

HMO Standards

For bedsit/ letting rooms and shared house accommodation.

This document gives advice to anyone involved with letting out housing in the private rented sector. Higher risk HMO's require licenses and this guidance may well form the basis of conditions attaching to a licence.

Contents

Introduction.....	3
Legislative Background.....	3
Definition of a HMO.....	4
HMO licensing.....	4
Letting room/ self contained room.....	4
Shared house.....	4
Planning permission.....	4
Building Regulations.....	4
Children in HMO's.....	5
Space Standards.....	6
Facilities for the storage, preparation of food in shared accommodation.....	8
Personal Hygiene.....	11
Heating.....	12
Fire detection and means of escape.....	12
Natural and Artificial Lighting.....	13
Ventilation.....	13
Drainage.....	13
Refuse, Storage and Disposal.....	13
Furniture Safety.....	14
Personal Safety and Security.....	14
Asbestos.....	14
Electrical Appliances and Installations.....	15
Gas Safety.....	15
Management.....	16
Management Duties.....	16
Pest control.....	16
Enforcement.....	17
Prosecution.....	18

Introduction.

This document is to assist landlords, managing agents and developers to design, improve and maintain houses in multiple occupation (HMO). This guidance may well form the basis of conditions for a licensable HMO.

The document sets out the legal framework and gives guidance for living space, amenities, and good management. It is not meant to explain the detail of the law – if this is needed you should seek legal advice or refer to the specific legislation.

Legislative Background.

Part 1 of the Housing Act 2004 introduced a new method of assessing whether housing conditions are a risk to the health of the occupiers, called the Housing Health & Safety Rating System, or 'HHSRS'. It looks at 29 hazards such as falls on stairs and assesses the likelihood of an incident occurring that causes harm, and the likely severity of that harm. If the local authority assesses a hazard as Category 1 (severe), the authority has a duty to take action to reduce the hazard to an acceptable level. In less severe cases, referred to as Category 2, the authority has the power to take action rather than a duty. The range of actions available include requiring the owner of a property to carry out improvements, prohibiting the use of parts of a property, the authority taking emergency action itself, serving an enforcement notice or, where appropriate, requiring the demolition of the property.

HHSRS applies to all residential property irrespective of how it is occupied. In privately rented property, it will be the main method of the authority making judgements on whether enforcement action is needed to remedy unsatisfactory conditions, and the action to be taken.

Part 2 of the Housing Act 2004 requires the licensing of higher risk HMOs. When considering an application, the authority must be satisfied that the property is reasonably suitable for occupation by the number of people proposing to live there. Some standards are prescribed in The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006 . The Authority also has power to specify other standards

The Management of Houses in Multiple Occupation (England) Regulations 2006 sets out the responsibilities of the manager of an HMO.

Section 67 of the Housing Act 2004 enables a local authority to issue a licence subject to conditions.

Definition of a HMO

A house in multiple occupation is a property occupied by three or more unrelated people in two or more households. A full definition of house in multiple occupation can be found in section 254 of the Housing Act 2004. Details of what relationships constitute single family can be found in section 258 of the Housing Act 2004. The Act also gives the Council powers to deal with poor living conditions in houses in multiple occupation (HMO's).

HMO licensing

An HMO is required to be licensed with the Local Authority if it is occupied by five or more tenants, of which at least two households share one or more basic amenities including kitchen, bathroom/shower room or toilet. It is the landlord/manager's responsibility to apply to the Council to license a property.

It should also be noted that the issuing of a license does not imply that the property has the appropriate planning/ building permission for its present use. Nor will it have any bearing on the matter, should the planning/building department consider it necessary to take formal action.

Letting room/ self-contained room.

Units of accommodation where there is some exclusive occupation such as a letting room where there is some sharing of amenities such as a kitchen/bathroom or a self-contained letting room with exclusive use of a kitchen area and bathroom within the room.

Shared house.

Houses where there is evidence that the occupiers are living more like a single household and are comfortable using shared communal space, rather than individuals who have very little interaction with each other. Examples of this type of occupation are shared houses where the occupiers came together as a group or have a common shared interest i.e. students or employees from the same college or employer. Typically, they would cook and eat meals together and would choose to spend time together in a dining area or lounge.

Planning permission.

In 2013 the Council imposed an Article 4 Direction which removed permitted development rights across the borough for change of use of a building from a dwelling house (Class C3) to HMO (Class C4). Permission will now be required for all HMO, extensions or a change of use from a single family home or if the property has protected status. Permission cannot be guaranteed by the Private Sector Housing Enforcement team, or by compliance with these standards.

General inquires can be made at Planning.decisions@enfield.gov.uk.

It should be noted that standards may vary between the Housing and Planning Departments.

Building Regulations

Under the Building Regulations 2010 you may be required to seek permission if you are considering conversion, adaptation or structural alterations into a HMO.

The standards set out in this document are the minimum standards accepted by the Council and should not be seen as the ideal. However, in some circumstances changes may be agreed with the case officer. These changes may be made for an individual property only in certain circumstances and will not form the basis of a future standard to be applied to any other property in the borough. Each property will be assessed on its own merit.

Children in HMO's

Where there are children living in a HMO the letting they occupy must consist of at least 2 rooms. When calculating room sizes a child is counted as one person irrespective of age. A bed/cot shall be provided for exclusive use by the child. Any child over the age of 10 years shall not have to share a bedroom with their parents or a child of the opposite sex.

The rooms must be self-contained and interconnecting. The letting must have its own kitchen and bathroom for exclusive use of that letting. The kitchen and bathroom must be directly accessible from the letting. Ideally the bathroom should have a bath rather than just a shower

Ideally, a play space and a desk shall be provided. Where there is a garden or other outside space associated with the dwelling, it shall be child friendly, safely & easily accessible to the children. Balconies must have guarding to a height of at least 1100mm. Guarding should be designed to discourage children from climbing on it and should be strong enough to support the weight of people leaning against it. There shall be no gaps greater than 100mm in width.

Window sills (to windows on the first floor upwards) less than 1100mm shall be fitted with window restrictors. It shall be possible to override the window restrictors for escape purposes.

It is advised that landlords/agents seek advice from the Housing Enforcement Team or the Case Officer wherever there are children living in a HMO.

Space Standards

When calculating floor areas, the Council will discount space occupied by bath/shower rooms, kitchens, toilet compartments and chimney breasts. Rooms with sloped ceilings should have a minimum height of 2.3 metres over at least half of the habitable floor area. Any floor area where the ceiling height is less than 1.5 metres will not count towards the habitable floor space.

Space standard –Letting room where kitchen is provided in a separate room. (minimum floor area)

Single room	1 person over 10 years	6.51 square metres
Double room	2 persons over 10 years	10.22 square metres
Single room	Under 10 years	4.64 square metres

Space standard –Self contained room containing own kitchen area. (minimum floor area)

Single room	1 person	10.2 square metres
Double room	2 persons	13.9 square meters

It is important that the shape and lay out of the room be suitable, of an adequate size and capable of containing all furniture required in that room. In a bedroom, furniture would normally consist of bed, wardrobe and drawer unit with enough extra space for circulation.

The number of people sharing includes babies and children. Everyone must have their own allocation of space.

Everyone over the age of 10 years must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative or with someone of the opposite sex unless they are living together/co-habiting.

Loft spaces and cellars are unsuitable for use as living accommodation unless proper Building Control & Planning Permission have been obtained. These spaces may require extra works in order to comply with these standards and the Housing Act 2004.

Attic rooms and loft rooms should have a minimum room height of 2.3 metres over at least half of the habitable floor area. Any floor area where the ceiling height is less than 1.5 metres will not count towards the habitable floor space.

Facilities for the storage, preparation and cooking of food in a self contained letting room.

For each letting room containing its own kitchen facilities must have food preparation, cooking and storage facilities as follows;

Kitchen facility	Standard	Requirement
Cooker	Single let Double let	Fixed 2 hob cooker with oven and grill. Fixed 4 hob cooker with oven and grill. Cooker must not be sited adjacent to the exit doors.
Sink and drainer on a base unit.	1 sink /drainer	1 sink 1000mm x 500mm with integral drainer. Provided with a constant supply of hot and cold water and properly connected to the drainage system. The cold water supply shall be direct from the mains supply
Fixed worktop	A fixed worktop (in additional to the drainer) worktop	1000mm x 600mm
Storage	A storage cupboard.	One double wall cupboard or a single base unit is required for the storage of dry goods and utensils. The space in a unit below the sink will not be accepted for the above purposes
Refrigeration	1 fridge with freezer compartment.	Minimum fridge capacity 0.4 cubic meters with adequate freezer space.
Electrical power sockets	4 sockets (13 amp) provided within the food preparation area, at least 2 shall be above worktop level. 1 extra socket shall be provided for each major appliance (fridge, freezer, washing machine). The cooker shall be connected to a separate cooker spur.	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop.
The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned		
The lighting shall be suitable to enable the practical, safe & hygienic use of the kitchen facilities.		
There must be adequate mechanical ventilation, where practicable. Any mechanical ventilation provided to the kitchen area should be via an extract cooker-hood vented to the external air.		

Facilities for the storage, preparation of food in shared accommodation.

It is preferable for a kitchen to contain only one set of facilities, however, if a kitchen is large enough, 2 sets of facilities may be installed in the same kitchen for up to a maximum of 10 users. A kitchen for 10 users shall be a minimum of 14.5 square metres in area.

- The kitchen should preferably be not more than one floor from any letting room that it serves but cannot be more than 2 floors from any letting room. If travel distance is greater than a dining room/ area must be provided.
- The kitchen size and layout must enable the practical, safe & hygienic use of the kitchen for storage, preparation and cooking of food.
- The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned.
- The lighting shall be suitable to enable the practical, safe & hygienic use of the kitchen facilities.
- Suitable and sufficient provision shall be made for refuse storage and disposal both within the unit of accommodation and outside.
- Consideration should be given to clothes drying facilities preferably both inside and outside the property.
- Kitchens must not be installed in any hallway, corridor or lobby
- Portable cooking hobs are not acceptable.

Numbers Sharing	Minimum Floor Area
Kitchens	
Used by 1-5 occupiers	6 square meters
Used by 6-10 occupiers	11 square meters
Dining/kitchens	
Used by 1-5 occupiers	8.5 square meters
Used by 6-10 occupiers	12.5 square meters
Living Rooms or Dining Rooms	
Used by 1-5 occupiers	8.5 square meters
Used by 6-10 occupiers	12.5 square meters

A set of kitchen facilities with a minimum floor area of 6 square meters for up to 5 people sharing. The kitchen must be sited no more than one floor distant from the bedroom or living/dining room.

Kitchen facility	Standard	Requirement
Cooker	1 cooker for every 5 people	1 full sized cooker with a minimum of 4 ring hob, a standard size oven and a grill.
Sink and drainer on base unit	1 sink for every 5 people	1 sink 1000mm x 600mm Provided with a constant supply of hot and cold water and properly connected to the drainage system. The cold water supply shall be direct from the mains supply
Fixed worktop	A worktop or table of smooth and impervious material. This is to be in addition to any space taken up by any large appliance, sink unit or cooker.	500mm x 1500mm
Storage	Each separate let shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position.	One double wall cupboard or a single base unit is required per let for the storage of dry goods and utensils. The space in a unit below the sink will not be accepted for the above purposes
Refrigeration	1 refrigerator	If possible, separate fridges should be provided per occupancy. Otherwise, each separate let shall be provided with at least one shelf of refrigerator space either within the kitchen, or in an adjacent and readily accessible position
Freezer	1 freezer	1 shelf or drawer per let
Laundry	Recommended 1 washing machine / dryer	
Electrical power sockets	4 sockets (13 amp) sockets provided within the food preparation area, at least 2 shall be above worktop level. 1 extra socket shall be provided for each major appliance (fridge, freezer, washing machine). The cooker shall be connected to a separate cooker spur	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop.

The above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the kitchen for the number of users.

A set of kitchen facilities with a minimum floor area of 12.5 square meters for up to 10 people sharing. The kitchen must be sited no more than one floor distant from the bedroom or living/dining room.

Kitchen facility	Standard	Requirement
Cooker	6 to 10 people	2 full sized cookers with a minimum of 4 ring hobs, a standard size oven and a grill or 1 full size cooker or 6 ring hob plus microwave depending on the number of occupiers.
Sink and drainer on base unit	2 sinks each with a minimum dimension 600 x 1000 provided with a constant supply of hot and cold water and properly connected to the drainage system. The cold water supply shall be direct from the mains supply	the provision of a double bowled sink may be treated as meeting this requirement, where the Council considers that such provision adequately meets the occupiers needs.
Fixed worktop	A worktop or table of smooth and impervious material. This is to be in addition to any space taken up by any large appliance, sink unit or cooker.	500mm x 1500mm
Storage	Each separate let shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position.	One double wall cupboard or a single base unit is required per let for the storage of dry goods and utensils The space in a unit below the sink will not be accepted for the above purposes
Refrigeration	2 refrigerators	If possible, separate fridges should be provided per occupancy. Otherwise, each separate let shall be provided with at least one shelf of refrigerator space either within the kitchen, or in an adjacent and readily accessible position
Freezer	2 freezers	1 shelf or drawer per let
Laundry	Recommended 2 washing machines / dryer	
Electrical power sockets	4 sockets (13 amp) sockets provided within the food preparation area, at least 2 shall be above worktop level. 1 extra socket shall be provided for each major appliance (fridge, freezer, washing machine). The cooker shall be connected to a separate cooker spur	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop.

The above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the kitchen for the number of users.

Personal Hygiene

Where exclusive bathroom/shower room & toilet facilities cannot be provided in the individual letting rooms one bathroom or shower room, one toilet and one wash hand basin shall be provided for every 5 occupants.

- Baths, showers, toilets and wash hand basins shall be provided in a separate room of adequate size.
- The room shall be accessible directly from the common areas and within one floor of each letting.
- A wash hand basin shall be provided within each toilet compartment and within each bathroom/shower room.
- Each bath, shower and wash hand basin shall be provided with a constant supply of hot and cold water.
- The doors to bathrooms, shower rooms and WCs shall be capable of giving privacy and should be lockable from the inside.
- Where light switches are located within the bathroom, shower room or WC compartment they must be pull cord switches.
- The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned.
- The lighting shall be suitable to enable the practical, safe & hygienic use of the facilities.

Washing facilities	
Up to 5 people	1 bathroom with wash basin and bath or shower.
6 to 10 people	2 bathroom with wash basin and bath or shower

Wash hand basins

One standard sized washbasin, (approx. 550mm x 400mm) with a 300mm waterproof splash back with cold and constant hot running water shall be supplied in each shared bath/shower room serving a maximum of five people

Bath and Shower Facilities

A readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room together with adequate drying and changing space, shall be provided. A 300mm waterproof splash back to the bath is to be provided. In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the showerhead and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls or a complete self-standing cubicle.

Toilet facilities	
Up to 5 people	1 toilet may be incorporated within the bathroom
6 – 8 people	2 toilets may be sited within 2 separate bathrooms
9 – 10 people	2 toilets may be sited within 2 separate bathrooms
11 + people	3 toilets. 2 may be sited within 2 separate bathrooms. 1 toilet must be separate from any bathrooms. 1 toilet must be separate from any bathrooms

Each separate toilet compartment shall be provided with a suitable wash hand basin with cold and constant hot water and a 300mm tiled splash back.

Heating

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

- Heating shall be provided in every habitable room and bathroom capable of maintaining a temperature of 21°C when the outside temperature is -1°C
(The provision of insulation can assist in meeting this standard.)
- The heating should be controllable and must be capable of being safely used at any time.
- Electricity. In some circumstances, the sole use of electricity may be acceptable to heat a dwelling but if you propose to use this method of heating you must discuss it with your local authority. Individual heaters (except oil filled radiators) must be a fixed installation.
- Solid Fuel (in the form of an authorised smokeless or alternatively solid fuel burnt in a smokeless appliance.) If solid fuel is used, proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation. *
- Wherever practicable, heaters (excluding radiators) shall be fixed to an existing chimney breast or otherwise positioned to direct heat towards the centre of the room.
- Gas appliances shall be inspected annually and certificated by a competent Gas Safe Registered Engineer
- The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited under any circumstances, whether provided by the landlord or the tenant.

* In accordance with The Smoke and Carbon Monoxide Alarm (England) Regulation 2015 with effect from the 1 October 2015 private landlords are required by law to install working carbon monoxide alarms in all their rented properties. The Local Authority can enforce this legislation and landlords could receive a fine of a maximum charge of £5000 for non-compliance.

Fire detection and means of escape.

All HMO's are subject to an assessment under the Housing Health & Safety Rating System and must comply with the Regulatory Reform Order and Lacors Fire Guidance.

The property shall be provided with an adequately protected means of escape from fire, together with other fire precautions including so far as necessary. This will include detection and a warning system. The escape route to the final exit door must never pass through areas used for sleeping, general living, cooking, or storage without being separated from them by fire resisting walls or partitions and fire doors.

The Council is responsible for implementing mandatory licensing of HMOs and assessing the fire safety risks in all dwellings under HHSRS and must comply with the Regulatory Reform Order and Lacors Fire Guidance. The Council works in partnership with the London Fire Brigade who also have responsibilities for fire safety in common (shared) parts of HMOs.

Some HMO have complex layouts and you are advised to have a risk assessment carried out by a competent person and seek advice from an officer in the Housing Enforcement Team prior to installation.

Please also refer to separate guidance document for fire safety. Available at request.

Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows and/or door(s), The glazed area to be equivalent to at least 1/10th of the floor area and to extend normally to a point 1.75m above floor level. The window shall be so positioned that the light from the window is able to illuminate most of the room.

Windows to bathrooms and toilets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets. All lighting to common parts to be provided maintained and paid for by the landlord. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect and be illuminated for ease of location.

Two-way switches shall be provided on stairs and passageways as necessary.

Artificial light should be positioned to provide sufficient light to enable domestic and recreational activities to be carried out without eyestrain and without creating glare or shadows

Ventilation

All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th of the floor area of that room. Alternatively, a whole house ventilation system, suitable for use in habitable rooms will satisfy this standard providing it is installed and serviced in accordance with manufacturer's recommendations and has room by room control.

All bathrooms shall have mechanical ventilation providing a minimum of 4 air changes an hour. Such an installation shall be fitted with an overrun device. In the case of bathrooms, this will usually be to the lighting circuit of the room but in certain cases, for example, where the fan is humidity controlled, this may not be possible.

All toilet compartments must have either an openable window or mechanical ventilation providing at least one air change per hour.

A kitchen may be required to have extract ventilation.

Drainage

The whole house should be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water. All new drainage shall comply with current Building Regulations.

Refuse, Storage and Disposal

There must be sufficient refuse/ recycling bins or containers provided to meet the needs of the premises. The bins should be positioned so that they do not cause an obstruction of footways, access ways and do not obscure natural lighting to windows below bin height. The waste should be disposed by the Council or a registered waste carrier.

Furniture Safety

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require that certain furniture included in accommodation that is made available for let complies with the fire safety requirements detailed in the regulations. Landlords, estate agents and letting agents who let accommodation during have duties under the above regulations.

In a licensed premise the furniture safety requirements form part of the licence conditions. Further information can be obtained from your local Trading Standards Service or from the Department of Trade and Industry

Personal Safety and Security

Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and tenant's own rooms to prevent unauthorised access but permit safe egress. Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire. Appropriate arrangements must be in place to control the issue and return of house keys on changes of tenancy, or the changing of locks. Simple locks must be provided to communal bathrooms and toilets to provide privacy

Any advice on crime prevention measures provided by the Police Crime Prevention Officer must be acted on.

Asbestos

Landlords have a duty to identify and manage any Asbestos containing materials in their property. If the material is in good condition and not liable to damage or disruption, for example during alteration work, then it is normally appropriate to leave it alone. If in doubt, you should seek further advice. If you are aware of any Asbestos containing materials, you should keep a record of the location and type of material and confirm that it is in a sound condition. You should then check every 6 months to see there has been no damage etc, and date and sign the record to show that you have done this

Electrical Appliances and Installations

There should be sufficient electrical socket outlets provided in rooms or lettings.

All socket outlets must be in positions which always permit safe convenient and proper use, having regard to the room layout. They must not be positioned where the appliance cables are likely to pose a safety hazard.

All new electrical installations must comply with Building Regulations and shall be suitably certified. Installations must be checked at 5 yearly intervals and a certificate obtained.

All works to the electrical installation shall be carried out by a properly qualified engineer and must comply with the following;

The Electrical Equipment (Safety) Regulations 1994

These regulations apply to the supply of electrical equipment with a working voltage of between 50 and 1000 volts A.C. or between 75 and 1500 volts D.C. This imposes a duty on you as the supplier that they are 'safe' as defined by section 19 of the Act, so that there is no risk of injury or death to humans or pets or risk of damage to the property.

These regulations cover all mains voltage household electric goods including cookers, kettles, toasters, electric blankets, washing machines, immersion heaters etc. The Act also requires that if any equipment is supplied suitable information or instruction booklets should be provided.

Plugs & Sockets (Safety) Regulations 1994

These regulations require that where any plug, socket or adaptor supplied for intended domestic use, that it complies with the appropriate current standard and specifically that:

- The live and neutral pins on the plugs are part insulated to prevent shocks when removing plugs from sockets.
- All plugs are pre-wired.

Electricity at Work Regulations 1989

These regulations require the testing of portable appliances (PAT testing) provided within the common areas of the property, e.g. kettles, microwaves, toasters etc.

Gas Safety

All works to the gas installation and gas appliances shall be carried out by an engineer registered on the Gas Safe Register.

All gas pipe work, appliances and flues must be tested by a registered Gas Safe Engineer every 12 months. You must keep a copy of the Gas Safety Certificate for 2 years and issue a copy to each existing tenant within 28 days of the check being completed and issue a copy to any new tenants before they move in. A copy of the Gas Safety Certificate can be provided within the common areas and for licensed HMO a copy must be sent to the Council.

The landlord must comply with the requirements of the Gas Safety (Installation & Use) Regulations 1994 (as amended). These Regulations are enforced by the Health and Safety Executive but are a requirement under the Management Regulations 2006 and form part of the licence conditions.

Management

The manager of the house is ultimately responsible for maintaining standards within the building. Where the manager is not resident he or she must make suitable arrangements to ensure that conditions and facilities are kept in good order. In order to fulfil their duties managers must undertake to regularly visit the property either personally or via a representative to ensure standards are maintained and where necessary improved.

Management Duties

The Management of Houses in Multiple Occupation (England) Regulations 2006 places the following duties on the manager of the HMO

Regulation 3 - Duty to inform the occupier of contact details including name, address and telephone number and to display this information in a prominent place in the HMO. If a landlord is regularly out of the country or away for long periods of time, a local manager should be appointed who can act on behalf of the landlord, contact details for this person should also be displayed.

Regulation 4 - Duty of the manager to take safety measures in relation to providing and maintaining the means of escape from fire & firefighting equipment and to reasonably protect the occupiers of the HMO from injury.

Regulation 5 - Duty of the manager to maintain water supply & drainage. Water rates should be registered in the name of the landlord/manager who is responsible for paying the bills.

Regulation 6 - Duty of the manager to supply & maintain gas & electricity, including the provision of the latest gas safety certificate to the local authority when requested and the uninterrupted supply of gas and electricity. Utility bills should be registered in the name of the landlord/manager who is responsible for paying the bills. Key meters are not acceptable.

Regulation 7 - Duty of the manager to maintain common parts, fixtures, fittings and appliances including stairs, banisters, floor coverings, windows, lighting, shared appliances, yards, gardens and boundaries. Common parts must be kept free from obstruction, clean and in good order & repair.

Regulation 8 - Duty of the manager to maintain living accommodation and any furniture, fittings and appliances provided by the landlord.

Regulation 9 - Duty to provide waste disposal facilities suitable for the number of people occupying the HMO.

Regulation 10 - Duties of occupiers to reasonably cooperate with, not to hinder or frustrate the manager in performance of his duties; to provide information reasonably requested by the manager for the purpose of carrying out his duties; take reasonable care to avoid causing damage; properly dispose of rubbish; and comply with reasonable instructions regarding the means of escape from fire, prevention of fire and the use of fire equipment

Pest control

Where there is an infestation of pests in a house in multiple occupation the owner must employ a competent pest control contractor to carry out appropriate treatments to eradicate any recognised pest species infesting the property.

Enforcement

The Council will encourage owners to comply with their legal obligations with information, advice and support. Where owners or managers are unwilling to meet their obligations or where failures are significant, the Council will take appropriate enforcement action in accordance with the enforcement policy to protect the health, safety or well-being of occupiers and others affected.

This may include any of the actions available to the Council in Part 1 of the Housing Act 2004 following a Housing Health & Safety Rating System ('HHSRS') assessment;

- prosecution for breaches of the Management Regulations or licence conditions.
- the making of Interim and Final Management Orders where the health, safety or wellbeing of tenants is of serious concern.
- action to revoke a mandatory licence

Where formal enforcement action is taken this may affect future decisions as to whether someone associated with a licence or property is a fit and proper person and future applications for the grant, renewal or variation of mandatory licenses.

Section 49 & 50 of Housing Act 2004 gives the Council the power to make a charge as a means of recovering certain reasonable expenses incurred in serving formal notices. A charge will normally be made where it has been necessary to take one of the enforcement actions listed from below.

- serving an improvement notice under section 11 or 12
- making a prohibition order under section 20 or 21
- serving a hazard awareness notice under section 28 or 29
- taking emergency remedial action under section 40
- making an emergency prohibition order under section 43
- making a demolition order under section 46
- reviewing a suspended improvement notice under section 17
- reviewing a suspended prohibition order under section 26

The expenses are in connection with the inspection of the premises, the subsequent consideration of any action to be taken, and the service of notices or orders. When considering the most appropriate course of action to deal with hazards, if it is considered necessary to have to take formal action a standard charge will be made. Details of the fee is available on the Councils website.

A demand for payment will be served at the time of service of the underlying notice to which it relates. A demand for payment becomes operative 21 days from the day on which it is served (unless the underlying notice is appealed) and you will receive an invoice for payment. Once a demand for payment becomes operative, the sum recoverable by the Council is, until recovered, a charge on the premises concerned and is a local land charge.

For the purpose of enforcing the charge the Council have the same powers and remedies under the Law of Property Act 1925 and otherwise as if we are mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

The power of appointing a receiver is exercisable after the end of the period of one month beginning with the date on which the charge takes effect.

The service of an improvement notice, or a prohibition order will also be registered as a local land charge on the relevant property in accordance with section 37 of the Act.

Prosecution

A Council can prosecute an owner or manager if it can show that there were relevant defects in the house and that the defendant failed to comply with the regulations without reasonable excuse.

Complying with the Housing Act 2004 does not exclude enforcement action being taken by other services in the Council if the relevant permissions/consents have not been obtained or refused.