

Durham County Council
Environment, Health and Consumer
Protection
Annand House
John Street North
Meadowfield
Durham DH7 8RS



STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “SHARED HOUSES”

“**Shared houses**” mean, for the purposes of this standard, HMO’s where the property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. In deciding on whether the property is shared, the following factors will be considered and a balanced view taken of the particular state of affairs:

- (i) The extent, or otherwise, to which each occupier shares facilities such as dining rooms, kitchens, bathrooms and other parts of the property, and whether all parts of the property are accessible to all occupiers;
- (ii) The degree of co-operation and social interaction amongst the occupiers;
- (iii) The terms and conditions contained in the tenancy agreement(s);
- (iv) Payment arrangements for rent, utility bills, food and other such items;
- (v) The extent, or otherwise, of related occupiers;
- (vi) Features present in the property, such as locks on individual units of accommodation and to what extent facilities are shared;
- (vii) Any factors affecting the likely fire safety risks e.g. occupiers with limited mobility, drug / alcohol dependency etc.

PART 1

Prescribed standards for deciding the suitability for occupation of a Licensed HMO by a particular maximum number of households or persons

These standards have been set nationally in the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. They apply to any Category of Houses in Multiple Occupation that is subject to licensing, and must be read in conjunction with the Part 2 specific conditions.

1. Heating

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

2. Washing facilities

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

- (a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and
- (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms

- (2) 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.
- (3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.
- (4) All bathrooms and toilets in an HMO must be of an adequate size and layout.
- (5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.
- (6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

3. Kitchens

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

- (a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to 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 a sufficient quantity for the number of those sharing the facilities—
 - (i) sinks with draining boards;
 - (ii) an adequate supply of cold and constant hot water to each sink supplied;
 - (iii) installations or equipment for the cooking of food;
 - (iv) electrical sockets;
 - (v) worktops for the preparation of food;
 - (vi) cupboards for the storage of food or kitchen and cooking utensils;
 - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
 - (viii) appropriate refuse disposal facilities; and
 - (ix) appropriate extractor fans, fire blankets and fire doors .

4. Units of living accommodation without shared basic amenities

- (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;
 - (b) a sink with an adequate supply of cold and constant hot water;
 - (c) a work top for the preparation of food;
 - (d) sufficient electrical sockets;
 - (e) a cupboard for the storage of kitchen utensils and crockery; and
 - (f) a refrigerator.

(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
 - (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
 - (c) the appliances or equipment are otherwise outside the control of the landlord.
- (2) Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out 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

5. Fire precautionary facilities

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

CATEGORY B HOUSES – including SHARED STUDENT HOUSES

PART 2

Locally adopted standards that apply to all Houses in Multiple Occupation within this Category. Houses in Multiple Occupation that require a licence must also comply with the Part 1 prescribed standards where they are higher than the local standards.

A. Space Standards

Note: Reference made to floor space means “usable floor space” – actual floor space may therefore be reduced, for example, in irregularly shaped rooms.

1. One Person Units of Accommodation

- (i) Each bedroom/study: 10m² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 6.5m².

2. Two Person Units of Accommodation

- (i) Each bedroom/study: 15 m² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 11m².

3. Measurement of Attic and Similar Rooms with Reduced Headroom

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room, (see also **D.1.** for notes on height of certain rooms).

4. Common Rooms

(i) Kitchens

used by 1-5 persons	7m ²
used by 6-10 persons	10m ²
used by 11-15 persons	13.5m ²
used by 16+ persons	16.5m ²

(ii) Dining/Kitchen

used by 1-5 persons	11.5m ²
used by 6-10 persons	19.5m ²
used by 11-15 persons	24m ²
used by 16+ persons	29m ²

(iii) Living rooms and dining rooms

used by 1-5 persons	11m ²
used by 6-10 persons	16.5m ²
used by 11-15 persons	21.5m ²
used by 16+ persons	25m ²

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing equivalent in total area to at least 1/10th of the floor area of the room, and some part of the window should normally be at least 1.75m above floor level.
2. Basement rooms used for human habitation should, in addition to the requirements in the paragraph 1 above, have sufficient natural lighting for their purpose.
3. All kitchens, bathrooms and water closet compartments shall comply with paragraph 1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part C, to the satisfaction of the environmental health officer.

All glazing to windows in bathrooms and water closet compartments shall be obscure.

4. All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part C, to the satisfaction of the environmental health officer.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity.

Time switches will only be allowed to common landings, passages and staircases and shall stay on for an adequate time to allow a person to climb stairs etc and enter a room.

There shall be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m except in the case of existing attic rooms, which shall have a minimum height of 2.15m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air; the ventilation openings shall be equivalent to at least 1/20th of the floor area of the room.
3. Where the free circulation of air may be restricted, such as in a room in a habitable basement, the floor of which is more than 0.9m below the surface of the adjacent street or ground, natural ventilation should be direct to the external air. In such situations, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. It is also to be expected that the average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room. See Part D No 1.
4. All kitchens, bathrooms, water closet compartments shall comply with paragraph 2 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

In living rooms and kitchens, some part of the opening should normally be at least 1.75m above floor level.

5. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all dining/kitchens, kitchens, bathrooms, water closet compartments, and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. A supply of hot and cold running water, suitable for drinking and food preparation purposes, shall be provided over a sink, for the use of all occupants in each shared kitchen. Cold water shall normally be supplied from the rising main.
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant water authority at all times.
3. All water supplies shall, where necessary, be protected from frost damage.

F. Personal Washing Facilities

1. Each bedroom/study room shall be provided with a suitable wash hand basin together with its own supplies of hot and cold running water and adequate drainage. Where this is not practicable shared facilities will be accepted, by provision of a wash hand basin in each bathroom in the ratio shown in paragraph 2 below.
2. Each occupancy shall be provided with its own bath or shower, each in a proper room. Where this is not practicable a readily accessible bathroom or a shower room, being not more than one floor distant from any user, shall be provided in the following ratios:

1-5 persons	1 bathroom or shower room with wash hand basin
6-10 persons	2 bathrooms or shower rooms with wash hand basins.

3. Baths and showers shall not be provided in kitchens.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. Each separate occupancy shall be provided with its own water closet compartment.

Where this is not practicable, a readily accessible water closet compartment, being generally not more than one floor distant from each user, shall be provided in the following ratios:

1-5 persons	1 water closet
6-10 persons	2 water closets

External water closets shall not be reckonable for this purpose.

3. Each shared water closet shall be situated in a room separate from the bathroom or shower room. In exceptional circumstances, Durham County Council may waive this provision, if the said separation of facilities is impossible to achieve or would involve either excessive cost or a significant reduction in usable room floor space.

4. A wash hand basin shall be provided in each separate water closet together with its own continuous supply of hot and cold running water. The hot and cold water supplies shall be adequate, constant and available at all times.

H. Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

Kitchen Facilities

1. Each occupancy shall have use of a kitchen separate from the sleeping room and wherever possible on the same floor but shall generally be not more than one floor distant from the users.
2. A kitchen which combines dining room facilities may be acceptable anywhere in the HMO.

Food Storage

1. The minimum provision for one individual occupancy will be a refrigerator of at least 0.1m³ and dry goods storage of at least 0.1m³.
2. The space in a sink unit below the sink will not be accepted, ventilated or otherwise.

Preparation

1. A work top of smooth, impervious material giving an unobstructed working area of at least 2000mm by 500mm shall be provided in the kitchen.
2. Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position shall be provided in the kitchen. Additional socket outlets may be provided in shared kitchens as the environmental health officer considers appropriate.

Cooking

The kitchen shall be provided with a proper cooking appliance. The minimum acceptable will be a cooker with four rings or hot plates together with a grill and an oven per six occupants living in the house. Microwave ovens will not be considered a proper cooking appliance but may be provided in addition to any gas or electric cooker.

Sinks and Disposal of Waste Water

1. The kitchen shall be fitted with its own sink complete with drainer and provided with its own continuous supplies of hot and cold running water and suitable drainage.

I. Space Heating

1. All habitable rooms shall be adequately heated by a fixed space heating appliance of either gas or electricity; solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety from the removal of hot ashes. Portable or removable heating appliances will not be acceptable as the main source of heating.
2. All heating systems shall be of a sufficient output so as to heat adequately the habitable rooms to a temperature of 18°C with an outside temperature of -1°C.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided, sufficient for the needs of the house and of a type acceptable to the local authority. They should be located on a hard standing within the curtilage of the dwelling allowing suitable access for cleansing of the area and removal of the container.

K. Means of Escape from Fire and Other Fire Precautions

1. These are detailed in the Durham County Council Fire Safety Standards in Houses in Multiple Occupation document.

L. Management of Houses in Multiple Occupation

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to the premises and detail comprehensive responsibilities of managers and occupants.

1. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-
 - (a) all rooms in common use
 - (b) staircases, passageways and corridors
 - (c) halls and lobbies
 - (d) entrances to the house, including entrance doors, porches and entrance steps.
 - (e) any means of escape, apparatus, systems or other equipment provided by way of fire precautions
2. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - (a) sanitary conveniences, baths, sinks and wash hand basins
 - (b) installations for cooking or for storing food
3. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.

Regular visual inspections must be carried out on all portable equipment provided for the use of the occupants. In addition, an annual Portable Electrical Appliances (PAT) Report for all such appliances must be issued by an 'approved electrical contractor' and be in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection and Testing of Electrical Equipment.

A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together

with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.

An 'approved electrical contractor' means one who is a member of one of the following organisations or registered with them as an authorised competent person: NICEIC, ECA, BRE Certification Ltd, British Standards Institute, ELECSA Ltd or NAPIT Certification Ltd. In exceptional circumstances, Durham County Council may accept reports from electricians who are not members of one of the aforementioned organisations, but who can demonstrate competency through suitable qualifications and experience.

PAT and PIR Reports must be available for inspection at the premises and copies forwarded to Durham County Council within 14 days from the date of renewal.

5. All gas appliances, fittings and flues must be kept in a safe working condition. They must be regularly serviced and maintained.

In accordance with the Gas Safety (Installation and Use) Regulations 1994 (as amended) an annual gas safety check must be undertaken on all gas installations by a competent gas safe registered installer. The inspection report must be available for inspection at the premises, and a copy forwarded to Durham County Council within 14 days from the date of renewal.

Footnote

These standards may not necessarily be the same as those applied by other organisations with an interest in this type of accommodation.