

POLICY AND RESOURCES COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Monday, 26 January 2026 at 7.00 pm

Members of the Policy and Resources Committee:-

Councillors:

Stephen Giles-Medhurst OBE (Chair)
Oliver Cooper
Stephen Cox
Steve Drury
Vicky Edwards
Rue Grewal
Philip Hearn

Sarah Nelmes (Vice-Chair)
Chris Lloyd
Chris Mitchell
Louise Price
Reena Ranger
Jon Tankard

*Joanne Wagstaffe, Chief Executive
Friday, 16 January 2026*

The Council welcomes contributions from members of the public on agenda items at the Policy and Resources Committee meetings. Details of the procedure are provided below:

For those wishing to speak:

Members of the public are entitled to register and identify which item(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak are asked to register on the night of the meeting from 7pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

In the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Committee.

Those wishing to observe the meeting are requested to arrive from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

14. REVIEW OF HMO ADDITIONAL LICENCING AND CONSIDERATION OF ARTICLE 4 DIRECTION

(Pages 3
- 64)

That:

- Based on evidence at this time, additional licensing for HMOs is not progressed, however, this will be reviewed in 12 months' time.
- Based on evidence at this time, that an Article 4 direction is not progressed. However, Officers agree to keep this under review and if circumstances change, Officers will consider the position.
- Resident input into HMO licence applications to be included as part of the forthcoming HMO Licensing Policy that will be presented to Committee later this year.
- The address of any property subject to an application for a HMO licence to be added to the council's HMO Register.
- Ward Councillors, County Councillors and Parish Councillors (if applicable) are advised if a HMO licence application is received for their area.
- Neighbours of a property that has applied for an HMO licence application will be notified by Officers upon receipt of that application. (pending approval of the council's Data Protection and Resilience Manager)

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

Policy and Resources Committee –

Review of HMO Additional Licensing and possible Article 4 direction in the district

26/01/2026

- **POLICY AND RESOURCES COMMITTEE**

PART I

Review of HMO Additional Licensing and consideration of the introduction of an Article 4 direction (ADCCC)

1 Summary

- 1.1 At the Full Council meeting of 21 October 2025, the council's Lead Member for Community Engagement, Public Safety and Housing made a commitment that the council would explore the introduction of additional licensing for HMO's and the possible introduction of an Article Four direction in the district.
- 1.2 The Lead Member also committed that the council to explore the options for a formal mechanism for resident input on HMO licence conditions and for the council to improve transparency through a publicly accessible online register of all HMO licence applications and decisions, alongside clear communication channels for councillors, parish councils and residents.
- 1.3 This report will explain these measures and provide Officer's recommendations to members on whether these are able to be progressed, based upon the evidence that is currently held by the council and the evidence legally required to be demonstrated before these measures can be explored/adopted.
- 1.4 The council also committed to investigate what other authorities do to regulate HMOs through the planning process to ensure HMOs are properly planned and managed.
- 1.5 This is currently ongoing and not discussed within this report, however, it is important to note that on the 25 November 2025, the council's Local Plan Sub-Committee agreed that the council's emerging Local Plan will require that a HMO that requires planning permission (over six residents) will only be supported if it does not adversely affect the immediate area, if it creates suitable living conditions and provides sufficient provision of amenity space and parking. This includes the requirement of one parking space per bedroom.

2 Recommendation

- 2.1 That:
- 2.2 Based on evidence at this time, additional licensing for HMOs is not progressed, however, this will be reviewed in 12 months' time.
- 2.3 Based on evidence at this time, that an Article 4 direction is not progressed. However, Officers agree to keep this under review and if circumstances change, Officers will consider the position.
- 2.4 Resident input into HMO licence applications to be included as part of the forthcoming HMO Licensing Policy that will be presented to Committee later this year.
- 2.5 The address of any property subject to an application for a HMO licence to be added to the council's HMO Register.

- 2.6 Ward Councillors, County Councillors and Parish Councillors (if applicable) are advised if a HMO licence application is received for their area.
- 2.7 Neighbours of a property that has applied for an HMO licence application will be notified by Officers upon receipt of that application. (pending approval of the council's Data Protection and Resilience Manager)

Report prepared by: Jason Hagland, Strategic Housing Manager

Marko Kalik, Head of Planning Policy and Conservation

3 Details

3.1 Additional Licensing

- 3.1.1 The Housing Act 2004 requires mandatory licensing of certain Houses of Multiple Occupation (HMOs).
- 3.1.2 As per this legislation, mandatory licensing of a HMO is required when the HMO is occupied by five or more persons, living in two or more separate households, who are sharing facilities (kitchen, bathroom etc.)
- 3.1.3 The council currently operate a mandatory HMO licensing scheme, therefore, any property HMO that meets the above criteria is required to apply for, and be granted an HMO licence by the council, for their operation.
- 3.1.4 The Amenity Standards for Houses of Multiple Occupation for landlords within Three Rivers is attached at Appendix Two. This appendix details the strict criteria and standards operated by this authority and can be found on the council's website at the following link –
- <https://cdn.threerivers.gov.uk/files/2025/10/95b77570-a90e-11f0-8e82-1dec93f21d5d-TRDC%20Amenity%20Standards.pdf>
- 3.1.5 Failure to do this and therefore operating a licensable HMO without a licence is an offence that can lead to criminal prosecution or significant civil penalties to a landlord.
- 3.1.6 In addition to setting out the requirements for mandatory licensing of HMOs, the Housing Act 2004 gives local authorities the power to designate the area of the district, or an area in their district, for additional licensing of HMOs (Section 56).
- 3.1.7 A local authority may designate that all HMOs in an area must be licensed, even if they are not subject to mandatory licensing as set out with the legislation. A typical example of this may be the requirement for smaller HMOs (three for four tenants, in two or more households) to be granted a licence for their operation.
- 3.1.8 At the time of writing this paper, the council has 13 x licensed HMOs in the district. One application for a licence for six-bedroom HMO in Croxley Green has recently been withdrawn, and the council is currently considering an application for a six-bedroom HMO licence in Carpenders Park.
- 3.1.9 It is important to note that no other local authority located within Hertfordshire has introduced additional licensing within their district/borough. This includes Welwyn Hatfield Borough Council, who, likely because of the location of Hertfordshire University, have significantly more HMOs located within their area than Three Rivers.

- 3.1.10 Sections 56 and 57 of the Housing Act 2004, confirm that in the first instance, before a designation of additional licensing in an area can be made, the council must have evidence that demonstrates that –
- A significant proportion of HMOs in the area are being managed ineffectively, and;
 - This poor management is contributing to problems, or is likely to do so.
- 3.1.11 These problems include poor housing conditions, antisocial behaviour linked to the tenants and the properties, poor tenancy management and health and safety risks in HMOs.
- 3.1.12 A review of the data currently held by the council, including complaints, inspections and enforcement activity by the council's Residential Environmental Health team, does not indicate widespread poor management of HMOs in the district.
- 3.1.13 In addition to this, Section 56 and 57 of the Housing Act 2004 also state that to introduce additional licensing in the district a 10-week public consultation must be conducted, and the introduction of additional licensing must be consistent with the council's overall housing strategy.
- 3.1.14 At this time and without any additional evidence available, it would be more suitable to attribute any issues identified in HMOs in the district to a very limited number of properties and individual landlords.
- 3.1.15 Because of this, any designation of additional licensing in the district, or within an area of the district, relying only upon the evidence currently held by the council, would leave the council at risk to robust legal challenge via judicial review.
- 3.1.16 Therefore, it is the Officer recommendation that at this current time any progression with additional licensing by the council would currently be disproportionate and premature.
- 3.1.17 This option would maintain the current mandatory licensing approach adopted by the council and any issues identified with an HMO (whether mandatorily licensed or not) would be dealt with by Officers using the appropriate enforcement options.
- 3.1.18 It should be noted that the implementation of the Renters Rights Act 2025 in 2026 will see a significant increase to the financial penalties that a landlord may be subject to should they be operating an unlicensed HMO or fail to address any housing disrepair within a HMO.
- 3.1.19 However, should members wish, Officers will commit to review the council's position in 12 months' time, with a further paper to be presented to this Committee.
- 3.1.20 Should complaints of poor management of HMOs to the council significantly increase before the 12 month agreed period of review, then Officers will consider the council's position and if the evidence is considered satisfactory for the introduction of additional licensing, a paper will be presented to this Committee.

3.2 Article Four Direction

- 3.2.1 The change of use of a building from its use as a dwellinghouse (“C3” of the Use Class Order) to its use as an HMO that is to be occupied by six or less residents, is currently automatically granted planning permission by virtue of Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) (“the GDPO”).
- 3.2.2 To clarify the above, this legislation, introduced by Government in 2015, removes the requirement for a landlord/owner of a property to apply for planning permission from a local authority to convert a property into an HMO that is to be occupied by six or less residents.
- 3.2.3 This removed the ability for the council to approve/refuse these applications and to consider matters, including parking provision to be provided, on these conversions.
- 3.2.4 To remove the ability to undertake this permitted development described above and require planning permission to be sought for these conversions, the local authority has the ability to make an Article 4 Direction in relation to HMOs across the whole district, or in a certain area of the district.
- 3.2.5 The wording of paragraph 54 of the National Planning Policy Framework (NPPF) advises local authorities that they should be limited to situations where one is necessary to protect local amenity or the well-being of the area and in all cases, be based on robust evidence, and apply to the smallest geographical area possible. All Article 4 Directions need to be confirmed by the Secretary of State, therefore any evidence produced by the council will be closely scrutinised.
- 3.2.6 Such evidence could include the following –
- If there was a substantial increase in HMO conversions across the district/in an area
 - That HMO conversions were having a significant and detrimental impact on the local housing supply
 - That HMO conversions were creating a significant demographic shift across the district/ in an area
 - That HMO conversions were detrimental to residential amenity
- 3.2.7 An example of a local authority within Hertfordshire introducing a robustly justified Article 4 Direction in relation to HMOs can be seen by the introduction of an Article Four direction by Welwyn Hatfield Borough Council.
- 3.2.8 The justification for this introduction was that within specific areas close to Hertfordshire University, HMOs were as much as 50% of the housing stock available.
- 3.2.9 In addition to this, the current HMO Register for Welwyn Hatfield Borough Council lists in excess of 500 x licensed HMOs.
- 3.2.10 Based on data taken from Town Planning Expert, the only other Hertfordshire authority that has introduced an Article 4 Direction in relation to HMOs is Stevenage Borough Council.
- 3.2.11 Whilst this Article 4 direction came into effect in 2017, the current HMO Register for Stevenage Borough Council lists in excess of 200 x licensed HMOs.

- 3.2.12 Furthermore, there has been no Article 4 direction introduced by Watford Borough Council in relation to HMOs, despite the current HMO Register for Watford Borough Council listing in excess of 300 x licensed HMOs
- 3.2.13 Whilst not located within Hertfordshire, the London Borough of Hillingdon, another neighbouring local authority to Three Rivers, has recently (27 November 2025) introduced a borough wide Article 4 direction for HMOs.
- 3.2.14 The current HMO Register for the London Borough of Hillingdon lists in excess of 600 x licensed HMOs.
- 3.2.15 In comparison with the numbers listed above, there are currently only 13 x HMOs in Three Rivers licensed by the council.
- 3.2.16 Therefore, Officers do not consider that the evidence held by the council is sufficient to justify an Article 4 Direction in the district, or within an area within the district at the present time. This is demonstrated by the following -
- 3.2.17 There are currently only 13 x HMOs licensed by the council at this time. Therefore, it is not the case that Three Rivers has seen a substantial increase in HMO conversions within the district. Furthermore, there is no smaller area within the district with a substantial concentrated proliferation of HMOs.
- 3.2.18 Given the small number of known HMOs within Three Rivers and the fact there is no smaller area within the district with a substantial concentrated proliferation of HMOs, Officers do not consider that HMO conversions are having a significant and detrimental impact on the local housing supply. In addition to this, it is considered that a small number of HMOs can play an important role within the district's housing supply and housing mix.
- 3.2.19 There is no evidence available that demonstrates a significant demographic shift within the district, or an area of the district, due to HMO conversions. This includes the area of Gade Bank, Croxley Green.
- 3.2.20 Whilst Officers acknowledge that the HMO conversion on Gade Bank, Croxley Green, did have a significant impact on the residents of the local area, Officers do not consider that a one-off occurrence of significant impact of residential amenity would be sufficient to meet the robust evidence threshold.
- 3.2.21 Officers would consider robust evidence of this nature to be numerous HMOs within a small area creating similar and continuous detrimental impact on residential amenity.
- 3.2.22 There is no evidence available to the council that would indicate that HMOs in any area of the district are having a significant detrimental effect to residential amenities.
- 3.2.23 Officers acknowledge that paragraph 54 of the NPPF sets out that the use of an Article 4 Direction should apply to the smallest geographical area possible. However, the evidence itself needs to consider a wider area and whether specific locations are under threat.
- 3.2.24 Whilst an Article 4 Direction could itself relate to a single street within the district, it is not considered appropriate to apply an Article 4 Direction to one solitary street within the district, on the basis of a single HMO located within that street.
- 3.2.25 The phrasing "the smallest geographical area possible" is intended to be read in context with the issue at hand. HMO Article 4 Directions are primarily

implemented in university towns and cities where the demand created from student housing results in the proliferation of HMOs.

- 3.2.26 In this case “the smallest geographical area possible” would relate to the specific areas of the town/city where current or potential locations of HMOs are highest, or where the impacts of HMO’s would be most detrimental, rather than a blanket Article 4 Direction across the entire town/city.
- 3.2.27 Whilst Article 4 Directions should be restricted to the “smallest geographical area possible”, the context of the issue must be considered, to ensure that on the other hand, the geographical area of the Article 4 Direction is not too small.
- 3.2.28 In the case of the HMO located on Gade Bank, Croxley Green, it is important to note that that Article 4 Directions cannot be implemented retrospectively.
- 3.2.29 As such, the existing HMO would not be required to return to its pre-existing use if an Article 4 Direction were to be made. Any Article 4 Direction’s purpose, if applied to Gade Bank, would be to require planning permission for any future HMO applications on the street.
- 3.2.30 Therefore, it would have no bearing on the status, in planning terms, of 10 Gade Bank which had already been granted planning permission for a change of use from residential dwelling to HMO through permitted development rights.
- 3.2.31 It is important to note that the retrospective planning application for the downstairs extension on the above property was refused by the Planning Committee, however, this has no bearing on the planning permission for a change of use of the property granted by permitted development.
- 3.2.32 In addition to this, is it also important to note that no HMO licence was awarded to the owner/managing agent of Gade Bank by the council. The application for the licence was withdrawn prior to any decision, following the Closure Order that was granted for the property.
- 3.2.33 Furthermore, it has been confirmed by Hertfordshire Constabulary that a legal undertaking has been obtained from the owner of 10 Gade Bank, confirming that he will not use the property as a HMO and the property will be let to a single occupancy family or sold on the open market.
- 3.2.34 On the basis of the information provided above, Officers would expect that any Article Four direction on HMOs within the district would be rejected by the Secretary of State.
- 3.2.35 Officers confirm that whilst this is the current position, Officers will continue to monitor and should circumstances change, will take any action deemed appropriate.

3.3 Formal mechanism for resident input on HMO licence conditions

- 3.3.1 Section 67 of the Housing Act 2004 enables the council to place additional conditions on the licence of an HMO, beyond the mandatory conditions required.
- 3.3.2 For example, these additional conditions may include restrictions or prohibitions on the use of parts of the property by the occupants or requiring the licence holder to take reasonable and practicable steps to prevent or reduce antisocial behaviour of the occupants or visitors to the HMO.

- 3.3.3 Whilst there is no legal reason that the council is unable to establish a formal mechanism for resident input into possible additional licence conditions to be placed on a HMO licence, it is important to note that the final decision on any additional conditions placed on a licence must rest with the council, who are required to act reasonably and proportionately.
- 3.3.4 The council has a duty to ensure that any conditions placed on an HMO licence are justified as necessary, relevant, reasonable, proportionate and enforceable.
- 3.3.5 There is a risk that as part of any formal mechanism for resident input into HMO licence conditions that residents demand licence conditions be placed on a HMO without any evidence or justification for doing so.
- 3.3.6 In this instance, the council would not be able to apply these conditions requested, therefore, this mechanism may feel like a 'tick box' exercise conducted by the council and set false expectations for residents.
- 3.3.7 However, should residents be able to provide evidence to the council for the requirement of any additional licensing then this will be considered by the council.
- 3.3.8 At this stage it is unknown how a formal mechanism for resident input into additional conditions placed on a licence would operate, however, if members should wish, Officers propose to include this mechanism within the forthcoming HMO Licensing Policy to be presented to the Committee at a future date.
- 3.4 Online register of HMO licences and decisions
- 3.4.1 An HMO Register of licensed HMOs in the district is already published on the council's website, as per our statutory obligation. This register is available at the following link –
- <https://www.threerivers.gov.uk/services/environmental-health/houses-multiple-occupation>
- 3.4.2 A copy of this register is also provided at Appendix One.
- 3.4.3 Officers note it has been requested that details of any application for a HMO licence from the council are added to this register.
- 3.4.4 The council's Data Protection and Resilience Manager has confirmed that the above request could be undertaken, however, the council would only be able to publish the address of the property.
- 3.4.5 No personal details of the applicant can be published during the application process to ensure adherence to our data protection responsibilities.
- 3.5 Clear communication channels for Councillors, Parish Councils and residents
- 3.5.1 Officers confirm that when any HMO licence application is received by the council, Officers will inform the relevant Ward Councillors, County Councillors and Parish Council (if applicable) of the receipt of this application.
- 3.5.2 The requirement of Officers to inform the relevant Ward Councillors, County Councillors and Parish Council (if applicable) will be integrated into the forthcoming HMO Licensing Policy to be presented to the Committee at a future date.

3.5.3 To ensure our adherence to our data protection responsibilities, Officers confirm that, pending the approval by the council's Data Protection and Resilience Manager, that when any HMO licence application is received by the council. Officers will inform the neighbours of the property of the application received.

3.5.4 This will be integrated into the forthcoming HMO Licensing Policy to be presented to Committee at a future date.

4 Reasons for Recommendations

4.1 The reasons for the Officer recommendations are as follows –

4.1.1 The introduction of additional licensing in the district is unable to be progressed at this time due to the lack of evidence currently held by the council. It is the Officer opinion that any introduction of additional licensing at this time would be disproportionate and premature. Therefore, potentially placing the council at risk of robust legal challenge via judicial review.

4.1.2 The council does not currently have the sufficient evidence to justify an Article 4 direction in relation to HMOs across the whole district, or in a particular area within the district.

Furthermore, it is to be noted that this would require sufficient resource from the council's Planning Policy team that may impact the timescales of delivery of other essential projects, such as the delivery of the Local Plan, and in Officer's opinion, would ultimately be rejected by the Secretary of State.

4.1.3 Officers find it appropriate that the upcoming HMO Licensing Policy will contain provisions that ensure that Officers inform Ward, County and Parish (where applicable) Councillors.

4.1.4 Officers find it appropriate that the upcoming HMO Licensing Policy will contain a provision to receive resident input into an HMO licence application.

4.1.5 Officers find it appropriate that the upcoming HMO Licensing Policy will contain provision to inform neighbours of a property that is subject to an HMO licence application and this will be included within the council's upcoming HMO Licensing Policy.

5 Policy/Budget Reference and Implications

5.1 The recommendations in this report are within the Council's agreed policy and budgets.

Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

None specific.

6 Financial Implications

6.1 None specific.

7 Legal Implications

- 7.1 Nil at this time, however, Legal Services will be required to be consulted prior to any action that could result in legal challenge (e.g. introduction of additional licensing)

8 Equal Opportunities Implications

8.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No – Not Required
Did the relevance test conclude a full impact assessment was required?	N/A

9 Staffing Implications

- 9.1 The preparation of a case to the Secretary of State for the introduction of an Article 4 Direction would require significant resource from the council's Planning Policy team that may impact the timescales of other essential delivery of other projects.
- 9.2 Any introduction of additional licensing would require significant resource from the council's Residential Environmental Health team, who are currently working at capacity to prepare the council in response to the upcoming obligations listed within the Renters Right Act 2025.

10 Communications and Website Implications

- 10.1 None specific.


11 Risk and Health & Safety Implications

- 11.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

11.2

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
The case for an Article 4 Direction to be collated and presented to the Secretary of State, which, in Officers opinion, would be rejected due to a lack of evidence.	Significant impact on the resources of the Planning Policy team, resulting in the possible delay of other projects.	Members accept the Officer recommendation to not proceed with this option.	Treat	4

- 11.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely  Likelihood Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
<div> <div>Low</div> <div>Impact</div> <div>Unacceptable</div> </div>				

Impact Score

4 (Catastrophic)
3 (Critical)
2 (Significant)
1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))
3 (Likely (21-79%))
2 (Unlikely (6-20%))
1 (Remote (≤5%))

- 11.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Data Quality

Data sources:

Welwyn Hatfield Borough Council HMO Register

Stevenage Borough Council Licensing platform

Watford Borough Council HMO Register

The London Borough of Hillingdon – Additional HMO licensing consultation – Evidence Pack

Data checked by: Jason Hagland

Data rating: Sufficient

Background Papers

APPENDICES / ATTACHMENTS

**Three Rivers District Council HMO Register
Amenity Standards for Houses of Multiple Occupation (HMOs)**

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Name / Number	Address 1	Town	County	Postcode	No: Flats	No: Bedrooms	Shared Facilities	No: residents	No: Storeys
1	Hemsley Road	Kings Langley	Herts	WD4 8SG	0	7	Shared Kitchen/ Lounge and dining room	6	3
14	Little Graylings	Abbots Langley	Herts	WD5 0JG	0	7	Kitchen/diner, conservatory/ lounge, 2 share a bathroom, rest ensuite	7	2
9	Oakfield	Mill End	Herts	WD3 8LR	0	6	Kitchen/diner. 3 share a bathroom, rest ensuite	6	2
Springett House	Bury Lane	Rickmansworth	Herts	WD3 1ED	0	7	2 Kitchens	7	3
Henderson House	Northway	Rickmansworth	Herts	WD3 1GB	0	5	Shared Kitchen	5	1
3	The Mead	South Oxhey	Herts	WD19 5BY	0	5	kitchen, living room (+ 2 ensuite WC/bath)	6	3
40	Lytham Avenue	South Oxhey	Herts	WD19 6XH	0	6	Shared Kitchen, living area, 6 ensuites	6	2
32	The Mead	Carpenders Park	Herts	WD19 5BU	0	5	Shared Kitchen, living area, bathroom (+ 1 ensuite)	5	1

74	Margeholes	Carpenders Park	Herts	WD19 5AR	0	4	Shared Kitchen, living area, bathroom (+ 4 ensuite)	6	3
14	Swanston Path	South Oxhey	Herts	WD19 7DS	0	6	kitchen, living room (+ three ensuite WC/bath)	6	3
148-	Penrose Avenue	Carpenders Park	Herts	WD19 5AH	0	6	Kitchen and bathroom	6	2
26	Chapel Close	Watford	Herts	WD25 7AR	0	6	kitch/living room. 2 share a bathroom, rest ensuite	6	3
50	Long Elms	Abbots Langley	Herts	WD5 0JR	0	6	Kitchen/breakfast area , an ensuite , a WC and a bathroom	5	3

Licence Holder	House Number	Street	Town1	County1	Postcode1	Managed by
Ms Moushmy Talukder	16 Kings Court	26 Bridge Street	Birmingham	West Midlands	B1 2JR	Ms Moushmy Talukder
Red Ridge Properties Ltd	Station House	North Street	Havant	Hampshire	PO4 1QU	Mr Andrew Wallace
ASJ Estates Ltd	The Gatehouse 453	Cranbrook Road	Ilford	Essex	IG2 6EW	Mr Hemal Joshi
Longmill Rickbost Ltd	5 Elstree Gate	Elstree Way	Borehamwood	Hertfordshire	WD6 1JD	Mr Rajan Jeyabavan
Longmill Rickbost Ltd	5 Elstree Gate	Elstree Way	Borehamwood	Hertfordshire	WD6 1JD	Mr Rajan Jeyabavan
Mr Keith John Fookes	37	The Courtway	Carpenders Park	Hertfordshire	WD19 5DP	Mr Keith John Fookes
Pathfinders Care Services Limited	218	Biscott Road	Luton	Befordshire	LU3 1AY	Mr Ebenezer Puplampu
Ms Kishori Wilkinson	1	Penrose Avenue	Carpenders Park	Hertfordshire	WD19 5AE	Ms Kishori Wilkinson

Mr Ronnie Hermon	79	Cavendish Crescent	Elstree	Hertfordshire	WD6 3JW	Mr Ronnie Hermon
M&H Property Management Ltd	486	Rayners Lane	Pinner	Middlesex	HA5 5DP	Mrs Heena Suleman
M&H Property Management Ltd	486	Rayners Lane	Pinner	Middlesex	HA5 5DP	Mrs Heena Suleman
Alex & Shenaz Elsey. (Owned by Suricata Homes Ltd)	86	Coldharbour Lane	Bushey	Hertfordshire	WD23 4NX	Alex Shenaz
Mr Lee Kundi	The Brow	11 Gadeview Road	Hemel Hempstead	Hertfordshire	HP3 0AL	Mr Lee Kundi

House Number	Street	Town	County	Postcode	Licensed
16 Kings Court	26 Bridge Street	Birmingham	West Midlands	B1 2JR	04/03/19
34	Ellington Road	Barnet	London	N10 3DG	01/10/18
3	Woolman Road	Watford	Hertfordshire	WD17 4DQ	01/10/18
112	Berkeley Road	Edgware	London	NW9 9DG	16/12/18
112	Berkeley Road	Edgware	London	NW9 9DG	21/11/19
37	The Courtway	Carpenders Park	Hertfordshire	WD19 5DP	25/03/21
15	Bank Avenue	Dunstable	Bedfordshire	LU6 1FR	16/01/21
1	Penrose Avenue	Carpenders Park	Hertfordshire	WD19 5AE	14/06/21

79	Cavendish Crescent	Elstree	Hertfordshire	WD6 3JW	10/08/21
486	Rayners Lane	Pinner	Middlesex	HA5 5DP	11/09/21
486	Rayners Lane	Pinner	Middlesex	HA5 5DP	11/09/21
86	Coldharbour Lane	Bushey	Herts	WD23 4NX	11/05/22
The Brow	11 Gadeview Road	Hemel Hempstead	Herts	HP3 0AL	25/08/23

Expiry	Conditions	Licence Reference Number	Renewed	Expiry
04/03/22	Three Rivers District Council Standard conditions	23/00113/HMO	26/03/24	26/03/27
01/10/23	Three Rivers District Council Standard conditions	23/00095/HMO	26/03/24	26/03/29
01/10/23	Three Rivers District Council Standard conditions	18/00478/HMO	30/05/24	30/05/29
16/12/23	Three Rivers District Council Standard conditions	19/00042/HMO	07/06/24	07/06/29
21/11/24	Three Rivers District Council Standard conditions	19/00152/HMO	01/11/24	01/11/29
25/03/26	Three Rivers District Council Standard conditions	21/00005/HMO		
16/01/26	Three Rivers District Council Standard conditions	20/00277/HMO		
14/06/26	Three Rivers District Council Standard conditions	21/00008/HMO		

10/08/26	Three Rivers District Council Standard conditions	21/00080/HMO		
11/09/26	Three Rivers District Council Standard conditions	21/00162/HMO		
11/09/26	Three Rivers District Council Standard conditions	21/00161/HMO		
11/05/27	Three Rivers District Council Standard conditions	22/00033/HMO		
24/08/28	Three Rivers District Council Standard conditions	22/00262/HMO		

AMENITY STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

Guidance for Landlords

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A. INTRODUCTION

This document gives advice to anyone involved with letting out a House in Multiple Occupation (HMO). Higher-risk HMOs require licences, and these amenity standards may form the basis of conditions attached to a licence. See the council website for what is required.

This document sets out the legal framework and the standards required for living space, amenities, fire safety and management adopted by the council. 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 part of legislation.

Legislative Background

Under the Housing Act 2004, The Management of Houses in Multiple Occupation (England) Regulations 2006 set out the responsibilities of the manager of an HMO. A copy of the regulations can be found in the Appendix. These regulations must be adhered to in all HMOs and are the main legislation used by the Council in maintaining quality rentals. Section 17 of this guide gives further information.

[The Management of Houses in Multiple Occupation \(England\) Regulations 2006 \(SI2006/372\)](#) updated in part by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#) sets out the responsibilities of the manager of an HMO.

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 \(SI2006/373\)](#) also updated by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#). The Authority also has power to specify other standards.

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

In 2018 changes have been introduced with [The Licensing of Houses in Multiple Occupation \(Prescribed Description\) \(England\) Order 2018](#) amending the definition of a property that is required to be licensed and [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#) imposing additional conditions covering the minimum floor area for sleeping accommodation and household waste storage and disposal.

Part 1 of the Housing Act 2004 introduced the Housing Health & Safety Rating System, or 'HHSRS'. The system looks at 29 hazards such as 'falls on stairs'. It assesses the likelihood of an incident occurring within a 12 month period that causes harm to the occupiers and the likely severity of that harm. If the Local Authority assesses a hazard as Category 1, this is a very serious issue and 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:

- the authority requiring the owner of a property to carry out specified improvements,
- the authority taking emergency action itself (with costs charged to the owner),
- or where appropriate, the authority prohibiting the use of part or all of a 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 about whether enforcement action is needed to remedy unsatisfactory conditions and the action to be taken. The HHSRS can be used in conjunction with the requirements under the Management of Houses in Multiple Occupation (England) Regulations 2006.

The standards within this document are based on those recommended by the Chartered Institute of Environmental Health and have subsequently been amended following changes in the law and guidance.

B .DEFINITIONS AND CATEGORIES OF PROPERTY

House	'House' is not conclusively defined in legislation but includes flats, blocks of flats, and the grounds, outbuildings and boundaries.
Household	Each of these is a single household: <ul style="list-style-type: none"> • a single person; • Co-habiting couples whether married or not, including those in same-sex relationships. A family of related people (includes blood relatives such as parents / children / nieces / nephews / cousins / siblings and grandparents as well as step children and those adopted or fostered).
House in Multiple Occupation	A rented house (or flat) that is let to three or more unrelated tenants in two or more households who share a kitchen, bathroom or toilet.
Licensable HMO	An HMO that is <ul style="list-style-type: none"> • occupied by 5 or more people, and • occupied by those people as their only or main home.

C. FURTHER ADVICE AND INFORMATION

If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, please contact the please contact the Residential Environmental Health Team at:

Residential Environmental Health
Three Rivers District Council
Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL
01923 776611
enquiries@threerivers.gov.uk

Note Planning permission may be required if an owner is considering:

- Using their property as a 'large HMO' for seven or more tenants.
- Major conversions or extensions.

Planning Department
Three Rivers District Council
Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL
01923 776611
enquiries@threerivers.gov.uk

Building Regulation approval may be required if an owner is considering:

- Conversion (for example converting a garage into a bedroom)
- adaptation
- structural alterations

If you are buying a property that has already had work done of this type, you are always advised to ensure that this has Building Control approval prior to purchase.

Hertfordshire Building Control Ltd is responsible for Building Control services for Three Rivers District Council. For enquiries please contact:

Hertfordshire Building Control Ltd
M25 Area Team
4th Floor
Campus West
Welwyn Garden City
Hertfordshire
AL8 6BX

The office is open Mon–Fri 8am–5.30pm

Tel: 01438 879 990
Email: building.control@hertfordshirebc.co.uk

These standards were reviewed in August 2018 and take effect from 01 January 2024. The information in this document supersedes all previous versions.

The Council has considered the local needs before adopting these standards for use.

For ease of use, the document is structured as follows:

Legal requirements as given in schedule 3 of The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006 as amended by The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations, 2007 are set out in bold type.

Adopted standards which give greater explanation of what is required, are set out following each legal requirement.

1. **HEATING**

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

- i. Fixed heating shall be provided in every bedroom, lounge and hallway. Where reasonably practical fixed heating shall be provided in kitchens and bathrooms. The means of heating shall be capable of maintaining the following internal temperatures when the outside temperature is -1°C.
- Living room 21°C
 - Bedrooms 18°C
 - Kitchen 18°C
 - Bathroom 22°C
 - Hall/Passage 18°C

The provision of insulation can assist in meeting this standard. See Section 14.

- ii. The heating appliances must be capable of being safely used at any time, and be suitably guarded. All such appliances shall be maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the Gas Safety (Installation & Use) Regulations 1998.
- iii. The use of portable paraffin, electric fan or liquefied petroleum gas (LPG) (bottled gas) heaters is unacceptable under any circumstances, whether provided by the landlord or the tenant. If an additional source of heating is required by a tenant this can be provided by an oil filled radiator where necessary.
- iv. Heating may be provided by means of:

A. **Gas Central Heating**

- a) Central heating controls should be located in a communal area and be easily accessible to all tenants.
- b) Radiators should ideally be provided with Thermostatic Radiator Valves (TRVs) but as a minimum the property should have a room thermostat and each radiator should have a control valve.

B. **Electric Storage Heaters**

- a) An electric wall socket should be provided for the exclusive use of each storage heater.
- b) The installation must run on 'off peak' electricity using 'Economy 7'.
- c) If storage heaters are used, they must have a built in 'boost' convector heater function in order to ensure that additional heat can be provided where necessary.

- v. Wherever practicable, heaters (including radiators) should be fixed to an existing chimney breast or be positioned so as to direct heat towards the centre of the room, such as under a window.
- vi. A carbon monoxide alarm must be installed in any room, hall or landing in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance (for the purposes of this condition bathrooms or lavatories are to be treated as rooms used as living accommodation). Any such alarm must be maintained in proper working order and the licence holder must supply the authority, on demand, a declaration by him/her as to the condition and positioning of any such alarm.

2. WASHING FACILITIES, SANITARY CONVENIENCES (Shared)

Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

- a) there must be an adequate number of bathrooms, toilets, and wash-hand basins, suitable for personal washing, for the number of persons sharing those facilities;**

Washing Facilities

Number of Occupiers Sharing	Washing Facilities
Up to 5 people	One bathroom with wash basin and bath or shower
6 to 10 people	Two bathrooms both with wash basin and bath or shower
10 + people	An additional bathroom for each additional 5 persons all with wash basin and bath or shower

Wash Basins

- i. One standard sized wash hand basin, (approx. 550mm x 400mm).
- ii. 300mm high waterproof splash back.
- iii. Constant supply of hot and cold running water.

The above shall be supplied in each shared bath/shower room serving a maximum of five occupiers. The wash basin shall be connected to the drainage system via a suitable trap and provided with a plug.

- iv. In licensed HMOs, wash basins as described above are required (where reasonably practicable) in all bedrooms. Please see box 2.1 (b) below.

Bath and Shower Facilities

Where practicable, each unit of accommodation shall be provided with a bath or shower, located in a separate room.

Otherwise, a readily accessible standard sized bath in a bathroom, or a standard sized shower, 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):

- v. The splash back shall be 150mm above the shower head and at least to the edge of a fixed shower screen.

- vi. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed.

Toilet Facilities

Number of Occupiers Sharing	Toilet Facilities Required
1-5 occupiers	<ul style="list-style-type: none"> - 1 toilet - can be sited within the bathroom
6-8 occupiers	<ul style="list-style-type: none"> - 2 toilets - can be sited within separate bathrooms
9-10 occupiers	<ul style="list-style-type: none"> - 2 toilets - 1 of which must be separate from any bathrooms
11-16 occupiers	<ul style="list-style-type: none"> - 3 toilets - 1 of which must be separate from any bathrooms

Where there is sufficient space to install this, each separate toilet compartment shall be provided with a suitable wash basin with constant hot and cold water and a 300mm tiled splash back.

External toilets shall be ignored.

2.1 b) Where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided, having regard to the age and character of the HMO, the size and layout of each unit and the existing provision for wash hand basins, toilets and bathrooms.

The splash back to a wash hand basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be adequately sealed. This requirement applies to bedrooms in all licensable HMOS. If a property is to be licensed for the first time we strongly advise discussion with the private sector housing team over the location of wash hand basins in bedrooms before these are installed.

2.2 All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.

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

Heating provisions are detailed previously in Section 1 and the ventilation provisions are detailed in Section 7.

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

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

- i. The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being readily cleansed.
- ii. All bathroom furniture must be of non-absorbent material and capable of being easily cleaned.
- iii. All bathroom furniture must be located at an appropriate height and with sufficient free user space to facilitate use.

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

- i. A bathroom shall be no more than one floor distant in relation to the bedroom, where practicable.
- ii. A toilet shall be no more than one floor distant from living rooms and bedrooms.

3. SHARED KITCHENS

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

- | |
|---|
| <ul style="list-style-type: none"> a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food; b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in sufficient quantity for the number of those sharing the facilities: |
|---|

i. Sinks with draining boards.

A metal or ceramic sink and drainer in good condition and of minimum dimensions of 500mm x 600mm, set on a stable base or support shall be supplied at the ratio of one sink for every 5 occupiers.

Where a house is occupied by 6 occupiers, either the provision of a double bowled sink, or a dishwasher in addition to a single sink may be treated as meeting this standard, where the Council considers that such a provision adequately meets the occupiers' needs.

A wash basin shall not be used in place of a sink.

- ii. An adequate supply of cold and constant hot water to each sink supplied.**
- iii. Installations, or equipment, for the cooking of food;**

Minimum Kitchen Requirements

The requirements for kitchen facilities within a HMO are for a full set of facilities for every five occupants. The kitchen must be sited no more than two floors distant from any user where practicable. The Council have discretion to allow certain alternatives of facilities for properties occupied by six tenants.

N.B. Planning permission is required as a large HMO where there are more than 6 occupants.

The table below outlines minimum requirements for different numbers of occupants.

Number of Occupants	Minimum Facilities Required
1-5 occupants	<ul style="list-style-type: none">• 1 full sized cooker (comprising a minimum of 4 ring burners, a standard sized oven and a grill)• 1 sink (min 500mm X 600mm) with drainer unit• 1 fridge/freezer
6 occupants	As for 1 – 5 occupants, plus: <ul style="list-style-type: none">• 1 combination microwave oven• 1 full size dishwasher or double bowled sink
7-10 occupants	<ul style="list-style-type: none">• 2 full sized cookers positioned away from each other (each comprising a minimum of 4 ring burners, a standard sized oven and a grill)• 2 separate sinks with drainer units• 2 fridge/freezers <u>or</u> 2 fridges and 2 freezers
All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.	

iv. Electrical sockets;

- 1) Six power outlets per five occupiers sharing the kitchen shall be provided and sited above the worktops. Plus, one power outlet for each major appliance set at a convenient height and safe position.
- 2) Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.
- 3) Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.
- 4) Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.

v. Worktops for the preparation of food;

Provide a fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500 mm length per occupier. It should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit or cooker.

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

- 1) Each household shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One standard size wall cupboard or base unit (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.
- 2) If located in a communal kitchen, the dry goods storage may need to be lockable or otherwise secure.
- 3) The space in a sink unit below the sink will not be accepted for the above purposes.

vii. Refrigerators with an adequate freezer compartment (or where the freezer compartment is not adequate, sufficient separate freezers;

- 1) If possible, separate fridges should be provided per household.
- 2) Each separate household shall be provided with refrigerator space either within the kitchen, or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

viii. Appropriate refuse disposal facilities (see Section 9) and;

ix. Appropriate extract fans, fire blankets and fire doors (for fire precautions see Section 5)

All kitchens shall be ventilated by means of a suitably sited extractor fan compliant with Part F of the Building Regulations.

4. UNITS OF LIVING ACCOMMODATION WITHOUT SHARED BASIC AMENITIES

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

a. adequate appliances and equipment for the cooking of food

The minimum requirements are:

- i. Four rings/hot plates
- ii. Minimum 28 litre oven and a grill

All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.

b. a sink with an adequate supply of cold and constant hot water;

The minimum requirements are:

- i. A metal or ceramic sink and drainer in good condition and with minimum dimensions of 500 mm x 600 mm, set on a stable base or support.
- ii. A waterproof splash back should be provided to the sink and draining board and all joints shall be adequately sealed.
- iii. The sink shall be connected to the drainage system via a suitable trap and provided with a plug.
- iv. A wash basin shall not be used in place of a sink.

c. a work top for the preparation of food;

Provide a fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500 mm length per occupier. It should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit or cooker.

d. sufficient electrical sockets;

A minimum of four power sockets in addition to any serving major appliances set at a convenient height and safe position above the work surface. Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.

e. a cupboard for the storage of kitchen utensils and crockery; and

Each separate unit shall be provided with dry goods storage space either within its kitchen or in an adjacent and readily accessible position.

- i. One standard size wall cupboard or base unit (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.
- ii. Where the room is occupied by more than one individual it will require additional space.

The space in a sink unit below the sink will not be accepted for the above purposes.

f. a refrigerator.

Each separate unit shall be provided with refrigerator space either within its kitchen or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

4.2 The standards referred to in a. and f. of sub-paragraph 4.1 shall not apply where the landlord is not contractually bound to provide such appliances or equipment, the occupier of the unit is entitled to remove such appliances or equipment or the appliances or equipment are otherwise outside the control of the landlord.

4.3 Where there are no adequate shared washing facilities provided for a unit of living accommodation an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either-

- a. within the living accommodation; or**
- b. within reasonable proximity to the living accommodation.**

- i. "Reasonable proximity to the living accommodation" shall mean no more than one floor away from the living accommodation.
- ii. Any unit of accommodation without access to shared facilities shall be provided, with a separate bathroom or shower room, to include:
 - a) A readily accessible standard sized bath or standard sized shower in a suitable room with adequate drying and changing space.
 - b) A 300mm waterproof splash back to the bath.
 - c) 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 shower head and up to at least the edge of a fixed shower screen.
 - d) Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain.
 - e) All joints shall be adequately sealed.
 - f) Any shower shall have fully tiled walls or a complete self-standing cubicle.

- iii. One standard sized wash basin, (approx. 550mm x 400mm) with a 300mm waterproof splash back with constant hot and cold water shall be supplied in the bath/shower room.
- iv. The bath/shower shall be provided with an adequate supply of constant hot and cold water at all times.
- v. The walls and floor of any toilet, bathroom or shower room must be smooth and made of non-absorbent materials that are readily cleansable.
- vi. All bathroom furniture must be made of non-absorbent material and be capable of being easily cleaned.
- vii. Each separate toilet compartment shall be provided with a suitable wash hand basin with constant hot and cold water and a 300mm tiled splash back.

External toilets shall be ignored.

5. FIRE PRECAUTIONARY FACILITIES

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

All HMOs require additional fire precautions above and beyond those required for single occupancy dwellings. This is because HMOs are known to present a higher risk of fire.

The manager of an HMO has responsibility for ensuring appropriate fire precautions are in place. This responsibility is placed on the manager by the Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4.

All HMOs shall be provided with an adequate protected means of escape from fire, together with other fire precautions including so far as necessary, a fire detection and warning system with emergency lighting to the satisfaction of the inspecting officer.

- i. Ensure that there are self-closing fire doors that provide 30 minutes fire and smoke protection (FD30S) on all bedrooms, kitchens and living rooms.
 - a) All fire doors should have combined cold smoke seals and intumescent strips.
 - b) All bedroom fire doors and final exit doors (front and back door) must have locks that are capable of being opened from the inside without the use of a key (e.g. Yale type or thumb turn locks). All locks are to comply with BS 3621 or BS 1303 for cylinder locks.
- ii. Provide a fire blanket to BS 1869:1997 (or equivalent) in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door away from the cooking facility.
- iii. All glazing panels that are above doors that open on to the fire escape route or are in walls in the escape route should be upgraded to provide at least 30 minutes fire resistance. This can either be done by replacing existing glazing with fire resistant glazing or over boarding with suitable fire resistant material such as a double layer of plasterboard.
- iv. The use of fire extinguishers is not recommended in HMOs, however if they are provided they must be:
 - a) Checked and serviced annually with records kept.
 - b) All tenants must be trained in how to use the extinguishers properly and safely. Records must be kept to demonstrate this.

5.2 Fire Alarm Systems

All HMOs must have automatic fire alarm systems installed. The requirements are different for two storey HMOs and for three (or more) storey HMOs. The requirements are given below and further technical guidance is available in a separate document compiled by the Hertfordshire Fire and Rescue Service entitled '**Guide to Fire Protection in Houses in Multiple Occupation – Guide for Owners, Agents and Managers of HMOs**'.

All automatic fire alarm systems (AFD) must be checked annually by a qualified person and an inspection and test certificate obtained. The AFD system and sounders should be checked monthly to ensure they are in good working order and records kept of these checks.

Two Storey HMO

Provide a Fire Alarm System to include smoke detectors in every bedroom, throughout the escape route and in communal living rooms. A heat detector should be installed in the kitchen. The detectors must be hard wired to the mains and interlinked with integral battery back-up. The system must comply with the current British Standard 5839 part 6: **Grade D**, LD2 (or equivalent). On completion you should submit a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard.

Three Storey HMO

Provide a Fire Alarm System to include smoke detectors in every bedroom, throughout the escape route and in communal living rooms. A heat detector should be installed in the kitchen. The detectors must be hard wired to the mains and interlinked with a control panel containing battery back-up. The system must comply with the current British Standard 5839 part 6: **Grade A** LD2 (or equivalent). On completion you should submit a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard.

Emergency Lighting

Arrange for the installation of suitable and sufficient emergency lighting to provide adequate coverage to the protected fire escape route. The number and position of any luminaries should be determined by your fire risk assessment. On completion you should submit a certificate to confirm that the arrangements comply with BS 5266.

Pre-payment Meters

It is not acceptable to provide power to the fire precautions via pre-payment or coin operated electric meters.

The manager is required to maintain the electric supply to the fire precaution system. Ideally this should be achieved by the installation of a dedicated electric meter that is under the control of the manager. Alternatively the contract to supply electricity should be under the control of the manager or owner of the property.

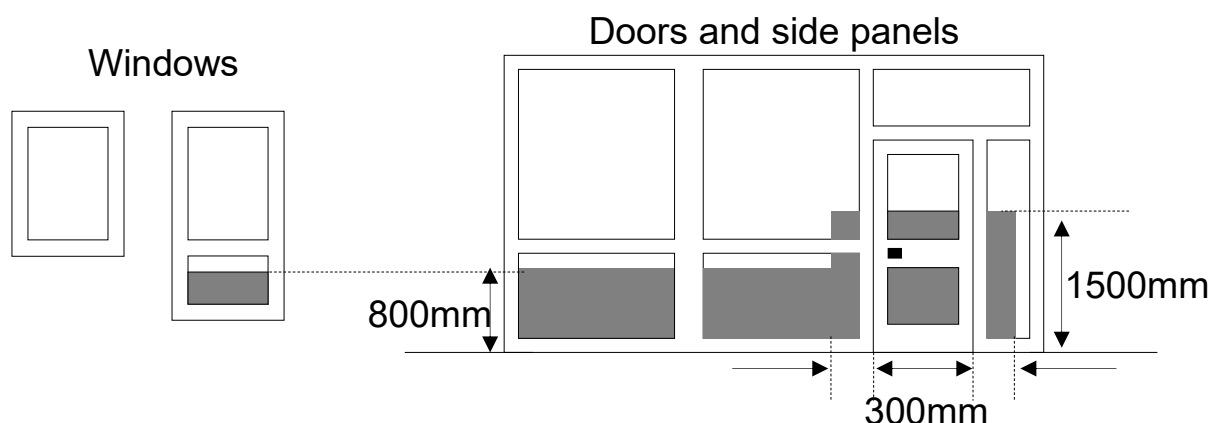
The following matters are not covered specifically in The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) 2006 but must be considered in regard to the Housing Health and Safety Rating System (HHSRS).

6. NATURAL AND ARTIFICIAL LIGHTING

- i. All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window, or combined windows and/or door(s). The glazed area is to be equivalent to at least 1/10th (10%) of the floor area and to extend normally to a point 1.75m above floor level. The window shall be positioned so that the light from the window is able to illuminate most of the room.
- ii. Windows to bathrooms and toilets are to be glazed with obscured glass.
- iii. Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets. The manager is responsible for ensuring lighting is functioning in all communal areas of the HMO and this should be checked as part of the monthly inspection.
- iv. Glazing in critical locations (i.e. where there is a danger of falling through or of lacerations) should meet both fire resistance and safety standards i.e. the use of fire resisting safety glazing complying with current British Standard 6206: 1981 and Part N of the Building Regulations (or equivalent). See diagram below for critical locations of safety glazing. Glazing directly adjacent to staircases must also meet this standard.
- v. Windows from the First Floor and above should have window restrictors installed.

Safety Glazing Diagram

Critical locations of glazing in internal and external walls.



7. VENTILATION

- i. All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th (5%) of the floor area of that room.
- ii. All bathrooms and toilet compartments shall have mechanical ventilation compliant with Part F of the Building Regulations. Such an installation shall be fitted with an adequate overrun device. In the case of bathrooms, this can be connected to the lighting circuit of the room; however we recommend humidistat style fans in order to reduce the chances of tenants turning extractor fans off due to noise disturbance.
- iii. A kitchen shall have extract ventilation compliant with Part F of the Building Regulations.

Ground Floor Bedrooms

Many Ground Floor rooms which are used as bedrooms were originally designed as a living room and as such, the only ventilation is by a sliding patio door.

This arrangement is not suitable for a Ground Floor bedroom because it does not provide suitable ventilation as it cannot be effectively secured against entry. It would therefore not be possible for a tenant to satisfactorily ventilate the room at night in a secure way.

There are two options available in these circumstances.

Either

Replace the patio door with a suitable double glazed unit which provides both a secure way of ventilating the room. This could be by means of a door and window combination, the glazed area should be equivalent to at least 1/10th of the floor area with a window that has an openable area not less than 1/20th of the floor area.

It is recommended that a proposal is submitted for agreement before carrying out such works.

Or

Revert the use of the Ground Floor room back to a communal living area as originally designed.

8. **DRAINAGE**

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

We recommend that gutters are checked each spring and accumulated debris cleared as poorly maintained gutters can lead to damp within the property.

9. **REFUSE, STORAGE AND DISPOSAL**

[The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#) has imposed a requirement for a licence condition regarding waste management

... Requiring the licence holder to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.

- i. Refuse and recycling bins or containers shall be provided in sufficient numbers to meet the needs of the house and an acceptable means of disposal provided to comply with the councils storage and waste disposal scheme.
- ii. All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positioned so that they do not cause obstruction of footways and access ways and do not obscure natural lighting from windows below bin height.
- iii. Tenants should be provided with information on how to use their bins correctly.
- iv. Where an HMO has five or more residents and they are recycling correctly, the landlord may be eligible for a larger rubbish bin.

10. ELECTRICITY SUPPLY

The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4(4) 6(3) & 6(4)

‘The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO’

‘The manager must- a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing; b) obtain a certificate from the person conducting that test, specifying the results of the test’

‘The manager must not unreasonably cause the gas or electric supply that is used by any occupied within the HMO to be interrupted.’

- i. Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as shown in the table. If evidence of multiple interconnected extension leads and/or overloading of sockets is found additional sockets should be provided.

Location	Number of Sockets
Living room	4 sockets
Bedroom/study	4 sockets
Bedroom within a letting, comprising more than one room	4 sockets
Bedsits containing cooking facilities	4 sockets in kitchen area, plus 4 elsewhere

- ii. Where there is no communal living room in a property, it may be necessary to install additional sockets as tenants are likely to have more electrical devices in their bedroom.
- iii. In the kitchen area of a bedsit, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- iv. All socket outlets shall be located in positions which permit safe, convenient and proper use at all times, having regard to the room layout. They shall not be positioned where the appliance cables are likely to pose a safety hazard.
- v. All new electrical installations shall comply with current Building Regulations and be suitably certified.
- vi. Installations must be checked at a minimum of 5 yearly intervals by a qualified electrician and an electrical safety certificate, known as an Electrical Installation Condition Report (EICR), obtained. Where the certificate shows code 1 or 2 faults these must be addressed immediately. If the certificate

advises a re-inspection is needed in less than 5 years this advice should be followed. Visual checks should be carried out during routine visits.

- vii. Portable Appliance Testing (PAT) must be carried out annually. A PAT certificate should be obtained. For portable electrical appliances less than one year old, receipts should be kept. Ensure vacuum cleaners are remembered when carrying out testing.

11. GAS SAFETY

The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 6(4)

‘The manager must not unreasonably cause the gas or electric supply that is used by any occupied within the HMO to be interrupted.’

The Gas Safety (Installation and Use) Regulations 1998 Regulation 2 & 3

‘Every landlord shall ensure that there is maintained in a safe condition— (a)any relevant gas fitting; and (b)any flue which serves any relevant gas fitting, so as to prevent the risk of injury to any person in lawful occupation or relevant premises.

‘A landlord shall ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety (whether such check was made pursuant to these Regulations or not)’

- i. Landlords are required to ensure that gas appliances, fittings and flues provided for tenants' use are safe.
- ii. An annual safety check must be carried out and records kept for 2 years.
- iii. A copy of the Gas Safety Certificate must be provided to each tenant at the start of the tenancy.

12. FURNITURE SAFETY

- i. 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 rented accommodation complies with the fire safety requirements detailed in the regulations.
- ii. Any relevant furniture supplied as part of the letting will need to comply.
- iii. For licensable HMOs, the furniture safety requirements form part of the licence conditions.
- iv. Further information can be obtained from the local Trading Standards Department.

13. PERSONAL SAFETY AND SECURITY

- i. Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and bedrooms to prevent unauthorised access but permit safe egress in case of fire (see Section 5).
- ii. Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire.
- iii. All windows on the First Floor and above should have window restrictors fitted where a risk assessment identifies a need (e.g. if window sills are below 800mm or the window design poses a risk of accidental falls.)
- iv. Appropriate arrangements must be in place to control the issue and return of house keys on changes of tenancy, or the changing of locks. Any advice on crime prevention measures provided by the Crime Reduction Officer must be acted on. Contactable on the Police Non-Emergency number 101.
- v. Simple locks must be provided to communal bathrooms and toilets to provide privacy.
- vi. Where necessary, the installation of external security lights is recommended. This can be by means of a sensor or by using a 'dawn till dusk' light.

14. THERMAL EFFICIENCY

- i. Where possible, every property should have cavity wall insulation and loft insulation installed to current standards. At the time of review the minimum depth of loft insulation is 270mm.
- ii. Heating should be professionally installed. The controls should be in the communal area and easily accessible by each occupant.
- iii. There should be means of providing low level background ventilation without excessive heat loss or draughts. This can be by the installation of trickle vents or lockable ventilation latches on the window.
- iv. All properties should have an up to date Energy Performance Certificate (EPC). This is valid for 10 years. Any additional works to improve the energy efficiency of a property recommended on the EPC by the assessor should be acted upon where possible.

15. ASBESTOS

- i. Landlords have a duty to identify and manage any asbestos containing materials in their property.
- ii. Management of asbestos containing material involves identifying its location and condition, ensuring it is effectively sealed or making it inaccessible to prevent damage, labeling it and keeping a record of its location in the building.
- iii. If the material is in good condition and not liable to damage or disruption (for example during work or alteration) then it is normally appropriate to leave it alone. Where the asbestos is already damaged or is likely to be damaged or disturbed, an assessment needs to be made and action taken to repair, seal, enclose or remove it with professional advice.
- iv. 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 and date and sign the record to show that you have done this.
- v. Any contractors must be advised of the location of possible asbestos containing materials before commencing work.
- vi. There are specific requirements for working with asbestos material and you should seek further advice from a qualified asbestos surveyor if you suspect asbestos is present in your property.

16. SPACE STANDARDS

GENERAL REQUIREMENTS

- i. The number of people sharing includes babies and children. Everyone must have their own allocation of space.
- ii. Rooms used for sleeping are not suitable for occupation by more than two people. No persons should share a room unless:
 - They are married or living together as if married.
 - They are a parent or close relative and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if opposite sex).
 - They are related children of the same family and are both of the same sex, e.g. two brothers (if under 10 years of age, opposite sexes can share a room).
 - The room meets the minimum size as given below
 - The number of people sharing includes babies and children. Everyone must have their own allocation of space
- iii. Close relative means: parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.
- iv. All rooms, including: kitchens, bathrooms and toilet compartments shall have a minimum floor to ceiling height of 2.13m. In the case of rooms with sloping ceilings, there shall be a minimum height of 2.13m over half of the floor area of the room. Measurements shall be taken on a plane, 1.5m above the floor. Any floor area where the ceiling height is less than 1.5m high shall be disregarded.
- v. The room sizes outlined in the tables below are minimum sizes. Only usable space may count towards the room size. If a room is of an unusual shape, it has a sloped ceiling or a ceiling height of less than 1.5m some of the floor area may not be counted. The space directly behind the door may not be counted.
- vi. A staircase, landing, or any room which is used as a kitchen or bathroom, shall not be used as sleeping accommodation.

16.1 Bedroom sizes

Statutory requirements for the minimum floor area for sleeping accommodation were introduced in [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#) . The legal minimum sizes are given in the box below.

All rooms used as bedrooms must be of a minimum size as outlined in the table below.

Room used as sleeping accommodation by	Floor area to be no less than
one person aged over 10 years	8 square metres
two persons aged over 10 years	13 square metres
one person aged under 10 years	4.64 square metres

Any room in an HMO with a floor area of less than 4.64 square metres must not be used as sleeping accommodation.

Note: Bedrooms must be occupied by a **maximum** of two people as outlined in the general space standard requirements.

Bedroom room sizes can be reduced by a maximum of 1.49m² where the Residential Environmental Health Team determine that suitable communal space is available to tenants. For example, a communal dining room, lounge, or dining kitchen.

16.2 Minimum sizes for communal rooms

Kitchens

- Use by up to 2 persons – 5m²
- Use by up to 3 persons - 6 m²
- Use by up to 4 persons - 7 m²
- Use by up to 5 persons - 9 m²
- Use by up to 6 persons - 10 m²

Dining Kitchens

- Use by 1 – 3 persons - 8.5 m²
- Use by 4 – 6 persons - 11.5 m²

Living and Dining Rooms

- Use by 1 – 3 persons - 8.5 m²
- Use by 4 – 6 persons - 11 m²

Please note that regardless of the room size the layout and ergonomics must be satisfactory and safe. This means considering location of cookers away from exit routes or fire risks and ensuring that there is sufficient space to carry out tasks safely and without risk.

17. MANAGEMENT

17.1 Management Requirements

Management of Houses in Multiple Occupation (England) Regulations 2006

The manager of an HMO must comply with the above regulations. A copy of the regulations can be found in the Appendix.

The Manager is the owner, or lessee of the property, who receives rent from the residents, either directly or through an agent or trustee. The manager is legally responsible for maintaining the standards within an HMO. There may be more than one person who falls under the definition of manager.

If you are unsure as to who has responsibility under the management regulations, please contact the Private Sector Housing Team on 01707 357 672 to discuss the property in question.

In order to fulfil their duties, managers must undertake regular inspections of the property either personally or via a representative; to ensure standards are maintained and where necessary, improved. Tenants must be given at least 24 hours' notice of a visit and should be advised of the reason for the visit. In the event of an emergency, 24 hours' notice may not be possible, e.g. in the event of a fire, gas leak or flood.

Management checks should be carried out monthly. Written records of the checks carried out and any action taken must be kept and should be available on request.

All landlords and managers should maintain a good standard of management.

In particular, managers have a duty to:

- Provide information to occupiers.
- Take safety measures.
- Maintain water supply and drainage.
- Supply and maintain gas and electricity.
- Maintain common parts, fixtures, fittings and appliances.
- Maintain living accommodation.
- Provide waste disposal facilities.

Certification

There are a number of safety checks and certificates which must be provided for houses rented out as HMOs. The certificates which are required and the regularity at which they are required are outlined in the table.

For all HMOs

Type of Certificate	How Often it is Needed
Fire Alarm Test Certificate	Annual
Emergency Lighting Test Certificate	Annual
Gas Safety Certificate	Annual
Portable Appliance Test Certificate (PAT)	Annual
Electrical Installation Condition Report (EICR)	5 yearly
Energy Performance Certificate (EPC)	10 yearly (or when additional energy efficiency measures are installed)

For licensable HMOs, a Fire Risk Assessment is also required. It should be reviewed annually or at change of tenancy, whichever is soonest. There is a risk of Legionnaire's disease in any residential property and managers of rented properties must assess this as part of their duty of care to their tenants. A Legionella Risk Assessment is required for all licensed properties.

Deposits

Where deposits are taken, they must be placed in a Government backed tenancy deposit scheme within 30 days. The tenants must be provided with certain information as to where their deposit is held and how to get it back at the end of the tenancy period. The specific details will vary dependant on which scheme is used.

Priority of Repairs

It is recommended that the following timescales for 'priority of repairs' are followed.

Priority One – Emergency Repairs (24 hours)

Any repairs required in order to avoid a danger to health, risk to the safety of residents or serious damage to buildings or internal contents

– within 24 hours of report of defect.

In circumstances where this is not practicable, managers will make best temporary arrangements.

Examples include:

- Damage that puts people or building at serious risk.
- Fire alarm system not working.
- Fire precautions not in good working order.
- Obstructed escape route.
- Total loss of heating in winter months.
- Total loss of gas supply.
- Total loss of electrical power.
- Loss of water supply or a burst water main.
- Serious water leaks/flooding.
- Insecure outside doors or windows.
- Blocked or leaking foul drain or soil stack.
- Blocked or non-flushing toilet (if the only toilet in the property).

Priority Two – Urgent Repairs (3 days)

Repairs to defects, which materially affect the comfort or convenience of the residents

– within three working days of report of defect.

Examples include:

- Blocked drains, sinks, basins and toilets (where there is another one working in the property).
- Total loss of hot water in summer months (except vulnerable households).
- Minor plumbing leaks.
- Minor electrical faults.
- Defective flooring or stair treads if causing trip hazard.

Priority Three – Non Urgent Day-to-Day Repairs (30 days)

Reactive repairs not falling within the above categories

– within 30 working days of report of defect.

Examples include:

- General joinery repairs.
- Non-urgent electrical work not listed above.

17.2 Enforcement

The Council endeavour to work closely with owners and managers to ensure they are able to comply with their legal obligations by providing information, advice and support.

If owners or managers are unwilling to meet their obligations or where failures are significant, the Council may undertake more formal enforcement action in accordance with their enforcement policy to protect the health, safety and well-being of occupiers and others affected.

Where necessary, the Council will seek to

- prosecute owners or managers who fail to comply with the Housing Act 2004 or any of the associated regulations, in particular the Management of Houses in Multiple Occupation (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations, 2006.
- Serve an Improvement Notice under Part 1 of the Housing Act 2004
- Serve a Prohibition Order under Part 1 of the Housing Act 2004
- Take emergency action under Part 1 of the Housing Act 2004 The Housing and Planning Act 2016 also enables Local authorities to impose Civil penalties as an alternative to prosecution for certain offences under the Housing act 2004.

Where formal enforcement action is taken, it would be taken into account and may affect future decisions as to whether someone associated with a licence or property is a 'fit and proper person'.

APPENDIX

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

(S.I. 2006 No. 372)

STATUTORY INSTRUMENTS

2006 No. 372

HOUSING, ENGLAND

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

Made 15th February 2006

Laid before Parliament 22nd February 2006

Coming into force 6th April 2006

The Secretary of State, in exercise of the powers conferred by section 234 of the Housing Act 2004 makes the following Regulations:

Citation, Commencement and Application

1. 1) These Regulations may be cited as The Management of Houses in Multiple Occupation (England) Regulations 2006 and shall come into force on 6th April 2006.
- 2) These Regulations apply to any HMO in England other than a converted block of flats to which section 257 of the Act applies.

Interpretation

2. In these Regulations-

- a) "the Act" means the Housing Act 2004;
- b) "fixtures, fittings or appliances" are-
 - i. lighting, space heating or water heating appliances;
 - ii. toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
 - iii. cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
 - iv. washing machines or other laundry appliances; and
- c) "the manager", in relation to an HMO, means the person managing the HMO.

Duty of manager to provide information to occupier

3. The manager must ensure that-

- a) his name, address and any telephone contact number are made available to each household in the HMO; and
- b) such details are clearly displayed in a prominent position in the HMO.

Duty of manager to take safety measures

4. 1) The manager must ensure that all means of escape from fire in the HMO are-

- a) kept free from obstruction; and
- b) maintained in good order and repair.

2) The manager must ensure that any firefighting equipment and fire alarms are maintained in good working order.

3) Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.

4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to-

- a) the design of the HMO;
- b) the structural conditions in the HMO; and
- c) the number of occupiers in the HMO.

5) In performing the duty imposed by paragraph (4) the manager must in particular-

- a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and
- b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

Duty of manager to maintain water supply and drainage

5. 1) The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that-
 - a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and
 - b) any water fitting which is liable to damage by frost is protected from frost damage.
- 2) The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.
- 3) In this regulation "water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

Duty of manager to supply and maintain gas and electricity

6. 1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.
- 2) In paragraph (1), "recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.
- 3) The manager must-
 - a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;
 - b) obtain a certificate from the person conducting that test, specifying the results of the test; and
 - c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.
- 4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

Duty of manager to maintain common parts, fixtures, fittings and appliances

7. 1) The manager must ensure that all common parts of the HMO are-
 - a) maintained in good and clean decorative repair;

- b) maintained in a safe and working condition; and
 - c) kept reasonably clear from obstruction.
- 2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that-
- a) all handrails and banisters are at all times kept in good repair;
 - b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
 - c) any stair coverings are safely fixed and kept in good repair;
 - d) all windows and other means of ventilation within the common parts are kept in good repair;
 - e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
 - f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.
- 3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- 4) The manager must ensure that-
- a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;
 - b) any garden belonging to the HMO is kept in a safe and tidy condition; and
 - c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.
- 5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

- 6) In this regulation-
- a) "common parts" means-
 - i. the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;
 - ii. all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and
 - iii. any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

Duty of manager to maintain living accommodation

8. 1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.
- 2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that-
- a) the internal structure is maintained in good repair;
 - b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order; and
 - c) every window and other means of ventilation are kept in good repair.
- 3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.
- 4) The duties imposed under paragraphs (1) and (2) (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- 5) For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

Duty to provide waste disposal facilities

9. The manager must-

- a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
- b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

Duties of occupiers of HMOs

10. Every occupier of the HMO must-

- a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
- b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any living accommodation or other place occupied by that person;
- c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;
- d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;
- e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and
- f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

General

11. Nothing in these Regulations shall-

- a) require or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or
 - b) oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.
- 2) Any duty imposed by these Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

Signed by authority of the First Secretary of State

Kay Andrews

Parliamentary Under Secretary of State Office of the Deputy Prime Minister

15th February 2006

