited in the kitchen should be lockable. The space located below the sink should not be treated as a food cupboard for the purpose of this standard.

(vii) Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, separate freezers), and of sufficient capacity to meet the reasonable needs of the users should be provided.

(viii) Appropriate refuse disposal facilities: and

(ix) Appropriate extractor fans, fire blankets and fire doors.

3.2 Where the landlord provides all meals, some self-catering facilities will need to be provided. The Council will consider the circumstances of the case and decide the self-catering services that are required to adequately meet the occupier's needs.

#### **4. Facilities for Storage, Preparation and Cooking of Food - Units of living accommodation without shared basic amenities**

4.1 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;

The minimum requirement is two rings/hot plates together with a minimum of 28 litre oven and grill. For occupancies of two persons the requirement is three rings/hot plates together with a minimum of 28 litre oven and grill. For occupancies of three or more persons a full size cooker is required.

- (b) A sink with an adequate supply of cold and constant hot water;

Hot water may be provided by being piped from boiler and storage, immersion heater, or fixed gas appliance e.g. multipoint

- (c) A work top for the preparation of food;

A suitable work surface a minimum of 0.5m deep and a length of 0.5m plus 0.5m per person using the facility shall be provided.

- (d) Sufficient electrical sockets;

In addition to sockets provided for appliances required by these standards, a minimum of one double socket should be provided and located in a safe and accessible position above worktop height. Sockets should be provided at a ratio of one double socket for every two persons using the kitchen to a maximum of four double sockets.

- (e) A cupboard for the storage of kitchen utensils and crockery; and

An adequately sized cupboard for the storage of food and kitchen utensils should be provided. The space located below the sink should not be treated as a food cupboard for the purpose of this standard.

- (f) A refrigerator.

An adequately sized refrigerator with freezer compartment should be provided.

Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out 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 unit either within the living accommodation, or, within reasonable proximity to the living accommodation [reasonable proximity to the living accommodation shall mean no more than one floor distant from the living accommodation.]

#### **5. Fire Safety**

5.1 Appropriate fire precautions, facilities and equipment must be provided of such type, number and location as is considered necessary.

As individual properties vary in size, layout, tenant numbers and type of tenant, specific guidance is not offered relating to fire precautions. Consideration must however be given to the provision of

- A protected means of escape route,
- Smoke detection system
- Fire alarm system
- Emergency lighting
- Means for fighting a fire (fire blankets and extinguishers)
- Fire signage
- Fire awareness training for tenants
- Register of alarm system checks
- Maintenance of alarms and fire-fighting equipment

## **6. Natural Lighting**

- 6.1 All habitable rooms shall be provided with an area of clear glazing situated in either window and/or a door, equivalent to at least  $\frac{1}{10}$ th of the floor area of the room.
- 6.2 All kitchens, bathrooms and water closet compartments shall comply with 6.1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Paragraph 7. All glazing to windows in bathrooms and water closet compartments shall be obscure.
- 6.3 Underground rooms used as habitable rooms shall comply with 6.1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Paragraph 7.
- 6.4 All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Paragraph 7.

## **7. Artificial Lighting**

- 7.1 All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity.
- 7.2 Time switches should only be allowed to common landings, passages and staircases and should stay on for an adequate time to allow a person to climb stairs and enter a room.
- 7.3 There should be sufficient switches to operate the artificial lighting on each landing; corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

## **8. Ventilation**

- 8.1 All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least  $\frac{1}{20}$ th of the floor area of the room. Neither an openable door giving access directly to the external air nor a louvered opening in such a door will be acceptable for the purpose of this requirement.
- 8.2 All kitchens, bathrooms and water closet compartments shall comply with 8.1 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 15 minutes and be connected to the lighting circuit of the room.





## Two or more person units of accommodation

One-room units: 20m<sup>2</sup> (not normally suitable for two or more persons).

Two or more roomed units:

- Each kitchen - 7m<sup>2</sup>
- Each living/kitchen - 15m<sup>2</sup>
- Each living room - 12m<sup>2</sup>
- Each living/bedroom - 14m<sup>2</sup>
- Each bedroom - 10m<sup>2</sup>

**Category B:** Houses occupied on a shared basis. These would normally be occupied by members of a defined social group e.g. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.

## One-person units of accommodation

Each bedroom: 10m<sup>2</sup> except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 6.5m<sup>2</sup>

## Two person units of accommodation

Each bedroom: 15m<sup>2</sup> except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 11m<sup>2</sup>

## Common rooms

Kitchens:	used by 1-5 persons	7m <sup>2</sup>
	used by 6-10 persons	10m <sup>2</sup>
	used by 11-15 persons	13.5m <sup>2</sup>
	used by 16+ persons	16.5m <sup>2</sup>

Dining/Kitchens:	used by 1-5 persons	11.5m <sup>2</sup>
	used by 6-10 persons	19.5m <sup>2</sup>
	used by 11-15 persons	24m <sup>2</sup>
	used by 16+ persons	29m <sup>2</sup>

Living Rooms and Dining Rooms:	used by 1-5 persons	11m <sup>2</sup>
	used by 6-10 persons	16.5m <sup>2</sup>
	used by 11-15 persons	21.5m <sup>2</sup>
	used by 16+ persons	25m <sup>2</sup>

**Category C:** Hostels, guesthouses and bed-and-breakfast hotels, or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels, which provide accommodation for temporary visitors to an area. This category would include establishments used by local authorities to house homeless families pending permanent placement and similar establishments, which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis, and hotels housing a mixture of homeless households and visitors.

## **Bedrooms**

Persons should not be expected to share a sleeping room unless there is a bona fide relationship.  
E.g. Family relation.

All bedrooms to be as follows:	used by 1 person	8.5m <sup>2</sup>
	used by 2 persons	11m <sup>2</sup>
	used by 3 persons	15m <sup>2</sup>

For each additional person above 3 persons there should be an additional 4.5m<sup>2</sup> of floor area.

## **Lounge**

A minimum provision of 3m<sup>2</sup> per person will be required.

## **Dining**

A minimum provision of 2m<sup>2</sup> per person will be required.

## **Combined Lounge/Dining areas**

A provision of 4m<sup>2</sup> per person will be deemed to be adequate if the floor areas of lounge and dining rooms are combined.

## **Kitchen**

Where food is provided, such as breakfast, snacks or other meals, the HMO must be registered as a food business with Middlesbrough Council and comply with relevant food hygiene laws. The kitchen facilities and food provision would be subject to a food hygiene inspection, which is separate from the HMO licensing process. Contact the Public Protection Service on 01642 726001, email [EHTS@middlesbrough.gov.uk](mailto:EHTS@middlesbrough.gov.uk) or visit [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk) for further information.