



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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## Non Licensable Houses in Multiple Occupation

### A Guide to Standards

To discuss any of the contents in this guide or to order another copy please contact us at either

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*This document is for general guidance only and is not to be taken as definitive. You should consult with the Council about specific properties.*

# **SECTION I**

## **DEFINITION OF A HOUSE IN MULTIPLE OCCUPATION**

Houses that are occupied by people who do not live as a single household are known as Houses in Multiple Occupation (HMOs). This guidance provides for a minimum standard for non-licensed HMOs and also licensed HMOs (see section 5) unless there is a prescribed alternative standard. Examples of HMO properties are:

### **Bedsits**

Houses occupied as individual rooms, bedsits and flatlets that are considered to have a number of rooms for exclusive occupation, with some sharing of amenities such as a bathroom and/or a kitchen. In such a property each household lives independently of all others.

### **Shared Houses and Lodgings**

Properties occupied on a shared basis by a defined group, such as students or professionals. The occupants might live as a single household for some activities but individually for others. This includes properties let in lodgings including catering for lodgers on a small scale. To be classed as lodgings there would normally be a resident owner or a family member connected to that owner.

### **Employment/Educational Accommodation**

This accommodation has some shared facilities and is provided as part of the employment or education of the tenants. The accommodation is made available through their employer or in connection with a recognised educational establishment.

### **Shared Emergency Accommodation for Homeless Persons**

Houses generally referred to as “hostels”, “guest houses” or “bed and breakfast hotels” or the like. They will provide accommodation for people with no other permanent place of residence and do not include hotels that provide accommodation for temporary visitors only to an area. Some meals may be provided. This would include establishments used by local authorities to house homeless families pending permanent placement and

similar establishments that 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.

### **Residential Care Homes and similar Establishments**

Under the Care Standards Act 2000, where personal care is provided, the premises are subject to inspection and regulation by the Care Quality Commission (CQC). Care homes can still be subject to regulation as HMOs.

### **Self Contained Flats**

Houses fully converted into self contained flats will usually not be HMOs as long as they were converted following “appropriate” Building Regulation Standards. As a minimum this will be the 1991 Building Regulations. An individual dwelling within the property may itself be a flat in multiple occupation.

HMOs have been found to provide some of the worst housing conditions for example, disrepair, inadequate means of escape in case of fire, inadequate fire precautions and a lack of basic amenities.

## **SECTION 2**

# **MEANS OF ESCAPE FROM FIRE AND OTHER FIRE PRECAUTIONS**

### **Do all HMOs require means of escape?**

Yes. The risk of being killed or injured by fire has been estimated to be ten times as likely in an HMO than in a house occupied by a single household. The local authority therefore requires that means of escape and adequate fire precautions are provided in accordance with the relevant legislation and guidance provided by the Department for Communities and Local Government.

### **What works are required?**

The works that are required vary according to the size and layout of the property, the category of HMO and the number and type of occupants accommodated. It is therefore essential that the local authority is always consulted prior to carrying out works. In the first instance contact Environmental and Regulatory Services (ERS) for more detailed information and advice. Permissions from other sections, such as Listed Building, Planning, and Building Control etc. may also be required.

Adequate means of escape must be provided within the house to enable all occupants to leave the property safely in the event of a fire. This is achieved by providing structural protection to prevent the spread of fire and the products of combustion to occupancies and escape routes, and to ensure that occupants are given adequate warning of a fire in time to escape before escape routes become impassable.

## **GENERAL PRINCIPLES**

### **Automatic Fire Detection**

All HMOs require some form of fire detection; the system type will depend upon the size, layout and existing fire precautions in the property. Please contact ERS for further guidance.

### **The Escape Route**

The escape route includes the stairway, hallway, landing areas, and corridors leading from each occupancy to a final exit and a place of safety. The escape route must usually be protected to a minimum level of 30 minutes fire protection.

### **Layout**

As a general rule, bedrooms and living rooms must open directly onto the escape route i.e. escape from a bedroom must not be via a living room or kitchen, and escape from a living room must not be via a kitchen.

## **Fire Doors**

A fire door is a door that will provide the required resistance to fire when tested under specific conditions. Existing panel doors are unlikely to provide 30 minutes fire resistance. Doors can be upgraded and guidance as to how to upgrade doors to the required standard can be obtained from a specialist contractor. Alternatively, new doors may be provided. Listed Building approval will generally be required if your property is a listed building.

Fire doors of 30 minutes fire resistance must usually be provided to all risk rooms. All fire doors, unless otherwise stated, must be fitted with a self-closing device, cold smoke seals and intumescent strips.

## **Room Separation**

Each individual occupancy should be protected to a minimum of 30 minutes fire protection.

## **Ceilings**

All floors/ceilings must provide 30 minutes fire-resisting construction, apart from basement ceilings which should be 60 minutes if an automatic fire detection system is not provided.

## **Cupboards**

Cupboards within the escape route must be of 30 minutes fire-resisting construction and fitted with a 30-minute fire door. As an alternative you may empty the cupboard and lock it shut.

## **Boiler Rooms**

Boiler rooms must have 60 minutes fire protection and should be fitted with a mains-powered interlinked heat detector installed in accordance with the recommendations of BS 5839: part 6 and the 'LACORS Guidance on fire safety provisions for certain types of existing housing'.

## **Basements and Cellars**

The stairway between a basement and the ground floor must be of 30-minutes fire resistance. All partitions must also be of 30 minutes fire resistance.

A smoke lobby must be formed between the basement and the ground floor by providing a 30-minute fire resistant door at the top and bottom of the staircase. Alternatively, a 30-minute fire resistant door can be provided at the top of the stairs at ground floor level and to each risk room in the basement.

## **Door Locks**

All fire doors must be capable of being opened from the inside manually, without the use of a key. The door should close automatically and latch into the frame, but not lock shut. This enables the occupant to re-enter the room if necessary in an emergency. If a security lock is required then a combined lock and latch mortice lockset should be used. The deadlock should be operated on the inside by a knob (i.e. from the room), and from the outside by a key (i.e. from the hall).

Commonly used locks include mortice latch, combined lock and latch, mortice night latch, mortice deadlocks and cylinder rim night latch. Ensure that the model is suitable for use on an escape door. Locks should comply with BS EN 12209:2003

## **Artificial Lighting**

All internal escape routes, corridors and stairways must be provided with artificial lighting of sufficient standard to enable occupants to leave the premises. In certain circumstances there may also be a need for emergency lighting on the escape route which will enable people to leave the building in the event of general lighting failure during a fire. This lighting must conform to the dual numbered standard BS EN 50172:2004, BS 5266-8:2004 and BS 5266-1:2005.

## **Glazing**

Internal glazing within the escape route must be kept to a minimum; in cases where this is unavoidable the glazing will need to be of 30 minutes fire protection.

## **Electrical Installation**

All electricity meters and ducting for wiring sited within the common escape route that penetrate a fire-resisting wall, ceiling or floor must be protected to 30 minutes minimum fire resistance standard.

Meter cupboards must be kept clear of flammable materials and kept locked shut with keys available to consumers for authorised access only. Electricity meters must be in a separate cupboard to gas meters.

## **Gas Installations**

All gas service pipes and meters within the common escape route must be protected to a minimum of 30 minutes fire resistance and ventilated to the external air. All ducting of pipes through fire resisting walls, ceilings and floors must possess the same standard of fire resistance and all voids similarly sealed.

Meter cupboards must be kept locked shut with keys available to consumers for authorised access only. Gas meters must be in a separate cupboard to electricity meters.

## **Commercial Premises**

Where a building has mixed commercial and residential use e.g. flats above shops or offices there must be structural separation providing 60 minutes fire resistance. In buildings with not more than three storeys above the ground level, staircases may serve both the dwellings and non-residential occupancies, provided that separation is made at all levels by lobby protection. In buildings with more than three storeys above the ground level, all staircases serving flats should not connect with any other part of the building, unless the flat is ancillary to the main building when:

- 1) separation is provided by lobby protection.
- 2) independent escape is provided from the flat.
- 3) any Automatic Fire Detection system with which the main building is fitted also covers the flats.

## **Signs**

Fire procedure notices must be permanently fixed in prominent positions throughout the property. Additional signs may be required to indicate the escape route.

## **Surface Finishes**

The surface finishes to walls, partitions, ceilings and soffits in the escape route should comply with BS 476-7:1997. This would usually exclude the use of timber, hardboard, polystyrene or heavy flock wallpaper.

## **Furniture and Furnishings**

Furniture and furnishings within an HMO must comply with the Furniture and Furnishings (Fire Safety) Regulations 1988, as amended, which set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. This would include beds, bedding, cushions etc.

## **Management**

An HMO must be managed in order to ensure that the standard of fire safety is maintained. In particular:

- fire precautions such as alarm systems, emergency lighting and fire extinguishers should be regularly checked and serviced;
- fire doors should be checked regularly to ensure that they close effectively and to make sure that they are not being propped open;
- all structural components providing fire protection must be well maintained; and
- all occupants should be given clear guidance on fire procedures including the site of the nearest accessible telephone.

## **SECTION 3**

### **HOUSING HEALTH AND SAFETY RATING SYSTEM**

#### **Basic Requirements for all HMOs**

The Housing Health and Safety Rating System (HHSRS) is the Government's approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings. There are 29 health and safety hazards in dwellings. These are arranged into four groups reflecting the basic health requirements: Physiological Requirements, Psychological Requirements; Protection against Infection; and Protection against Accidents. A guide to HHSRS, which is targeted at landlords, agents and property related professionals, can be downloaded from the following website:

[www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance](http://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance)

Residential properties should meet the standards under The Housing Act 2004 and The Housing Act 1985 which relate to overcrowding. In summary, each house or flat must be:

<b>Hazard Number</b>	<b>Hazard Name</b>	<b>Comments</b>
29	Structural collapse and failing elements	The house/flat shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated.  The house/flat shall be structurally stable.
1	Damp and mould growth	The house/flat shall be free from dampness prejudicial to the health of the occupants.
3	Excess heat	All habitable rooms should be ventilated directly to the external air by a window, the openable area of which should be equivalent to at least 1/20th of the floor area of the room. Neither an openable door giving access directly to the external air nor a louvred opening in such a door will be acceptable for the purpose of this requirement. All kitchens, bathrooms, water closet compartments should comply with the above but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour should be provided. Such an installation should be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

2	Excess cold	All habitable rooms should be adequately heated by a fixed space heating appliance of either gas or electricity. Solid fuel should only be permitted on the ground floor where it can be shown that there is adequate fuel storage and that there will not be any risk to safety from the removal of hot ashes. Gas or solid fuel appliances must have adequate provision for air supply and discharge to external air. Portable/removable heating appliances, LPG or paraffin heaters will not be acceptable. All heating systems should be of a sufficient output so as to heat adequately the bedrooms and living rooms to a temperature of 18.3°C with an outside temperature of -1°C.
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13	Lighting (Natural)	All habitable rooms should be provided with an area of clear glazing situated in either a window and/or a door, equivalent in total area to at least 1/10th of the floor area of the room. All glazing to windows in bathroom and water closet compartments should be obscure. Where this is not practicable, adequate artificial lighting should be provided in accordance with the requirements below, to the satisfaction of the Environmental Health Officer. All staircases, landings and passages should be provided with an area of clear glazing in a window.
	Lighting (Artificial)	All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages should be adequately lit by electricity. 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 etc., and enter a room. 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.
18	Water supply	The house/flat should be provided with an adequate supply of hot and cold running water suitable for drinking and food preparation purposes. Cold water should normally be supplied from the rising main.
16	Food safety	There must be satisfactory facilities for the storage of food. See individual categories for precise standards.
17	Personal hygiene, sanitation and drainage	There must be satisfactory WC, bath/shower and WHB facilities. See individual categories for precise standards.
		The house/flat shall be provided with an effective drainage system, both above and below ground.

24	Fire	Each property will need to be assessed individually by the Council as to what fire precautions are required. However a basic guide to the requirements is provided in section 2.
15	Domestic hygiene, pests and refuse	Refuse storage containers should be provided sufficient for the needs of the house and of a type acceptable to the Local Authority. This should normally be in the ratio of one British Standard dustbin or equivalent per household. All containers should be located on hardstanding with suitable access for cleansing of the area and removal of containers.

## Bedsits

### Facilities for food storage, preparation and cooking of food

General	Where practicable each household shall have its own kitchen facilities within the unit of accommodation. Alternatively, kitchen facilities may be provided in a readily accessible room at a ratio of not less than one per three households. No kitchen should be located more than one floor distant from any user.
Food storage	Each household shall have its own storage facility, either within the unit of accommodation or within a shared kitchen. One individual occupant would require 0.15m <sup>3</sup> of refrigerated space and 0.16m <sup>3</sup> of dry goods storage. Dry storage should be lockable in a shared kitchen.
Worktops	Each kitchen shall have adequate work surfaces for food preparation, usually a minimum of 1.0m x 0.5m.
Sinks	Each kitchen shall have a fixed impervious bowl, properly located with a base unit, suitably trapped and drained, with drainer and tiled splash back.
Cookers	Each kitchen shall have its own cooker. Normally a 4-ring oven and grill. In single person occupancies a portable appliance 2-ring oven and grill will be satisfactory. In shared kitchens, one standard cooker per three individual households will be required.

### Personal washing facilities

WHB	Each separate household shall be provided with a WHB within the bedroom/bedsit. If a sink is provided within the unit of accommodation a separate WHB will not be required. Hot and cold water must be available at all times.
Bath/shower	A bath or shower must be provided in a readily accessible room at a ratio of not less than one per five occupants using. No bath or shower should be located more than one floor distance away. Hot and cold water must be available at all times.

### Drainage & sanitary conveniences

WCs	A water closet must be provided in a readily accessible WC compartment at a ratio of not less than one per five occupants using. Where practicable each shared WC shall be situated in a room separate from the bathroom or shower room, and should be provided with a WHB. No WC should be located more than one floor distant from any user.
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## Electric sockets

Kitchen	There should be a minimum of two outlets to any kitchen, plus one per major appliance and one for each additional household using. Two outlets should be at worktop level. (Double sockets are counted as one.) E.g. Shared kitchens for three households will require a minimum of 6 outlets.
Bed/living rooms	There should be two outlets to any bed/living room, three if one is used exclusively for a fixed electrical space heater. (Double sockets are counted as one.)

## Space Standards

General	Room sizes must be reasonable for the number of occupants. Except in special circumstances units for more than two occupants are not considered acceptable.	
	<i>One-person units of accommodation.</i>	<i>Two person units of accommodation.</i>
One room units	13.0m <sup>2</sup> .	15.0m <sup>2</sup> .
Two or more room units		
Sleeping/living rooms	9.0m <sup>2</sup> .	14.0m <sup>2</sup> .
Living/cooking rooms	11.0m <sup>2</sup> .	15.0m <sup>2</sup> .
Living rooms	9.0m <sup>2</sup> .	12.0m <sup>2</sup> .
Bedrooms	6.5m <sup>2</sup> .	10.0m <sup>2</sup> .
Kitchens	All kitchens should be not less than 4.5m <sup>2</sup> . Shared kitchens should be at least 3m <sup>2</sup> per individual household.	For two occupants this should be not less than 8.0m <sup>2</sup> . Shared kitchens should be at least 3m <sup>2</sup> per individual household.

## Shared Houses & Lodgings

### Facilities for food storage/preparation and cooking of food

General	Kitchen facilities should be provided in a readily accessible room at a ratio of not less than one per five households (including family members for lodgings). No kitchen should be located more than one floor distant from any user. Dining room facilities shall be provided within a diner/kitchen or in a separate dining room adjacent to the kitchen. If meals are provided in lodgings then the responsible person must comply with the relevant food hygiene legislation. For further information please contact ERS on 01993 861000. The kitchen must be available to tenants 24 hours a day to prepare light snacks.
Food storage	Each occupant shall have its own storage facility, either within the unit of accommodation or within a shared kitchen. One individual would require 0.075m <sup>3</sup> of refrigerated space and 0.08m <sup>3</sup> of dry goods storage.
Worktops	Each kitchen shall have adequate work surfaces for food preparation. The size of worktop must be reasonable for the number of people using the kitchen.
Sinks	Each kitchen shall have a fixed impervious bowl, properly located with a base unit, suitably trapped and drained, with drainer and tiled splash back.
Cookers	Each kitchen shall have its own cooker, normally a 4-ring oven and grill. In single person occupancies a portable appliance 2-ring oven and grid will be satisfactory. In shared kitchens one standard cooker per five individuals will be required.

### Personal washing facilities

WHBs, bath/showers	A readily accessible bath or shower room containing a full sized bath or shower and a wash hand basin shall be provided at a ratio of not less than one per five occupants using (including the owner and family members for lodgings). No bath or shower room should be located more than one floor distant from any user. Hot and cold water must be available at all times.
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## Drainage & sanitary conveniences

Water Closets (WCs)	A WC must be provided in a readily accessible WC compartment at a ratio of not less than one per five occupants using (including the owner and family members for lodgings). Where practicable each shared WC shall be situated in a room separate from the bathroom or shower room, and should be provided with a WHB. No WC should be located more than one floor distant from any user.
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## Electric sockets

Kitchen	There should be a minimum of two outlets to any kitchen, plus one per major appliance and one for each additional household using. Two outlets should be at worktop level. (Double sockets are counted as one.)
Bedroom	There should be two outlets to any bedroom, three if one is used exclusively for a fixed electrical space heater. (Double sockets are counted as one.)
Living room	There should be two outlets to any living room, three if one is used exclusively for a fixed electrical space heater. (Double sockets are counted as one.)

## Space standards

Single bedrooms (excluding owner & family occupied rooms)	Each bedroom should not be less than 10.0m <sup>2</sup> , except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case a bedroom of not less than 6.5m <sup>2</sup> will be acceptable.
Double bedrooms (excluding owner & family occupied rooms)	Each bedroom should not be less than 15.0m <sup>2</sup> , except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case a bedroom of not less than 11.0m <sup>2</sup> will be acceptable.
Kitchens	Kitchens used by 1-4 households should not be less than 6.0m <sup>2</sup> . Kitchens used by 5-6 households should not be less than 9.0m <sup>2</sup> .
Kitchen/dining rooms	Kitchen/diners used by 1-3 households should be not less than 10.0m <sup>2</sup> Kitchen/diners used by 4-6 households should be not less than 11.5m <sup>2</sup>
Living/dining rooms	Living rooms and dining rooms used by 1-3 households should be not less than 8.5m <sup>2</sup> ; Living rooms and dining rooms used by 4-6 households should be not less than 16.5m <sup>2</sup>

# Employment/educational accommodation

## Facilities for food storage/Preparation and cooking of food

General	<p>The scale of provision of cooking facilities will depend on:</p> <ol style="list-style-type: none"> <li>1. the number of people likely to use the facilities at any one time rather than on the total number of occupants, bearing in mind that the intensity of use may vary according to the time of day and</li> <li>2. whether or not any meals are provided for the occupants either on site or elsewhere.</li> </ol>	
Self-catering – no meals are provided	<p>Where practicable each unit of accommodation shall have its own kitchen with minimum area of 4.5m<sup>2</sup>. Alternatively, shared kitchens may be provided. These should be readily accessible at a ratio of not less than one per five households. No kitchen should be located more than one floor distance from any user. Below are the minimum standards required for both shared kitchens and those situated within a unit of accommodation.</p>	
	Food storage	<p>Each occupant shall have its own storage facility, either within the unit of accommodation or within a shared kitchen. One individual would require 0.075m<sup>3</sup> of refrigerated space and 0.08m<sup>3</sup> of dry goods storage.</p>
	Worktops	<p>Each kitchen shall have adequate work surfaces for food preparation. The size of worktop must be reasonable for the number of people using the kitchen.</p>
	Sinks	<p>Each kitchen shall have a fixed impervious bowl, properly located with a base unit, suitably trapped and drained, with drainer and tiled splash back.</p>
	Cookers	<p>Each kitchen shall have its own cooker, normally a 4-ring oven and grill. In single person occupancies a portable appliance 2-ring oven and grid will be satisfactory. In shared kitchens one standard cooker per five individuals will be required</p>
Premises providing all meals	<p>All facilities for preparation, cooking and serving of food must comply with the requirements of the relevant food hygiene legislation. Facilities shall also be available separately for the occupants to prepare light meals and hot drinks within the unit of accommodation. The scale and provision will depend upon the number of occupants using the facilities. For further information please contact ERS on 01993 861000.</p>	

Where some meals are provided	Where not all meals are provided communally, separate provision for residents to prepare and cook their own light meals shall be provided within the accommodation. The scale of provision shall, as above, be determined with reference to the maximum number of occupants likely to use the facilities at any one time. For further information please contact ERS on 01993 861000.
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### Personal washing facilities

WHB, Bath/showers	A readily accessible bath or shower room containing a full sized bath or shower and a wash hand basin shall be provided at a ratio of not less than one per five occupants using. No bath or shower room should be located more than one floor distant from any user.
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### Drainage & sanitary conveniences

Water Closets (WCs)	A WC must be provided in a readily accessible WC compartment at a ratio of not less than one per five occupants using. Where practicable each shared WC shall be situated in a room separate from the bathroom or shower room, and should not be provided located more than one floor distant from any user.
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### Electric sockets

Kitchen (non-commercial)	There should be a minimum of two outlets to any kitchen, plus one per major appliance and one for each additional household using. Two outlets should be at worktop level. (Double sockets are counted one.)
Bedroom	There should be two outlets to any bedroom, three if one is used exclusively for a fixed electrical space heater. (Double sockets are counted one.)
Living room	There should be two outlets to any living room, three if one is used exclusively for a fixed electrical space heater. (Double sockets are counted one.)

### Space standards

Single rooms	Each bedroom should not be less than 10.0m <sup>2</sup> , except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case a bedroom of not less than 6.5m <sup>2</sup> will be acceptable.
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Double rooms	Each bedroom should not be less than 15.0m <sup>2</sup> , except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case a bedroom of not less than 11.0m <sup>2</sup> will be acceptable. No bedroom shall be used by more than two occupants irrespective of its total floor area.
Kitchens	Kitchens used by 1-4 households should not be less than 6.0m <sup>2</sup> . Kitchens used by 5-6 households should not be less than 9.0m <sup>2</sup> .
Kitchen/dining rooms	Kitchen diners used by 1-3 households should not be less than 10.0m <sup>2</sup> Kitchen/diners used by used by 4-6 households should not be less than 11.5m <sup>2</sup>
Living/dining rooms	Living rooms and dining rooms used by 1-3 households should not be less than 8.5m <sup>2</sup> Living rooms and dining rooms used by 4-6 households should not be less than 16.5m <sup>2</sup>

# Shared Emergency Accommodation for Hostels and Nightshelters

## Facilities for food storage/ preparation and cooking of food

<b>General</b>	Scale and provision of cooking facilities will depend upon whether all meals are provided or if it is fully self catering.	
<b>Non self-catering (All meals provided) All facilities</b>	All facilities for preparation, cooking and serving of food must comply with the relevant food hygiene legislation. Facilities shall be available separately for occupants to prepare light meals and hot drinks. A kitchen for this purpose shall be made available 24hrs a day and the cost of running appliances shall be included in the residential charge. The scale & provision will depend on the number of persons using the facility. Commercial kitchen may be deemed unsuitable for use by residents because: (i) of the size of the kitchen & the equipment provided in it. In a commercial kitchen some equipment may be dangerous or unsatisfactory for use by residents; or (ii) the unsatisfactory location of the kitchen in relation to the accommodation it is supposed to serve.	
<b>Self catering (No or some meals provided): Kitchen, scale and provision.</b>	Where practicable, each unit of accommodation shall have its own kitchen facility within the unit and 4.5m <sup>2</sup> shall be added to the floor area specified in this section's space standard category. Alternatively, shared kitchens shall be provided. These should be readily accessible, should not be located more than 1 floor distance from any user and provided at a ratio of not less than 1 per 10 persons using it. Kitchens for communal use: The kitchen used by management to provide breakfast may be included in the 1 in 10 ratio, unless it is not available, does not meet the conditions above or is deemed unsuitable for use by residents because: (i) of the size of the kitchen & the equipment provided in it. In a commercial kitchen some equipment may be dangerous or unsatisfactory for use by residents; or (ii) the unsatisfactory location of the kitchen in relation to the accommodation it is supposed to serve.	
	<b>Self catering: Food Storage</b>	Each household shall have its own storage facility, either within the unit of accommodation or within a shared kitchen.  Equivalent of 0.16m <sup>3</sup> of refrigerated space and 0.4m <sup>3</sup> of dry goods storage required per household
	<b>Self catering: sinks</b>	Each kitchen shall have adequate work surfaces for food preparation.  Size of worktop must be reasonable for no. of people using the kitchen.

	<b>Self catering: cookers</b>	Each kitchen shall have its own cooker, normally a 4 ring oven and grill. In single person occupancies a portable appliance 2 ring oven and grill will be satisfactory.
<b>Where there is a mix of kitchens for shared and exclusive use</b>	1 set of kitchen facilities shall be provided for every 10 persons sharing. The number of persons who have kitchen facilities provided for their exclusive use shall not be included in the calculations. Again, the kitchen used by management to provide breakfast may be included in the 1 in 10 calculation subject to the above conditions.	

<b>Personal washing facilities</b>		
<b>WHB</b>	Each separate household shall be provided with a WHB within the bedroom/bedsit. Minimum dimensions of WHB 500mm x 400mm If a sink is provided in the unit a separate WHB will not be required. Where an en-suite bathroom is available, then the WHB may be provided in that bathroom.	
<b>Bath/shower</b>	A bath or shower shall be provided in a readily accessible room at a ratio of not less than 1 per 5 persons using it. A minimum of 1 bath to be provided in the property. bath min. dimensions 700mmx700mm shower min. dimensions 800mmx800mm No bath or shower should be located more than 1 floor distance from any user.	
<b>Drainage and sanitary conveniences</b>		
<b>WCs</b>	A WC must be provided in a readily accessible WC compartment at a ratio of not less than 1 per 5 persons using it. Where practicable, each shared WC shall be situated in a room separate from the bathroom or shower room. Where practicable, each shared WC should be provided with a WHB. No WC shall be located more than 1 floor distance from any user.	
<b>Electric sockets</b>		
<b>Kitchen</b>	There should be a minimum of 2 outlets to any kitchen, plus 1 per major appliance and 1 for each additional household using it. 2 outlets should be at worktop level. (Double sockets are counted as 1.)	

<b>Living room</b>	There should be 2 outlets to any living room, 3 if one is used exclusively for a fixed electrical space heater. (Double sockets are counted as 1.)
<b>Bed/living</b>	There should be 2 outlets to any bed/living room, 3 if one is used exclusively for a fixed electrical space heater. (Double sockets are counted as 1.)
<b>Bedroom&amp; dining rooms</b>	There should be 2 outlets to any bedroom or dining room. (Double sockets are counted as 1.)

<b>Space Standards</b>	
<b>General</b>	A room shall not be occupied by more than 5 persons being of the same family. Rooms shall not be shared unless consent has been obtained from the individuals concerned, No persons over the age of 12yrs & of opposite sexes shall be required to sleep in the same room unless they are co-habitees.
	All rooms must have a minimum floor to ceiling height of at least 2.14m over not <75% of the room area. Any floor where the ceiling height is <1.53m shall be disregarded.
<b>Kitchens</b>	For accommodation including cooking facilities, include an additional 4.5m <sup>2</sup> to the space standard.
	Shared kitchens should be 3m <sup>2</sup> per household.
	<b>Space Standard without cooking facilities in bedrooms.</b> 1 person = 6.5m <sup>2</sup> 2 persons = 10m <sup>2</sup> 3 persons = 15m <sup>2</sup> 4 persons = 19.5m <sup>2</sup> 5 persons = 24m <sup>2</sup>
<b>Common Room</b>	A common area shall be provided and calculated on the basis of 1m <sup>2</sup> per person and shall include an area of at least 15m <sup>2</sup> . Chairs and tables shall be provided for the consumption of meals.

## Residential care homes and similar establishments

General	<p>The Environmental Health Service will deal with requirements regarding Food Hygiene and Health and Safety. Please contact 01993 861343.</p> <p>Amenity standards and fire precautions are regulated by the Commission for Social Care Inspection. The minimum standards required for registered homes are provided by the Care Quality Commission CQC: <a href="http://www.cqc.org.uk/">http://www.cqc.org.uk/</a> or contact their helpline on 03000 616161.</p> <p>If you are already a registered home but are applying to de-register then please be aware that the property may fall under the definition of a HMO and therefore will require to meet the relevant legislation. If you have any queries please contact ERS on 01993 861000.</p>
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## Self-Contained Flats

NB: An individual dwelling within the property may itself be a flat in multiple occupation. Where this is the case, higher standards may apply.

### Facilities for storage/preparation/cooking of food

General	Each flat shall have its own kitchen facilities within the unit of accommodation.
Food storage	Each kitchen shall have its own storage facility. The equivalent of 0.15m <sup>3</sup> of refrigerated space and 0.16m <sup>3</sup> of dry goods storage would be required per household.
Worktops	Each kitchen shall have adequate work surfaces for food preparation, usually a minimum of 1.0m x 0.5m.
Sinks	Each kitchen shall have a fixed impervious bowl, properly located with a base unit, suitably trapped and drained, with drainer and tiled splashback.
Cookers	Each kitchen shall have provision for its own cooker, normally a 4-ring oven and grill. In single person occupancies a portable appliance 2-ring oven and grill will be satisfactory.

### Personal washing facilities

WHB	Each flat shall have its own readily accessible WHB, either within the bath/shower room or within a separate WC compartment
Bath/shower	Each flat shall have a bath or shower.

### Drainage & sanitary conveniences

WCs	Each flat shall have a readily and suitably accessible WC. A wash hand basin must also be provided either within the WC compartment or within the bath/shower room.
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## Electric sockets

Kitchen	There should be a minimum of two outlets to any kitchen, plus one per major appliance and one for each additional household using. Two outlets should be at worktop level.
Living Room	There should be two outlets to any living room, three if one is used exclusively for a fixed electrical space heater. (Double sockets will be counted as one.)
Bed/living room	There should be two outlets to any bed/living room, three if one is used exclusively for a fixed electrical space heater. (Double sockets will be counted as one.)
Bedroom and dining rooms	There should be two outlets to any bedroom or dining room. (Double sockets will be counted as one.)

## Space standards

	<i>Flats for One Occupant</i>	<i>Flats for Two Occupants</i>	<i>Flats for Three Occupants</i>	<i>Flats for Four Occupants</i>
Main Bedroom	6.5m <sup>2</sup>	10.5m <sup>2</sup>	10.5m <sup>2</sup>	11.0 m <sup>2</sup>
Second and Third Bedroom	N/A	N/A	6.5 m <sup>2</sup>	6.5 m <sup>2</sup>
Living Room	11.5m <sup>2</sup>	13.0m <sup>2</sup>	16.0 m <sup>2</sup>	18.0 m <sup>2</sup>
Kitchen	4.5m <sup>2</sup>	5.5m <sup>2</sup>	7.0 m <sup>2</sup>	7.0 m <sup>2</sup>
Bedroom/living room	14m <sup>2</sup>	N/A	N/A	N/A
Kitchen/living room	14.5m <sup>2</sup>	N/A	N/A	N/A

## **SECTION 4**

### **MANAGEMENT REGULATIONS FOR HOUSES IN MULTIPLE OCCUPATION**

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to all HMOs other than a converted block of flats.

**Sections 3 to 9 of the regulations place duties on the person managing the HMO. These duties are summarised as follows:**

To provide information to occupier.

To take safety measures.

To maintain water supply and drainage.

To supply and maintain gas and electricity.

To maintain common parts, fixtures, fittings and appliances.

To maintain living accommodation.

To provide waste disposal facilities.

**Section 10 of the regulations also place duties on occupiers of HMOs.**

**FAILURE TO COMPLY WITH THESE REGULATIONS CAN RESULT IN  
FINES OF UP TO £5000.**

Copies of the regulations can be downloaded from

<http://www.legislation.gov.uk/uksi/2006/372/contents/made> .

## **SECTION 5**

### **LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

In April 2006, a new mandatory licensing scheme for certain HMOs was introduced. This applies to HMOs of three or more storeys occupied by five or more people comprising at least two households.

From July 2006 the relevant parts of section 72 and 95 of the Housing Act 2004 came into force, making it an offence to manage an HMO or other property which is subject to licensing and for which no application for a licence has been made. The offence is committed by the landlord and any manager of the property, and on summary conviction the person prosecuted is liable to An unlimited fine.

The Housing Act 2004, which contains the relevant legislation, does provide a range of exemptions to the requirement for a licence.

The Council has set the following fees, which do not attract VAT:

Details of these can be found on our Website at:

<http://www.westoxon.gov.uk/residents/housing/private-sector-housing/landlords/houses-in-multiple-occupation/> .

There are leaflets available from the Department for Communities and Local Government website (<http://www.communities.gov.uk>) which offer further advice to landlords and tenants on HMO licensing matters.

If you have any queries on HMO licensing, please contact ERS on 01993 861000.

## **SECTION 6**

# OTHER LEGISLATION APPLICABLE TO HOUSES IN MULTIPLE OCCUPATION

### **PLANNING CONSENT**

Planning permission may be necessary for operation of the premises as an HMO, and compliance with these standards does not imply that such permission would be given. Refusal of planning permission may still occur even if the premises have been registered. Enquiries regarding planning permission should be made to: -

Planning Services  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB  
Tel: 01993 861000

### **BUILDING REGULATION APPROVAL**

Where new building work is being carried out an application may be required under the Building Regulations.. An application should be made to West Oxfordshire District Council as detailed below. If there is any doubt as to whether an application needs to be made please contact Building Control below at:

Building Control  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB  
Tel: 01993 861000

## ILLEGAL EVICTION & HARRASSMENT

**It is a criminal offence to unlawfully evict or harass your tenant. If found guilty of these offences you could be imprisoned for up to 2 years and/or given an unlimited fine.**

### **What is unlawful eviction?**

- Unlawful eviction occurs when a residential occupier is unlawfully deprived of either all or part of their accommodation.
- It is nearly always an offence (unlawful) to evict a tenant without going to court first.
- It is an offence to **attempt** to unlawfully evict.
- It does not matter if the residential occupier is a tenant or licensee.
- It does not matter if the tenant is in breach of their contract e.g. they owe rent, or won't let you in to do repairs, or the fixed term has come to an end.
- Even if you have a possession order it must be enforced with a bailiff's warrant.

### **What is harassment?**

It is an offence for Landlords or their agents to:

- act so that you are likely to interfere with the peace and comfort of your tenants;
- withdraw necessary services from people living in the accommodation; or
- act if you know or have reasonable cause to believe that these actions are likely to cause your tenants to leave their home or refrain from exercising their rights.

unless you can show that you have good reason for doing these things.

### ***Common examples of unlawful eviction are:***

- being locked out of a room
- being deprived of a room that is normally shared with other people e.g. kitchen or living room
- having part of the home taken away as a consequence of building works
- being turned out of your homes.

AND there is no court order giving the landlord permission to do any of this.

Necessary services include water, gas and electricity, or lifts in the block.

A tenant's rights and remedies include insisting the property is in a good state or repair, seeking advice about their housing rights, or going to a rent tribunal.

The list of what may interfere with someone's quiet enjoyment is almost endless and will partly depend on the circumstances of the people living in the accommodation.

***Common examples of harassment are:***

- Disconnecting the electricity
- Persistent telephone calls
- Taking furniture from the property
- Being abusive or threatening
- Carrying out repairs in a deliberately disruptive way

This list is not exhaustive.

Further advice is provided by:

Shelter	<a href="http://www.shelter.org.uk">www.shelter.org.uk</a>
CAB	<a href="http://www.caox.org.uk">www.caox.org.uk</a>
Housing Team	<a href="http://www.westoxon.gov.uk/residents/housing/">www.westoxon.gov.uk/residents/housing/</a>

## **SECTION 7**

### **SAFETY OF GOODS IN RENTED ACCOMMODATION**

*This information was provided by Oxfordshire County Council's Trading Standards Service and forms part of a series of advice leaflets promoting and maintaining fair trading. The information on this sheet may not cover all circumstances and may change. Contact details are provided at the end of this section.*

#### **WHO THE LAW AFFECTS**

Anyone who lets residential furnished accommodation (such as houses, flats and bedsits, holiday homes, caravans and boats) as a business activity. This includes Letting Agents, Estate Agents and private landlords. Often Letting Agents as well as landlords are liable if goods supplied with the tenancy are not of the standard required by law. The supply of goods occurs at the time of the tenancy contract. It is therefore essential that the property is checked prior to the tenancy to ensure that all goods supplied with the tenancy are of the required standard. A record should be kept of the goods supplied as part of the tenancy agreement and of checks made on those goods. The record should indicate who carried out the checks and when they did it. Please note that it is a legal requirement for all gas appliances to be checked by a Gas Safe registered person every 12 months and for a record of the check to be made available to tenants.

#### **FURNITURE**

##### **Furniture & Furnishings (Fire) (Safety) Regulations 1988.**

#### **WHAT THE LAW SAYS**

Upholstered furniture included in those lettings has had to comply with the Furniture and Furnishings (Fire Safety) Regulations 1988. These regulations impose the same stringent standards as apply to new and second-hand furniture in the shops.

Applicable to:

- All types of upholstered seating. This includes chairs, settees, padded stools, pouffes, sofa beds, headboards (padded).
- Children's furniture, cots, carrycots, playpens, prams, pushchairs, high chairs.
- Garden furniture suitable for indoor use.
- Furniture in caravans.
- Mattresses and padded bed bases.
- Scatter cushions, pillows.

The safety provisions require that:

1. The upholstery must pass a specified cigarette test for flammability. (Not required for mattresses, bed bases, pillows and cushions).
2. Filling materials must pass a specified ignitability test. There is some exemption for cushions and pillows where the cover passes certain ignitability tests.

3. Furniture with permanent covers (excluding mattresses, bed bases and insulated bags designed for carrying babies less than six months), must pass specified match tests.
4. Where in the case of certain natural fibre covers there is an interliner between the furniture and the cover and the interliner passes specified ignition resistance tests the cover need not pass the match test in (3) above. Furniture made before 1st January 1950 is excluded from the controls. Bedclothes, carpets, curtains and pillowcases are also excluded.

### **How to Tell Whether Furniture Complies • Labelling**

You should check to see that a permanent label is present, as this is the best way to show compliance. Most furniture should have a label stating at least the following:

**CARELESSNESS CAUSES FIRE**  
Batch / ID No: AX1234

**To comply with the Furniture and Furnishings (Fire) (Safety) Regulations:**  
This article does (or does not) include a Schedule 3 interliner.

All foams, fillings and composites have been tested to ensure compliance with the relevant ignitability test.

All covers and fillings have been tested to ensure that they are cigarette resistant.

All covers have been tested to ensure that they are match resistant.  
Further details are available from your retailer.

Mattresses and bed bases are not required to bear this type of label. However, compliance with the ignitability tests may be shown by a label stating compliance with BS:7177. This label has a blue border with white lettering and black cigarette and flame symbols.

Any items not bearing this labelling may not conform to the Regulations, and you are advised not to include them in any letting until you have obtained evidence that they comply.

## **ELECTRICAL EQUIPMENT**

### **The Electrical Equipment (Safety) Regulations 1994**

#### **WHAT THE LAW SAYS**

All mains electrical equipment new or second-hand supplied with the accommodation must be safe. If it complies with an acceptable standard, e.g. a British/European Standard, then it will normally meet safety requirements.

These safety requirements cover:

- labelling, construction, design, and manufacture
- insulation and earthing

- ❑ protection from electric shock
- ❑ adequate guards for radiant heaters or moving parts
- ❑ the need to provide instructions for safe use.

Generally:

- ❑ Access to live hot or moving parts must not be possible without the use of a tool
- ❑ Cable should be of the double insulated type with no basic insulation exposed
- ❑ Wiring should not be damaged in any way
- ❑ Cord grips on appliances must be effective
- ❑ All guards should be in place and effective

Wiring Colour Codes

The wires of a 3•core main lead are usually coloured as follows:

- ❑ Earth green & yellow
- ❑ Neutral blue
- ❑ Live brown

The old red, black and green colours are undesirable as they may make the product unsafe and so illegal. If you change a lead have it checked by an electrician. Incorrect wiring may cause electrocution.

## **PLUGS AND SOCKETS**

### **The Plugs and Sockets (Safety) Regulations 1994**

Electrical appliances must be correctly fitted with an approved plug with sleeved pins. All plugs should carry the name and reference number of the approved body, normally BSI or ASTA. The plug does not have to be moulded on but it must have the correct fuse for the appliance.

All sockets (e.g. on mains extension leads), adapters and similar devices must meet British or European Standards.

## **ELECTRIC FIREGUARDS**

The distance between the bars and the strength of the guard are laid down in standards. The fireguard is satisfactory if any vertical bars are 5mm or less apart. Otherwise the guard must not have an opening with

- a) a major dimension exceeding 125mm, a minor dimension exceeding 12mm and a diagonal dimension exceeding 126mm; or
- b) a major dimension exceeding 50mm, a minor dimension exceeding 20mm and a diagonal dimension exceeding 53mm.

## **ELECTRIC BLANKETS**

We advise you not to supply second-hand electric blankets, as their history, usage and condition may be unknown.

## **HOW TO TELL WHETHER ELECTRICAL EQUIPMENT COMPLIES**

You must take all reasonable precautions to ensure electrical equipment is safe and correctly labelled. We would strongly advise having the equipment checked by a qualified electrician before the start of each let. It would be good practice to have the equipment checked at regular intervals thereafter. We would advise you to obtain and retain test reports detailing the equipment, the tests carried out and the results.

## **GAS APPLIANCES**

### **Gas Safety (Installation & Use) Regulations 1998.**

There are requirements relating to the installation and use of gas appliances. These are enforced by the Health and Safety Executive and the local authority in Houses of Multiple Occupation under the Management Regulations. Further information can be obtained by visiting the HSE website on <http://www.hse.gov.uk/gas/domestic/index.htm> .

In summary:

- ❑ Landlords must ensure that gas appliances including LPG cabinet heaters are checked for safety including, where relevant, checks on the effectiveness of the flue, the ventilation, gas operating pressure and gas tightness. These checks should be carried out at least every 12 months and records kept of the test dates, defects and remedial action taken. They must also make this information available to tenants and prospective tenants, and keep records for 2 years.
- ❑ You should be aware that only businesses registered with Gas Safe should be permitted to carry out installation and maintenance of gas appliances. You should ask to see their current Gas Safe registration certificate or otherwise check at <https://www.gassaferegister.co.uk/> .
- ❑ Mobile cabinet gas heaters should only be used in rooms where there is sufficient ventilation.
- ❑ All gas appliances should be provided with adequate instructions for their safe use. It is illegal to install any fixed fire, space heater or water heater of more than 14 kW input into a room intended to be used as sleeping accommodation, unless it is 'room sealed'. If it is below 14kW it must either be 'room sealed' or have an oxygen depletion cut out.

Trading Standards enforce the following:

**Gas Appliances (Safety) Regulations 1995** require that all new gas appliances must be safe and come with instructions when sold. E.g. GAS COOKERS

### **Gas Cooking Appliances (Safety) Regulations 1989**

Applies to second-hand gas cookers. They must:

- a) Have legible and durable markings on the controls;
- b) Be marked with the manufacturers or importers name;
- c) Have adequate pan supports;
- d) Have tap handles which are easy to operate, but not liable to be turned on accidentally;
- e) Ignite promptly;

- f) Have oven doors which seal in hot gases;
- g) Have instructions for safe use.

They must not have:

- a) Sharp edges;
- b) A casing which gets hot enough to cause injury.

Any hob cover must shut off the gas supply or the cover must have a warning label stating that it does not.

## **GAS & OIL HEATER FIREGUARDS**

### **The Heating Appliances (Fireguards) (safety) Regulations 1991**

Fireguards on gas fires and oil heaters must comply with British Standards or the European equivalent. Oil heaters & second-hand gas fires which do not satisfy specific design criteria involving the hearth and installation instructions must be fitted with a guard which:

- does not permit a 35mm diameter probe to touch the heated radiants or the flame
- has no gap larger than 150 x 35mm and no diameter of a gap larger than 154mm unless
- it is not possible to pass a 12mm diameter probe through the gap or the gap is between vertical rods no greater than 5mm apart

The guard must pass certain strength tests.

## **GAS CATALYTIC HEATERS**

### **The Gas Catalytic Heaters (Safety) Regulations 1984**

Prohibits the supply of these heaters which contain asbestos.

## **PARAFFIN HEATERS**

### **Oil Heaters (Safety) Regulations 1977**

Applies to paraffin heaters. Controls cover stability, flame extinction & labelling.

## **GLAZING**

### **Construction Products Regulations 1991**

### **General Product Safety Regulations 1994**

Building Regulations control safety glazing in low level and other critical areas when the glazing is part of new building work whether on new or existing buildings. However if you are buying replacement glazing you should consider the suitability of safety glazing in critical areas as General Product Safety Regulations apply.

## **OTHER APPLIANCES AND EQUIPMENT**

### **General Product Safety Regulations 1994.**

All equipment and items not covered by specific regulations must comply with the General Product Safety Regulations 1994. You must ensure that all items you supply with the accommodation are safe. This will include supplying warnings and instructions with the items where they are necessary for the safe use of the items. For example, mechanical lawn mowers, strimmers etc. must be provided with the necessary guards in place; chairs and stepladders must be strong enough to support a person's weight. Glass in furniture should satisfy British Standards where applicable. Ironing boards clothes dryers etc. Should not have sharp edges which could cause injury in normal use. You are advised to check all items at regular intervals to ensure they are safe.

## **ABOUT TRADING STANDARDS**

Our aim is to protect consumers and business from unfair trading. As a Landlord or Landlord's agent, the Consumer Protection Act 1987 demands that you provide only safe items with accommodation. People who fail to do this not only put their tenants at risk, but gain business at the expense of reputable providers of accommodation. We realise that there are costs involved in complying with these requirements. It is worth remembering however the cost of non-compliance could be substantial. The maximum fine on conviction is £5000 and/or a prison sentence of up to 6 months could be imposed.

### **FURTHER INFORMATION**

OCC Trading Standards are happy to provide further advice or literature to assist you in complying with any of the information provided in section 7.

*This information is produced by the CtB partnership.*

*The Partners are the Trading Standards Departments of Gloucestershire, Oxfordshire, Shropshire, Warwickshire and Worcestershire.*

**If you would like more advice or information please contact:**

01865 815000

<https://www.oxfordshire.gov.uk/cms/content/contact-tradingstandards>