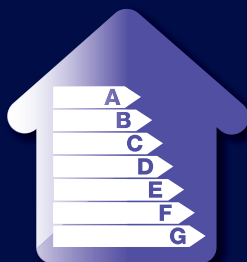




# Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation 2019





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This guidance has been produced by Oxford City Council for Houses in Multiple Occupation (HMOs). The guide has been written to assist owners, agents and occupiers in relation to what standards are expected in such accommodation. Information is correct at time of publication (April 2019).

## Definition of a House in Multiple Occupation (HMO)

The Housing Act 2004 Section 254 and Section 257 provides the legal definition of an HMO. HMOs can be classed into three main types, as explained below.

### HMOs with shared facilities

An HMO is a house or flat in which three or more unrelated persons live, who form two or more households, and they share an amenity such as a bathroom, toilet or cooking facilities. There must also be an obligation to pay rent (or other consideration) and it is their main or only residence. This is an HMO defined under the Housing Act 2004 Section 257.

This includes shared houses (let on joint or separate agreements) and bedsits, where occupants share kitchen(s) or bathroom(s). A 'house' also includes a flat that is in multiple occupation.

### HMOs with non self contained units

This is an HMO defined under the Housing Act 2004 Section 254. An HMO is also a converted building which has one or more, non self-contained units. A non self-contained unit is where a toilet, washing or cooking facilities are not within the occupant's room: this applies even if the facility is for the exclusive use of the occupant. This means where the kitchen or bathroom or WC (toilet) is not within the occupant's room.

### HMOs that are converted blocks of flats

An HMO is also a building that has been converted into self-contained flats, of which fewer than two-thirds are owner-occupied and the conversion does not meet the appropriate Building Regulations. Simply put, these are 'poorly converted blocks of flats' because they do not comply with Building Regulations. These HMOs are defined under the Housing Act 2004 Section 257, and further information is found in Section 2.

## Definition of a 'household'/'family'/'married and co-habiting couples'

Under the Housing Act 2004, a 'household' is defined as either a single person or members of the same family who are living together. A 'family' is defined as:

1. Married or living together as husband or wife (or equivalent including same-sex couples)
2. Parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin. Half-blood and step-child(ren) are classed as the same family.



## Licensing of HMOs

All HMOs with five or more occupants require a licence under the Housing Act 2004. This is known as mandatory HMO licensing. This new definition of a mandatory licensable HMO began on 1 October 2018, removing the previous 'three storey' requirement.

Under the Housing Act 2004, local authorities can introduce additional licensing to cover other HMOs. In Oxford, the Additional Licensing Scheme requires all HMOs to be licensed. This includes Section 257 HMOs (poorly converted blocks of flats). This scheme began in 2011. All HMO licences will be issued for a maximum number of occupants and with certain conditions required.

## Legal standards in HMOs

The Housing Act 2004 and associated regulations state the minimum standards in HMOs. This guide will explain the legal requirements and provide the Council's approach on how those standards should be achieved. Where landlords are seeking to convert to an HMO, increase the occupancy number of an HMO or undertake refurbishment work to their HMO, the Council will require these standards as a minimum.

## Management regulations

All HMOs are subject to the Management Regulations, irrespective of their licensable status.

## What HMOs does this guide cover?

This guide is for all HMOs. Section 1 applies to those HMOs where there is an element of sharing. Section 2 applies to Section 257 HMOs (poorly converted flats) and those HMOs with non self-contained units. Sections 3 and 4 covers space heating and waste management and recycling and apply to all HMOs. The appendices apply to all HMOs.

## Pre-licensing application advice

The HMO Enforcement Team offer an HMO licence pre-application advice visit. A small fee is payable for this service.

Call 01865 252211 or email [hmos@oxford.gov.uk](mailto:hmos@oxford.gov.uk) for further information.

## Non-compliance with legal requirements

Where landlords fail to comply with legal requirements, the Council can issue a civil penalty of up to £30,000 as an alternate to prosecution. The Council could also prosecute, which on summary conviction is liable for an unlimited fine.

## Section 1

# Standards for HMOs with Shared Amenity and Facility Requirements



### Legal requirements

From 1 October 2018, all HMO licences issued on or after this date must include conditions relating to minimum bedroom floor areas as follows:

- 6.51 m<sup>2</sup> for one person over ten years of age
- 10.22 m<sup>2</sup> for two persons over ten years of age
- 4.64 m<sup>2</sup> for one child under the age of ten years
- Any room of less than 4.64m<sup>2</sup> must not be used as sleeping accommodation. The licence holder will need to notify the Council of any room in the HMO with a floor area of less than 4.64m<sup>2</sup>.
- Any floor area of the room in which the ceiling height is less than 1.5m cannot be counted towards the minimum room size requirement.
- The maximum number of persons over ten years of age and/or persons under ten years of age who may occupy specified rooms provided in HMOs for sleeping accommodation.

This requirement is set out in the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 SI 616, which amends the Housing Act 2004 Schedule 4 Mandatory Conditions.

### Oxford City Council requirements

Oxford City Council sets different room size requirements depending on whether the property has additional communal space. Where there is no additional communal space, Oxford City Council requires a larger bedroom size. This will continue.

The information on the next pages set out the required room sizes for:

- HMOs where occupants share a kitchen;
- HMOs where occupants have exclusive kitchen facilities and share a bathroom (bedsits).





## HMOs where occupiers share kitchen facilities

Follow the table from left to right to work out the space requirements in your HMO.

Minimum bedroom size	Total number of people in HMO	Minimum kitchen size	1 to 2 storey HMO minimum living space	3+ storey HMO minimum living/dining space
1 occupant 6.5m <sup>2</sup> or 2 occupants 10.22m <sup>2</sup>	3–5 people	7m <sup>2</sup>	11m <sup>2</sup> separate living room; or 18m <sup>2</sup> combined kitchen/living room (of which 7m <sup>2</sup> must be dedicated kitchen area)	<b>Either:</b> 11m <sup>2</sup> separate living room within 1 floor distance of kitchen; <b>or:</b> 18m <sup>2</sup> combined kitchen/living/dining room (of which 10m <sup>2</sup> must be dedicated to kitchen area).
	6–10 people	10m <sup>2</sup>	14m <sup>2</sup> separate living room; or 24m <sup>2</sup> combined kitchen/living room (of which 10m <sup>2</sup> must be dedicated kitchen area)	<b>Either:</b> 14m <sup>2</sup> separate living room within 1 floor distance of kitchen; <b>or:</b> 24m <sup>2</sup> combined kitchen/living/dining room (of which 10m <sup>2</sup> must be dedicated to kitchen area).
1 occupant 8.5m <sup>2</sup> or 2 occupants 14m <sup>2</sup>	3–5 people	7m <sup>2</sup>	No additional communal living space required	<b>Either:</b> 13m <sup>2</sup> kitchen/diner; <b>or:</b> 11m <sup>2</sup> separate dining room within 1 floor's distance of kitchen; <b>unless:</b> all bedrooms within 1 floor's distance of kitchen
	6–10 people	10m <sup>2</sup>	No additional communal living space required	<b>Either:</b> 16m <sup>2</sup> kitchen/diner; <b>or:</b> 14m <sup>2</sup> separate dining room within 1 floor's distance of kitchen; <b>unless:</b> all bedrooms within 1 floor's distance of kitchen

- The minimum kitchen area must be provided in all cases.
- A living room will be accepted as a dining room and vice versa, provided the minimum space requirements (given above) are fulfilled.

## HMOs with kitchen facilities for the exclusive use of occupants (bedsits)

A bedsit can be occupied by a maximum of two persons.

- One-person bedroom/sitting room/kitchen must be a minimum of 14m<sup>2</sup>
- Two-person bedroom/sitting room/kitchen must be a minimum of 18m<sup>2</sup>.



## Notes on assessing room size



- Any area of the room in which the ceiling height is less than 1.5m cannot be counted towards the minimum room size.
- When assessing room size, the Council looks at floor area in the room. Built in wardrobes (floor to ceiling) will be included in the calculation, however wardrobes not at floor level will be discounted, as shown in the photo (left).
- Communal space in other parts of the HMO cannot be used to compensate for bedrooms that are smaller than the legal minimum.
- Where a property is being extended/converted, it is expected that the minimum bedroom, kitchen and communal space requirements are provided.
- Where a property is being extended/converted, a minimum bedroom width of 2.15m will be required.
- The measured space in any room must be usable space. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room. An ensuite would also be disregarded.
- Infants under the age of one will be disregarded when calculating permitted number of occupants in each room. Proof of age may be required.

### What's new?

- ▶ The 'legal requirements' section has changed following the introduction of new legislation.
- ▶ Where the Council previously gave discretion on some smaller bedrooms, this will no longer apply. Any licences issued after 1 October 2018, including renewed licences, will be assessed against the new requirements.
- ▶ The room size for two persons, where there is provision of communal space, has been reduced from 11m<sup>2</sup> to 10.22m<sup>2</sup>, in line with new legal standards.
- ▶ The requirement to provide communal space depending on bedroom size remains.
- ▶ Infants under one year of age will be disregarded when calculating permitted number of people in a room. Proof of age may be required. However, any child will still count as person towards the total occupant number.



## Section 1

# Personal Washing Facilities/Toilets

### Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 373 sets standards for washing facilities and sanitary conveniences as set out below:

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) where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom);
  - (b) where there are five or more occupiers sharing those facilities there must be:
    - (i) one separate toilet with a wash hand basin with appropriate splash-back for every five sharing occupiers; and
    - (ii) at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers

This is explained further in the 'Sharing Ratios' section.

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.

### Oxford City Council requirements

To meet the requirements above, Oxford City Council has adopted the following standards:

- 1 All facilities to be property connected to a proper drainage system.
2. Bathrooms, shower rooms and toilet compartments must be constructed to ensure privacy. Locks/bolts are needed to ensure privacy. Obscured glazing/film to be fitted as necessary ensure privacy.
3. Where a child under ten years of age lives in the property, a bath must be provided.
4. Bathrooms and shower rooms require an efficient and safe fixed space-heating appliance that is capable of maintaining each room at a minimum temperature of 21°C when the outside temperature is -1°C must be provided. The fixed space-heating appliance may be an adequate central heating system with thermostatic radiator valves (TRVs) or a fixed electrical appliance. The heating must be under the control of the occupiers for timings and temperature settings.



## Section 1 Personal Washing Facilities/Sanitary Conveniences

5. Bathrooms and shower rooms must have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres/second in addition to any window(s). The system is to be either coupled to the light switch and incorporate a suitable over-run period or an appropriately set humidistat. Continuous ventilation systems are also acceptable.
6. Each toilet in a separate compartment is required to have a window equivalent to 1/20th of the floor area or mechanical ventilation to the outside air at a minimum extraction rate of six litres/second. Continuous ventilation systems are also acceptable.
7. A tiled splash-back or alternative impervious, cleanable surface, shall be provided to all baths and wash hand basins. Shower cubicles shall have fully tiled walls (or alternative impervious, cleanable surface) and be provided with a suitable water-resistant curtain or door to the cubicle.
8. Bathrooms, shower rooms and toilet compartments shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant.
9. Separate toilet compartments should be a minimum dimension of 1300mm × 900mm with 750mm in front of the toilet. A suitable wash hand basin must be provided in the same compartment as the toilet.
10. The following dimensions are given as a guide:

Item	Dimension
Wash hand basin	500mm × 400mm
Splash-back	300mm high
Bath	1700mm × 700mm
Shower	800mm × 800mm

### What's new?

- ▶ The personal washing facilities and sanitary conveniences (toilets) section has been combined.
- ▶ The 'legal requirements' section is now an exact copy of the Regulations.
- ▶ Information has been added to clarify:
  - Bolts/locks required on doors for privacy
  - Glazing/alternative glazing solutions required for privacy
  - Continuous ventilation systems are acceptable
  - Alternative impervious wall solutions are acceptable instead of tiles.



## Section 1

# Sharing Ratios for Bathrooms and Toilets

The information below and diagram on the next page explain the requirements for the numbers of bathrooms and toilets in more detail. If you have more than ten persons, contact us for advice.













Number of people irrespective of age	Minimum requirement
1–4 people	The minimum provision is <ul style="list-style-type: none"><li>• 1 bathroom containing a toilet, bath or shower and wash hand basin</li></ul> The bathroom and toilet may be in the same room.
5 people	The minimum provision is <ul style="list-style-type: none"><li>• 1 bathroom with a bath or shower</li><li>• 1 separate toilet with wash hand basin</li></ul> The separate toilet may be located in a second bathroom.
6–10 people	The minimum provision is: <ul style="list-style-type: none"><li>• 2 bathrooms containing a bath or shower</li><li>• 2 toilets with wash hand basins, one of which must be in a separate room.</li></ul>
<b>Notes</b> <ul style="list-style-type: none"><li>• If a child under ten years old is resident, then a bath must be provided</li><li>• Where an occupant has an ensuite, the amenity is not included in the number sharing the facility. E.g. if there were six occupants in the house and one occupant had a full ensuite (with the shower, WC and wash hand basin), the number sharing would be five.</li></ul>	

### What's new?

- ▶ This section has been revised to include a diagram (overleaf)



## Section 1 Sharing Ratios for Bathrooms and Toilet

Number of people sharing	Minimum requirement
3 or 4	One room with:  or bath  
5	One room with:  or bath Separate room with:  
6 to 10	One room with:  or bath   One room with:  or bath Separate room with:  



## Section 1

# Kitchens for Shared Use

## Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 373 require:

1. 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.
2. The kitchen must be equipped with the following equipment, which must be fit for 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.

## Oxford City Council requirements

To achieve compliance with the above requirements for adequate size, layout and equipment, Oxford City Council has adopted the following standards.

1. Location
  - The kitchen must be contained in the main building. Kitchens should be located not more than one floor distant from the bedrooms unless a kitchen / diner is provided or a communal room is available on the same floor as the kitchen.
  - All kitchen facilities must be available for use 24 hours a day.
2. Layout
  - The kitchen layout must be safe, convenient and allow good hygienic practices.
  - Cookers should be located away from doorways and there should be enough floor space for items to be safely retrieved from the oven.
  - It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.
  - If two sets of facilities are provided the layout must allow them to be used safely at the same time.



## Section 1 Kitchens for Shared Use

### 3. Size

- For three to five residents, kitchens shall have a usable floor area of at least 7m<sup>2</sup>.
- For six to ten residents, kitchens shall have a usable floor area of at least 10m<sup>2</sup>.
- The width of the kitchen must be at least 1.8m to allow the safe movement of occupants.

### Quantity of equipment

Number of residents irrespective of age	Minimum provision of kitchen facilities
3–5 people	<p><b>A complete set of kitchen facilities consisting of the following items must be provided for every five persons:</b></p> <ul style="list-style-type: none"><li>• <b>Sink:</b> A stainless steel sink, integral drainer and a tiled splash-back, on a base unit. The sink must have constant supplies of hot and cold running water and be properly connected to a suitable drainage system. The cold water must come directly from the rising water main.</li><li>• <b>Cooker:</b> A gas or electric cooker with four ring burners, oven and grill, that are capable of simultaneous use. The cooker is to be located away from doorways with a minimum of 300mm worktop to both sides.</li><li>• <b>Electrical sockets:</b> At least three double 13 amp electrical power points above work surfaces (in addition to those used for fixed appliances, such as washing machines).</li><li>• <b>Worktop:</b> A kitchen worktop that is level, secure and impervious. The minimum dimensions are 1000mm length and 600mm width.</li><li>• <b>Storage:</b> A food storage cupboard for each occupant that is at least one 500mm wide base unit or a 1000mm wide wall unit. This may be provided within each occupant's room. (The space in the unit beneath the sink and drainer is not allowable for food storage).</li><li>• <b>Fridge/Freezer:</b> A refrigerator with a minimum capacity of 130 litres plus a freezer with a minimum capacity of 60 litres. If not in the kitchen, the fridge/freezer must be freely accessible and adjoining the kitchen excluding the escape route.</li><li>• <b>Refuse disposal:</b> Appropriate refuse disposal facilities must be provided.</li><li>• <b>Ventilation:</b> Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.</li></ul>





## Section 1 Kitchens for Shared Use

Number of residents irrespective of age	Minimum provision of kitchen facilities
6–7 people	<p>The facilities must meet the detailed description as per three to five persons and in addition must have:</p> <ul style="list-style-type: none"> <li>• <b>Sink:</b> Two sinks. A dishwasher is acceptable as a second sink.</li> <li>• <b>Cooking:</b> Two cookers. A combination microwave is acceptable as a second cooker. Alternatively, a six ring hob with a double oven and grill.</li> <li>• <b>Electrical sockets:</b> At least four double 13 amp electrical power points at worktop height (in addition to those used for fixed appliances, such as washing machines).</li> <li>• <b>Worktop:</b> 1500mm × 600mm work surface.</li> <li>• <b>Fridge/freezer:</b> one 130 litre refrigerator with an additional 20 litres capacity of refrigerator space for every additional occupant above five persons. One × 60 litre freezer with an additional 10 litres capacity of freezer space for every additional occupant above five persons.</li> <li>• <b>Storage:</b> a storage cupboard per occupant as detailed for three or five persons.</li> <li>• <b>Refuse:</b> Appropriate refuse disposal facilities must be provided (see section 4 on waste and recycling).</li> <li>• <b>Ventilation:</b> as for three or five persons.</li> </ul>
8–10 people	<p>The facilities must meet the detailed description as per three or five persons and in addition must have:</p> <ul style="list-style-type: none"> <li>• <b>Sink:</b> Two sinks. A dishwasher is not acceptable as a second sink.</li> <li>• <b>Cooking:</b> Two cookers. A microwave is not acceptable as a second cooker.</li> <li>• <b>Electrical sockets:</b> At least five double 13 amp electrical power points at worktop height (in addition to those used for fixed appliances, such as washing machines) for eight to nine people and six for ten people.</li> <li>• <b>Worktop:</b> 2000mm × 600mm work surface.</li> <li>• <b>Fridge/freezer:</b> One 130 litre refrigerator with an additional 20 litres capacity of refrigerator space for every additional occupant above five persons and one 60 litre freezer with an additional 10 litres capacity of freezer space for every additional occupant above five persons.</li> <li>• <b>Storage:</b> a storage cupboard per occupant as detailed for three or five persons.</li> <li>• <b>Refuse:</b> Appropriate refuse disposal facilities must be provided (see section 4 on waste and recycling).</li> <li>• <b>Ventilation:</b> as for three or five persons.</li> </ul>
Notes	<ul style="list-style-type: none"> <li>• For 11 or more persons, contact us for advice.</li> <li>• Worktop provision does not need to be continuous.</li> <li>• Larder cupboards and shelves are included, however there must be reasonable storage provision for all occupants.</li> </ul>



## What's new ?

- ▶ The diagrams on layouts have been moved to Appendix 1.
- ▶ We have clarified that there needs to be:
  - For six to seven people, a range cooker is acceptable as an alternative to two cookers.
  - For eight to ten people, then two cookers and two sinks are required and microwaves and dishwashers are not acceptable alternatives.
  - The number of electrical sockets required: four double sockets at worktop height for six or seven people, five double sockets at worktop height for eight or nine people, and six double sockets at worktop height for ten people.
  - For six to ten persons, included a 'per person' fridge // freezer requirement has been added.
- ▶ **Ventilation:** Recirculating hoods may be permitted if there are plenty of windows and it is not possible to duct to outside air. Continuous extraction systems are permissible.



## Section 1

# Kitchens for Exclusive Use (Bedsits)

A bedsit is where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation (i.e. one room).

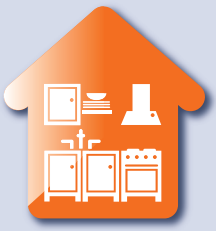
### Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 373 requires that 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.

### Oxford City Council requirements

1. To achieve compliance with the above requirements for adequate size, layout and equipment, Oxford City Council has adopted the following standards:
  - (a) **Cooking:** A gas or electric cooker with a minimum two-ring hob, oven and grill.
  - (b) **Storage:** A 130 litre refrigerator with freezer compartment plus at least one food storage cupboard for each occupant in the bedsit (base units shall be 500mm wide and wall units shall be 1000mm wide). The sink base unit cannot be used for food storage.
2. **Preparation:** Worktop of at least 500mm deep and 1000mm long, comprising a minimum of 300mm both sides of the cooking appliance to enable utensils and pans to be placed down. All worktops must be securely supported, impervious and easy to clean.
3. **Electricity:** Two double 13 amp power sockets suitably positioned at worktop height for use by portable appliances, in addition to sockets used by fixed kitchen appliances, plus two double sockets located elsewhere within the bedsit.
4. **Washing:** A stainless steel sink and integral drainer set on a base unit with constant supplies of hot and cold running water. The sink shall be properly connected to the drainage system. The cold water shall be direct from the mains supply. A tiled splash-back shall be provided behind the sink and drainer.



## Section 1

# Kitchens for Exclusive Use (Bedsits)

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- 5. Ventilation:** Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.
- 6. Layout:** The same principles of safe layout and design apply in bedsits as for shared kitchens. Cookers must not be located near doorways to avoid collisions.

### Notes

1. Where an unvented cooking gas appliance is provided within a unit of accommodation, a carbon monoxide detector should also be provided.
2. Proprietary micro-style kitchenettes incorporating the above features may be suitable in certain situations, following consultation with a case officer.

### What's new ?

- ▶ This section Kitchens for Exclusive Use is new



## Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 373 require:

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

The Management of Houses in Multiple Occupation (England) Regulations 2006 S1772 require fire fighting equipment and fire alarms to be maintained in good working order.

The Regulatory Reform (Fire Safety) Order 2005 requires all HMOs to have a sufficient risk assessment with regard to fire. This legislation is enforced by Oxfordshire Fire and Rescue. This is explained in more detail in Appendix 2.

## Oxford City Council requirements

Oxford City Council consider the necessary fire precaution facilities and equipment are detailed in the national guidance: *Fire Safety, Guidance on Fire Safety Provisions for Certain Types of Existing Housing*, published by LACORS, Housing, July 2008 (ISBN 978-1-840496-38-3). This document contains advice for landlords and fire safety enforcement officers in both local housing authorities and fire and rescue authorities on how to ensure adequate fire safety.

The requirements expected by the City Council will vary according to the observations and findings arising from any inspection undertaken and will be based on the advice detailed in the LACORS Fire Safety guide. Where premises are occupied in a manner other than that intended under the original construction, compliance with the Building Regulations at the time of that construction will not necessarily negate the requirement for additional fire safety measures.

The information below is summarised from the LACORS Fire Safety Guidance document and provided to help landlords understand their responsibilities and the fire safety precautions judged necessary for HMOs.

Where a landlord wishes to propose alternatives precautions and the landlord has a fire risk assessment, then the Council may consider the landlord to have taken the judgement that there are 'appropriate fire precaution facilities and equipment provided of such type, number and location as considered necessary'. However, the Council is not giving approval that the fire risk assessment meets the requirements of the Fire Safety Order.

### 1. Fire precaution requirements

Although an exhaustive list of likely requirements cannot be given in this document necessary measures may include:

- fire doors on high risk rooms e.g. kitchen



- fire separation e.g. 30 minute fire separation between high and low risk rooms
- a fire blanket in the kitchen
- automatic fire detection systems and emergency lighting (see below).

## 2. Automatic fire detection systems and testing

Automatic fire detection systems means a system of smoke/heat detectors or alarms that will sound in the event of a fire to warn occupants, including both battery and mains powered alarms.

For smaller, lower risk HMOs, a Grade D fire alarm system will be suitable, comprising smoke alarms in hallways and a heat detector in the kitchen. This is where the alarms are mains-powered with a battery back up and interlinked together (wireless interlinking is acceptable). Grade D fire alarm systems should be tested monthly. Testing can be completed by the tenants or landlord. All detectors must be cleaned at least annually. Testing and maintenance must be in accordance with the manufacturer's instructions. Landlords can self-certify this has been completed.

For larger or higher risk HMOs, then a Grade A fire alarm system will be suitable. This is a system with a control panel and the alarms are mains wired and interlinked. Grade A fire alarm systems should be tested weekly. Weekly testing can be completed by the landlord or tenant (providing the tenant has been given instructions on proper testing). The system must be inspected and serviced at periods not exceeding six months in accordance with the recommendations of Clause 45 of BS 5839-1:2013. An inspection and servicing certificate of the type contained in H.6 of BS 5839-1:2013 should be issued by a suitably qualified and competent person.

Testing of fire alarms should be recorded.

## 3. Emergency lighting and testing

Emergency lighting is not normally required in small, low risk HMOs. Where the escape route is long or complicated or there is no effective borrowed light then emergency lighting is required. Where occupants are considered vulnerable, emergency lighting is required. Where emergency lighting has been fitted, it must be maintained and tested annually in accordance with BS 5266: Part 1:2005

## 4. Fire doors: Intumescent heat seals, smoke seals and self-closers

A 30-minute fire door, together with the frame, must meet the requirements of BS 476: Part 22: 1987 and BS 476-31-1:1983 and BS 8214: 2016. A self-closer is required on a fire door, preferably overhead. The door must also be fitted with intumescent heat seals and may also require cold smoke seals. Cold smoke seals prevent the passage of smoke from the room to the outer area.

However, there must be smoke or heat detection within the room, otherwise the smoke seals will stop smoke entering the common parts (as designed). As the smoke will be held



back, the smoke alarm in the common parts will not activate and occupants will remain unaware of a fire.

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### **5. Non-standard layout/Higher risk homes**

If the property is of a non-standard layout or if the occupants present a higher risk due to factors such as drug/alcohol dependency or limited mobility then the risk may increase and additional precautions may need to be taken. This must be factored into your Fire Risk Assessment.

An example of a non-typical layout is 'inner rooms' where the bedroom is located, such that the occupant passes through risk rooms (e.g. living rooms, kitchens or dining rooms) in order to reach the means of escape. There are various solutions available, such as escape windows or water suppression systems; these should be discussed with a case officer before undertaking works.

### **6. Examples**

The following examples are based on typical properties with a simple layout i.e. where all bedrooms lead directly onto the means of escape (i.e. the landing and hallway) and do not have to pass through any other room.

When counting the number of floors, include occupied basements in the number of floors.

For properties with five or more floors, contact the HMO Enforcement Team for advice.



## Section 1 Fire Safety

### Low risk shared houses (shared kitchen facilities and joint tenancy agreement)

Low risk properties are those let on a joint contract with shared kitchen facilities and where the occupants are not vulnerable. The following requirements apply.

Area	Item	1–2 Storey property	3 storey property	4 storey property
Fire doors	Doors to kitchens must be 30-minute fire doors with heat and smoke seals and self-closer	✓	✓	✓
	Bedroom doors must be solid and close fitting	✓	✓	✗
	Bedroom doors must be 30-minute fire doors with heat seals, smoke seals and self-closer <sup>1</sup>	▲	▲ <sup>2</sup>	✓
	Living room doors must be 30-minute fire doors with heat seals, smoke seals and self-closer <sup>1</sup>	▲	▲	✓
	Basement or cellar doors must be 30-minute fire doors with heat seals, smoke seals and self-closer	▲	✓	✓
Fire alarm system	Grade D LD2 fire alarm system with smoke detectors in escape route at all levels and heat alarm in kitchen (interlinked)	✓	✓	✓
	Additional interlinked Grade D smoke alarms in bedrooms	▲	▲	✓
	Additional interlinked Grade D smoke alarms in living room	▲	▲	✓
	Additional interlinked Grade D smoke alarms in each unoccupied basement /cellar	▲	▲	✓
Fire fighting equipment <sup>3</sup>	Fire blanket in kitchen	✓	✓	✓
Locks on doors	Front exit doors must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
	Locks on bedroom doors (where provided) must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
	Rear exit doors, where part of escape route, must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
Protected escape route	Stairs must be underdrawn to give 30-minute fire resistance	✓	✓	✓
	Cupboards on the escape route with higher risk items (e.g. white goods) or high fire load to have 30-minute fire resistant walls, ceilings and doors with heat and smoke seals and interlinked smoke alarm	▲	✓	✓
	Basement/cellars must have a ceiling that is 30-minute fire resistant	✓	✓	✓
	30-minute protected escape route	▲	▲	✓

#### Notes

✓ = Items required ✗ = Items not require ▲ = Best practice

<sup>1</sup> Cold smoke seals must be fitted only if a smoke alarm is fitted inside the room.

<sup>2</sup> Building regulations may require as part of loft conversion.

<sup>3</sup> Fire extinguishers are no longer asked for. If landlords wish to provide extinguishers, then tenants must be trained in use of equipment and the landlord must service them annually.





### High risk shared houses

(shared kitchen facilities, separate tenancy HMOs or vulnerable tenants)

Properties that are let on individual contracts with shared kitchen facilities are a higher risk situation as there will be little or no communal living between tenants. These properties require additional fire precautions. The following requirements apply.

Area	Item	1–2 Storey property	3 storey property	4 storey property
Fire doors	Doors to kitchens must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
	Bedroom doors must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
	Living room doors must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
	Basement or cellar doors must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
Fire alarm system	Grade D LD2 fire alarm system with smoke detectors in escape route at all levels and heat alarm in kitchen (interlinked)	✓	✗	✗
	Grade A LD2 fire alarm system with smoke detectors in escape route at all levels and heat alarm in kitchen (interlinked)	✗	✓ <sup>1</sup>	✓
	Additional interlinked smoke alarms in bedrooms (Grade to match system installed)	✓	✓	✓
	Additional interlinked smoke alarms in living room (Grade to match system installed)	✓	✓	✓
	Additional interlinked smoke alarms in each unoccupied basement or cellar (Grade to match system installed)	✓	✓	✓
Fire fighting equipment <sup>2</sup>	Fire blanket in kitchen	✓	✓	✓
Locks on doors	Front exit doors must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
	Locks on bedroom doors (where provided) must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
	Rear exit doors, where part of escape route, must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
Protected escape route	Stairs must be underdrawn to give 30-minute fire resistance	✓	✓	✓
	Cupboards on the escape route with higher risk items (e.g. white goods) or high fire load to have 30-minute fire resistant walls and doors with heat and smoke seals and interlinked smoke alarm	✓	✓	✓
	Basement or cellars must have a ceiling that is 30-minute fire resistant	✓	✓	✓
	30-minute protected escape route	✓	✓	✓

**Notes** ✓ = Items required ✗ = Items not require ▲ = Best practice  
<sup>1</sup> Grade D system may be acceptable based on risk assessment  
<sup>2</sup> Fire extinguishers are no longer asked for. If landlords wish to provide extinguishers, then tenants must be trained in use of equipment and the landlord must service them annually



## Section 1 Fire Safety

### Bedsit type properties (kitchen facilities within bedrooms)

Properties where kitchen facilities are in bedrooms are higher risk due to the increased kitchen facilities and lack of interaction between the tenants. These properties require additional fire precautions.

Area	Item	1–2 Storey property	3 storey property	4 storey property
Fire doors	Doors to communal kitchens, if provided, must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
	Bedroom doors must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
	Living room doors must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
	Basement or cellar doors must be 30-minute fire doors with heat seals, smoke seals and self-closer	✓	✓	✓
Fire alarm system	Grade D fire alarm system with smoke detectors in escape route at all levels and heat alarm in kitchen (interlinked)	✓	✗	✗
	Grade A fire alarm system with smoke detectors in escape route at all levels and heat alarm in kitchen (interlinked)	✗	✓	✓
	Additional interlinked heat alarms in bedrooms (Grade to match system installed)	✓	✓	✓
	Additional stand-alone smoke alarms in bedrooms (mains powered, battery back up) to give early warning to this occupant	✓	✓	✓
	Additional interlinked smoke alarms in living room (Grade to match system installed)	✓	✓	✓
	Additional interlinked smoke alarms in each unoccupied basement or cellar (Grade to match system installed)	✓	✓	✓
Fire fighting equipment <sup>1</sup>	Fire blanket in any communal kitchen and in all bedsit rooms	✓	✓	✓
Locks on doors	Front exit doors must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
	Locks on bedroom doors (where provided) must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
	Rear exit doors, where part of escape route, must have a security lock that can be opened from the inside without a key. Break glass boxes are not acceptable.	✓	✓	✓
Protected escape route	Stairs must be underdrawn to give 30-minute fire resistance	✓	✓	✓
	Cupboards on the escape route with higher risk items (e.g. white goods) or high fire load to have 30-minute fire resistant walls and doors with heat and smoke seals and interlinked smoke alarm	✓	✓	✓
	Cellars must have a ceiling that is 30-minute fire resistant	✓	✓	✓
	30-minute protected escape route	✓	✓	✓

#### Notes

✓ = Items required ✗ = Items not require ▲ = Best practice

<sup>1</sup> fire extinguishers are no longer asked for. If landlords wish to provide fire extinguishers, then tenants must be trained in use of equipment and the landlord must service them annually



## Section 1 Fire Safety



### Inner rooms

An inner room is where the route of exit leads through another room, typically where the stairs lead up from within a room e.g. living room or kitchen. In this situation, additional fire precautions are required, such as:

- Window escape – only permissible from ground or first floor level and where there is space directly out of the window for safe exit
- Sprinkler system (where window escape is not possible)
- Additional smoke alarms and fire doors
- Alternatively, a new safe exit route constructed.

You are advised to seek advice if your property has an inner room situation.

### What's new?

- ▶ The Fire Risk Assessment section has been moved to Appendix 2.
- ▶ We have clarified:
  - Self-closers are required to fire doors. For a fire door to be compliant with British Standards, it must be fitted with a self-closer.
  - Rear exit doors to have a security lock that can be opened without the use of a key only where this leads to a place of safety. A place of safety would be a rear exit route (e.g. back gate) or where the garden is as long as the house height.
- ▶ We have added tables of fire precautions for higher risk shared houses (those where occupants are on separate tenancies) and bedsits.
- ▶ We have added a section on 'inner rooms'.
- ▶ We have added information on automatic fire detection systems (Grade D and A systems) and information on frequency of testing.
- ▶ We have clarified that if a landlord considers alternative fire precautions are appropriate, if the landlord has a fire risk assessment then we may accept their alternative. However, this does not give judgement that the fire risk assessment itself is 'suitable and sufficient'.



## Section 2

27

# Standards for Section 257 HMOs (Converted blocks of flats)

▶ This section is new



## Section 2

# Section 257 HMO Definition

These standards apply to flats within licensable HMOs. The standards are not to be applied to proposed buildings or buildings under construction for which the necessary planning permission and building regulation approval should be sought.

### **Definition of a converted block of flats that is an HMO**

A building or part of a building converted into self-contained flats is an HMO defined under section 257 of the Housing Act 2004 (section 257 HMO) if:

- The building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and
- Fewer than two thirds of the flats are owner-occupied; and
- The building is occupied by three or more people from two or more households.

The appropriate building standards are: the Building Regulations imposed at the time that the building was converted; unless the building work was completed before the 1 June 1992, in which case they are the Building Regulations 1991.

A self contained flat is a separate set of premises within a building in which a toilet, personal washing facilities or cooking facilities are available for the exclusive use of its occupants.

### **Notes**

1. Oxford City Council's licensing scheme requires only section 257 HMOs that are mainly or wholly tenanted to be licensed.
2. Flats within 257 HMOs that are occupied by three or more unrelated persons sharing facilities will require their own licence in addition to the licence for the building.
3. Buildings converted partly into self-contained flats may also require licensing as converted buildings.



## Section 2

# Space Standards for s257 HMOs

### Legal requirements

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 SI 616 which amends Housing Act 2004 Schedule 4 Mandatory Conditions requires all HMO licences to include conditions requiring the Licence Holder to ensure that the floor area of any room in the HMO used as sleeping accommodation:

- (a) by one person aged over ten years is not less than 6.51 square metres
- (b) by two persons aged over ten years is not less than 10.22 square metres
- (c) by one person aged under ten years is not less than 4.64 square metres
- (d) that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

### Oxford City Council requirements

Minimum bedroom sizes where no additional living space is provided:

- one person 8.5m<sup>2</sup>
- two persons: 14m<sup>2</sup>

Minimum bedroom sizes where an additional living space is provided (see table below):

- one person 6.51m<sup>2</sup>
- two persons: 10.22m<sup>2</sup>

Minimum bedroom size	1-2 persons	3-4 persons	5 or more persons
Minimum additional living space requirements	6.5m <sup>2</sup> or a kitchen diner of 10.5m <sup>2</sup>	11m <sup>2</sup> or a kitchen diner of 16.5m <sup>2</sup>	11m <sup>2</sup> or a kitchen diner of 18m <sup>2</sup>
Minimum kitchen size	4m <sup>2</sup>	5.5m <sup>2</sup>	7m <sup>2</sup>

Where a bedroom, living room and kitchen are all included in the same room (studio rooms):

- one person 14m<sup>2</sup>
- two persons 18m<sup>2</sup>



## Section 2

# Personal Washing Facilities and Toilets for s257 HMOs

### Legal requirements

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 Section 12 Amendments to the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 section 8 requires that all bathrooms and toilets contained in each flat must be of an adequate size and layout, and all hand-wash basins must be suitably located and be fit for purpose, having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for hand-wash basins, toilets and bathrooms.





## Section 2

# Kitchen Facilities for s257 HMOs

### Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 schedule 3 (4.1) requires that 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
- (f) a refrigerator.

### Oxford City Council requirements

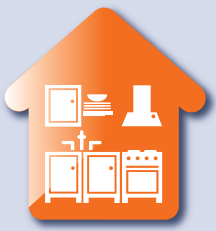
Layout:

- The kitchen must be of a safe layout to allow good hygienic practices.
- Cookers should be located away from doorways and there should be enough floor space to allow items to be safely retrieved from the oven.
- Minimum of 300mm on either side of the cooking appliance to allow utensils to be put down.

Heating and cooking appliances should all be maintained in a safe condition and be suitably located so as not to become unreasonably hazardous. Cooking appliances should be set on an even surface and heating appliances securely fixed with a suitable position within the room.

Where a gas appliance is provided within a bedroom, a carbon monoxide detector should be provided.

Sinks to be properly connected to an adequate drainage system.



Number of residents	Minimum provision of kitchen facilities
1–2 people	<ul style="list-style-type: none"><li>• <b>Minimum size:</b> 4m<sup>2</sup></li><li>• <b>Cooking:</b> A gas or electric cooker with a minimum two-ring hob, oven and grill.</li><li>• <b>Storage:</b> A 130 litre refrigerator with freezer compartment and at least one food storage cupboard for each occupant in the flat (base units shall be 500mm wide and wall units shall be 1000mm wide). The sink base unit cannot be used for food storage.</li><li>• <b>Preparation:</b> Provide worktop of at least 1000mm long and 600mm deep. Minimum of 300mm worktop either side of the cooking appliance to allow utensils to be put down.</li><li>• <b>Ventilation:</b> Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second or 30 litres/second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.</li><li>• <b>Electricity:</b> Two double 13 amp power sockets suitably positioned at worktop height for use by portable appliances; in addition to sockets used by fixed kitchen appliances.</li><li>• <b>Washing:</b> A stainless steel sink and integral drainer set on a base unit with constant supplies of hot and cold running water.</li><li>• A proprietary micro-style kitchenette incorporating the above features may be suitable in certain situations, following a consultation with a case officer.</li></ul>
3–4 people	<ul style="list-style-type: none"><li>• <b>Minimum size:</b> 5.5m<sup>2</sup></li><li>• <b>Cooking:</b> A gas or electric cooker with a minimum four-ring hob, oven and grill.</li><li>• <b>Storage:</b> The same requirement as 1–2 persons.</li><li>• <b>Preparation:</b> The same requirement as 1–2 persons.</li><li>• <b>Ventilation:</b> The same requirement as 1–2 persons.</li><li>• <b>Electricity:</b> The same requirement as 1–2 persons.</li><li>• <b>Washing:</b> The same requirement as 1–2 persons.</li></ul>
5 people	<ul style="list-style-type: none"><li>• <b>Minimum size:</b> 7m<sup>2</sup></li><li>• <b>Cooking:</b> The same requirement as 1–2 persons.</li><li>• <b>Storage:</b> The same requirement as 1–2 persons.</li><li>• <b>Preparation:</b> The same requirement as 1–2 persons.</li><li>• <b>Ventilation:</b> The same requirement as 1–2 persons.</li><li>• <b>Electricity:</b> The same requirement as 1–2 persons.</li><li>• <b>Washing:</b> The same requirement as 1–2 persons.</li></ul>



## Section 2 Fire Precautions for s257 HMOs

Please refer to the previous section and Appendix 2 for relevant information on fire safety. The following examples are based on typical buildings without additional risk factors such as unsafe or unconventional layouts or vulnerable occupants.

Area	Item	1-2 storey building converted into flats	3-4 storey building converted into flats
Fire doors	30 minutes fire separation between flats	✓	✓
	Front doors to flats that open onto a common escape route must be fire doors with heat and smoke seals	✓	✓
	Emergency lighting in common escape route	▲	✓
	Fire safety signage in common escape route	▲	✓
Fire alarm system	Grade D interlinked heat detector in each flat	✓	✓
	Grade D non-interlinked smoke alarm in each flat in the escape route	✓	✓
	Grade D fire alarm system in the common escape route with mains wired interlinked smoke alarms on each storey of the route	✓	✗
	Grade A fire alarm system in the common escape route with mains wired interlinked smoke alarms on each storey of the route which are linked to a control panel	✗	✓
Fire fighting equipment <sup>1</sup>	Fire blanket in the kitchen of each flat	✓	✓
	Fire extinguisher in the common escape route	✓	✓
Locks on doors	Doors leading onto the common escape route and the final exit doors must have a keyless exit	✓	✓
Notes	✓ = Items required   ✗ = Items not require   ▲ = Best practice <sup>1</sup> Fire extinguishers are no longer asked for. If landlords wish to provide extinguishers then tenants must be trained in use of equipment and the landlord must service them annually.		



## Section 3

# Space Heating

▶ This section is new



## Section 3

# Space Heating

### Legal requirements

For shared house HMOs, the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 373 requires:

- adequate space heating in each unit of living accommodation and
- all bathrooms in an HMO must be suitably and adequately heated

Living accommodation means a bedroom.

For Section 257 HMOs, space heating is not listed as a prescribed standard. However, the Oxford City Council Standards as listed below should be used as a guide to mitigate a possible Category One hazard for excess cold (however, additional work may also be required to mitigate a Category One hazard).

### Oxford City Council requirements

The heating system must be of appropriate design and layout to efficiently heat the whole house, capable of maintaining a room temperature of 21°C when the outside temperature is -1°C.

Bedrooms and bath/shower rooms must be equipped with heating.

Heating must be available at all times and be under the control of the occupants for timings and temperature settings. A fixed heating system must be provided.

The property may require additional work under the Housing Act 2004 Housing Health and Safety Rating System to remedy an excess cold hazard. Additional work could include: heating to kitchens, living/dining rooms and separate toilets, improved insulation to loft and walls, improved glazing, or draught-proofing.



## Section 3 Space Heating

### Requirements for Gas Central Heating

- The boiler and controls must be situated in an accessible location to all occupants.
- The occupants must be able to adjust the main controls.
- A radiator in each bedroom fitted with a thermostatic radiator valve so the occupant can control the temperature of the radiator without the need to adjust the central controls. One radiator in the system must be left without a thermostatic valve (normally in a bathroom).



### Requirements for Electric Storage Heating System

- Electric storage heaters to be fixed to the electrical installation and capable of being run on economy tariffs with minimum standards of auto-charge control in accordance with Building Regulations Part L1 and manual backup.
- A reasonable proportion of the heating should be provided at off-peak rates: a target of 90% is recommended.
- Time controls and automatic input and output charge controls, with an internal or external temperature sensor (which is used to set the amount of heat to be stored automatically) should be provided.



### Requirements for Electric Panel Heaters

- Electric panel heaters may be acceptable in bedrooms.
- Electric panel heaters to be fixed to the electrical installation and capable of being run on economy tariffs.
- Time controls and thermostatic controls are to be provided.







## Section 4

39

# Recycling and Waste Management



## Section 4 Recycling and Waste Management

### Legal requirements

The Management of Houses in Multiple Occupation (England) Regulations 2006 require landlords to provide adequate bins for the storage of refuse, having regard to the disposal services provided by the Local Authority. These Regulations also require landlords to make arrangements for the disposal and storage of waste, as necessary, to comply with the service provided by the local authority.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 373 require 'appropriate refuse disposal facilities' for HMOs.

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 require licences under Part 2 must include conditions 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.

### Oxford City Council requirements

Oxford City Council's policy is to collect no greater quantity of domestic waste from refuse bins than from recycling bins.

Oxford City Council will not collect recycling or refuse material unless correctly presented in a bin meeting the Council's specification.

All properties must have equal or greater (blue) recycling bin capacity to (green) refuse bin capacity.

Waste and recycling requirements in HMOs are based on Council Tax assessment for the number of units in a property.

For Section 257 HMOs, each flat is required to have its own waste disposal facilities (bins).

For HMOs with an element of sharing the recommended capacity requirements in HMOs are:

Number of occupiers	Recycling			Refuse
	Indoor food caddy	Outdoor food recycling bin	Blue recycling wheeled bin	Green refuse wheeled bin
3	1 × 5 litre per kitchen	1 × 23 litre per property	1 × 240 litre	1 × 180 litre
4	1 × 5 litre per kitchen	1 × 23 litre per property	1 × 240 litre	1 × 180 litre
5	1 × 5 litre per kitchen	1 × 23 litre per property	1 × 360 litre	1 × 240 litre
6	1 × 5 litre per kitchen	1–2 × 23 litre per property	1 × 360 litre	1 × 360 litre
7+	1 × 5 litre per kitchen	1–3 × 23 litre per property	Contact the Recycling Team to determine your requirements	



## Section 4 Recycling and Waste Management

### 360

Capacity	360 L
Height	1090 mm
Width	625 mm
Depth	860 mm
No. of sacks	5



The occupants are normally responsible for presenting bins for collection. However, the landlord is still responsible for ensuring this is completed. Where tenants are failing to present waste correctly, the Council will require the landlord to take action to resolve this problem.

Where rubbish is not presented correctly, the Council can issue penalty fines to the occupant/owners.

### Purchasing bins

- For HMOs of up to six occupants (see the table on page 38), rubbish and recycling bins are provided free of charge.
- For HMOs of seven or more occupants, Landlords must purchase appropriate bins that meet the specification set by Oxford City Council. Contact the Recycling team on 01865 249811 or email [recycling@oxford.gov.uk](mailto:recycling@oxford.gov.uk) to determine your specific requirements.
- Indoor and outdoor food recycling bins are provided free of charge by the Council irrespective of property size.
- Prior to the purchase of any bins, the capacity requirements need to be specified by the Council. Please email [recycling@oxford.gov.uk](mailto:recycling@oxford.gov.uk) or phone 01865 249811 to discuss your requirements.
- Bins can be purchased from Oxford Direct services directly or from a reputable supplier who can meet the correct colour and specification.
- Wheeled bins must meet specification EN 840 parts 2, 5 and 6.
- Please ensure that you inform the recycling service at [recycling@oxford.gov.uk](mailto:recycling@oxford.gov.uk) when you have placed an order and received the containers so we can update our database and arrange collections.

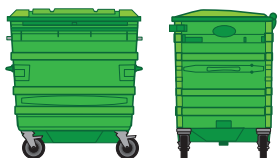
### 700

Capacity	700 L
Height	1350 mm
Width	1250 mm
Depth	785 mm
No. of sacks	10



### 1100

Capacity	1100 L
Height	1380 mm
Width	1270 mm
Depth	1000 mm
No. of sacks	17



Please order 360 (small), 700 (medium), or metal only 1100 (large) litre containers.

### Storing bins

For guidance on refuse and recycling bin storage provision, please refer to the 2014 Planning Technical Advice Note 3: Waste Storage, available at: [www.oxford.gov.uk/TAN](http://www.oxford.gov.uk/TAN)

For further information on correct bin presentation, refuse and recycling collections and details of other services, visit [www.oxford.gov.co.uk/recycling](http://www.oxford.gov.co.uk/recycling)

### What's new?

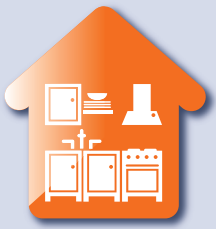
- ▶ From 1 October 2018, there is a new legal requirement that HMO licences issued after this date must include a mandatory condition requiring the licence holder to comply with any scheme that is provided by the local housing authority to the licence holder and that relates to the storage and disposal of household waste at the HMO, pending collection.
- ▶ The medium bin size has been reduced to 700 litres.
- ▶ The recommended suppliers have been removed. Contact Oxford Direct Services.



# Appendices

## What's new?

- ▶ This appendices section is new. It contains additional information relating to amenities and facilities in HMOs, where the information relates to both types of HMOs to avoid duplicating information, as follows:
  - Kitchen layouts
- ▶ It also contains information on additional legal requirements relating to HMOs:
  - Fire Risk Assessment
  - Management of HMOs
  - HMO licence conditions
  - HMO licence application process
  - Housing Health and Safety Rating System
  - Planning Permissions
  - Building Regulations
  - Gas Safety
  - Energy Performance Certificates / Minimum Energy Efficiency Requirements
  - Legionella Assessments
- ▶ Please note, this is not an exhaustive list of legal requirements.



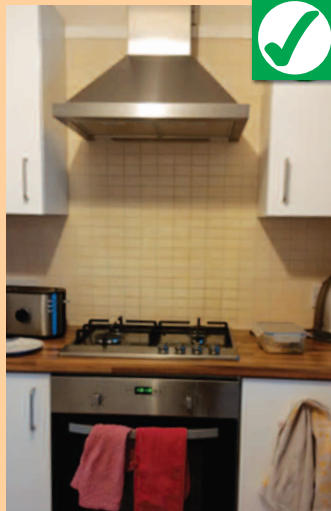
## Appendix 1 Kitchen Layouts

### What's new?

- ▶ This section was in the previous guide, within the kitchen facility section, and remains unaltered.

### Examples of approved and unacceptable layout

This layout meets the minimum requirements as there is adequate worktop to both sides of the cooker and suitably located extraction.



This layout is not suitable, as neither the cooker nor the sink can be practically or safely used.

This cooker location meets the minimum requirements for a suitably sited cooker with sufficient worktop to both sides of it.



The cooker is in an unsafe location due to its proximity to the door.

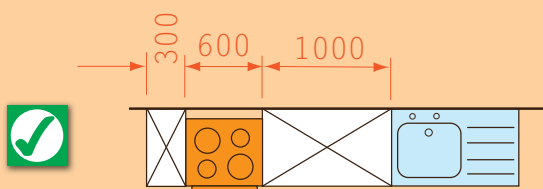


Examples of approved and unacceptable layout



**Good practice**

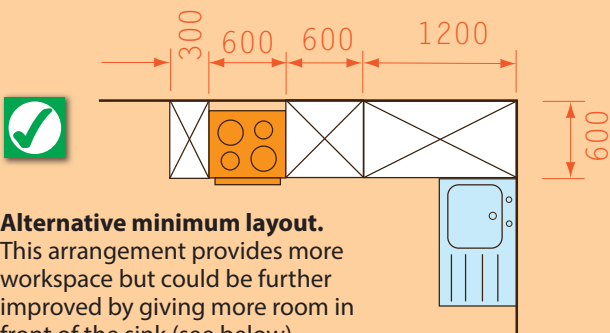
A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require splash-backs and power points must be suitably located.



**This is the minimum provision for a kitchen.**

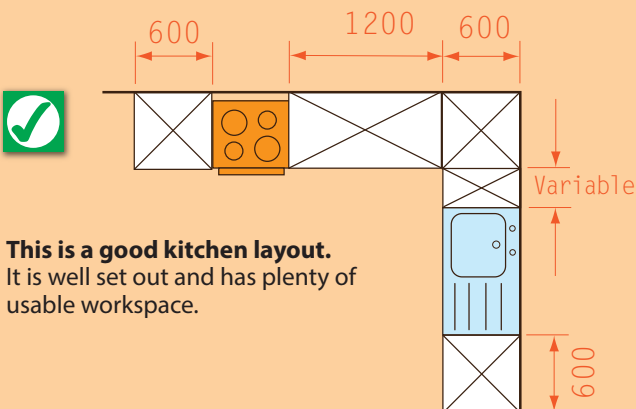
It incorporates worktop on both sides of the cooker and working space both sides of the sinkbowl.

Note 300mm is a minimum width and should be made wider where possible.



**Alternative minimum layout.**

This arrangement provides more workspace but could be further improved by giving more room in front of the sink (see below).



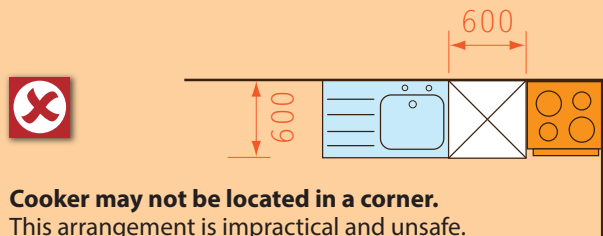
**This is a good kitchen layout.**

It is well set out and has plenty of usable workspace.



**Unacceptable**

Cookers cannot be safely used if they are located in corners, do not have adequate worktop on both sides or are too close to sinks. Sinks require space to put dirty utensils on one side and clean on the other.



**Cooker may not be located in a corner.**

This arrangement is impractical and unsafe.



**The sink bowl must not be located in a corner.**

This is an impractical arrangement and because there is no worktop next to the bowl and it is impossible to separate clean and dirty utensils, it also creates a hygiene hazard.



Neither the cooker nor sink can be practically or safely used with this arrangement.



The cooker is free-standing and improperly located in relation to the sink. Both the cooker and sink also lack worktops.

This arrangement is impractical and unsafe. Adding worktops will still not give a practical and safe kitchen.



### What's new?

- ▶ The previous guide contained a small section on Fire Risk Assessment. This information has been expanded. This section has been approved by Oxfordshire Fire and Rescue Service.

### Legal requirements

The Regulatory Reform (Fire Safety) Order applies to the common areas of blocks of flats and houses in multiple occupation, such as the stairways, corridors and hallways etc of all residential accommodation not forming a single private dwelling. This legislation came into effect on 1 October 2006 and is enforced, in Oxfordshire, by Oxfordshire Fire and Rescue Service.

In Oxford, all HMOs are required to have a licence and therefore under the Fire Safety Order, this also means they are required to have a Fire Risk Assessment. You are required to record the significant findings of your risk assessment, which should be made available to Oxfordshire Fire and Rescue Service on request.

Under the Fire Safety Order the 'responsible person' for a premises (eg a landlord or housing provider), has a duty to carry out a fire risk assessment to determine the nature and extent of the general fire precautions that may be reasonably required to ensure the premises are safe from the risk of fire. The 'Responsible Person' is the person or firm which has the control of the premises (which can be an individual, but more often a firm or other legal entity). In the case of blocks of flats or houses in multiple occupation, this is generally speaking either the landlord or, in cases, where the common areas are under the control of the flat leaseholders, the management committee. A landlord or management committee can carry out the fire risk assessment themselves, providing they are 'competent'.

A Fire Risk Assessment is an organised and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. The aims of a Fire Risk Assessment are:

- to identify fire hazards;
- to reduce the risk of those hazards causing harm to as low as reasonably practicable; and
- to decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in the premises if a fire does start.

In a House in Multiple Occupation, these general fire precautions will include measures in relation to:

- reducing the risk of a fire occurring





## Appendix 2 Fire Risk Assessment

- the means of escape in the event of fire
- the means for detecting and giving warning of fire
- the means for fire-fighting on the premises
- the action to be taken in the event of fire

Further information on your legal duties under the Fire Safety Order and guidance on how to carry out a fire risk assessment is contained in the publication:

‘Fire Safety Risk Assessment: Sleeping Accommodation’ (Guide No 3), which is free to download from the government’s Fire Gateway web portal at [www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business](http://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business)

These guides indicate that the person carrying out the risk assessment should be ‘competent’ and goes on to define a ‘competent persons’ as: a person with enough training and experience or knowledge and other qualities to enable them to properly assist in undertaking the preventive and protective measures’.

In the case of less complex buildings, such ‘competent persons’ can be employers, managers, occupiers or owners and the guides tells you how you might comply with fire safety law, helps you to carry out a fire risk assessment and identify the general fire precautions you need to have in place.

If you read the guide and decide that you are unable to apply the guidance, then you should seek expert advice from a competent person.

More complex premises will probably need to be assessed by a person who has comprehensive training or experience in fire risk assessment. e.g. a professional risk assessor.

Should you decide to use the services of a professional risk assessor, it is recommended that they are registered under a third-party certification scheme.

Such schemes provide independent confirmation that the risk assessors registered are qualified and competent.

Whilst the Oxfordshire Fire and Rescue Service cannot recommend any particular company, for your assistance, details of third-party certification schemes, indicating lists of such registered risk assessors can be found at:

- BAFE
- Institution of Fire Engineers
- Warrington Certification Ltd
- Institute of Fire Prevention Officers
- Institute of Fire Safety Managers



## Legal requirements

There are management regulations that apply to all HMOs. The person in control of or managing the HMO has a number of duties under these regulations.

The Management of Houses in Multiple Occupation (England) Regulations 2006 SI 372 apply to all HMOs except those consisting entirely of self-contained flats. For HMOs consisting of self-contained flats, then the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 SI 1903 apply.

The following regulations apply:

- Provision and display of the manager's contact information to the occupiers
- Safety measures, including fire safety
- Maintenance of common parts, fixtures, fittings and appliances
- Maintenance of living accommodation
- Supply and maintenance of gas and electricity
- Maintenance of water supply and drainage
- Provision of waste disposal facilities.

Occupiers of HMOs have a duty to ensure that they take reasonable care to avoid damage and disrepair to the property, and do not act in such a way as to obstruct the manager in complying with any Management Regulation.

## Electrical inspection requirement

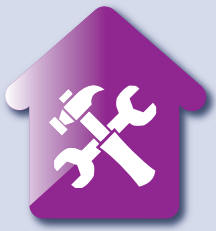
Under these regulations, the manager must:

- (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 seven days of receiving a request in writing for it from that authority under these regulations, the manager must keep appliances used in common areas maintained in good repair and in clean working order.

## Penalties for non-compliance

It is an offence to fail to comply with the Regulations. The City Council can prosecute when landlords or agents do not comply with the Regulations. On conviction, the Court can impose an unlimited fine per breach. The Council can issue a civil penalty of up to £30,000 as an alternative to prosecution per breach. Not complying with each individual regulation is considered one breach.

The Regulations can be accessed in full at [www.legislation.gov.uk](http://www.legislation.gov.uk)



## What's new?

- ▶ This section was in the previous guide. The following changes have been made:
  - Clarified that there are Management Regulations that apply to Section 257 HMOs.
  - Made it clear that these regulations require the electrical system to be inspected and tested once every five years.
  - Updated the information on failure to comply with changes to the fine level and introduction of civil penalties.



## **Legal requirements**

The Housing Act 2004 Schedule 4 lists the mandatory conditions that must go on all licences. The mandatory conditions were amended by the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.

The Housing Act 2004 s67 states that conditions can be added to the licence to:

- Meet the prescribed standard for the proposed occupant number;
- Regulate the management, use, occupation, condition or contents of the HMOs;
- Impose restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;
- Require the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;
- Require facilities and equipment to be made available in the house for the purpose of meeting prescribed standards;
- Require such facilities and equipment to be kept in repair and proper working order.

## **Mandatory licence conditions**

The following are mandatory licence conditions:

- The number of occupants and households.
- Conditions relating to the minimum bedroom sizes described in section 1.
- If gas is supplied, to submit annually a gas safety certificate obtained in respect of the house within the last 12 months.
- To keep electrical appliances provided by the licence holder in safe working condition and to supply, on demand, a declaration as to the safety of the equipment (Oxford City Council will require a portable appliance test certificate is submitted to fulfil this requirement).
- To keep furniture provided by the licence holder in safe working condition and to supply, on demand, a declaration as to the safety of the furniture.
- To fit a smoke alarm on each storey where a room is used as living accommodation, keep the alarm in proper working order and submit, on demand, a declaration as to the condition and position of the alarm(s).
- To fit a carbon monoxide in each room with a solid fuel burning appliance, keep the alarm in proper working order and submit, on demand, a declaration as to the condition and position of the alarm(s).



- Conditions requiring the licence holder to comply with waste disposal/recycling schemes provided by the local authority and relating to the storage and disposal of waste pending collection.
- Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.

### **Conditions relating to management, use, occupation, condition and content**

Oxford City Council will place conditions on the licence for the following:

- A declaration or testing certificate must be submitted annually to demonstrate the fire alarm system has been kept in proper working order. This fulfils the demand mentioned above.
- Where emergency lighting is fitted, a testing certificate must be submitted annually to demonstrate the emergency lighting has been kept in proper working order. This is to demonstrate the licence holder is managing the house in accordance with the Management of Houses in Multiple Occupation Regulations.
- To submit an electrical installation inspection and condition report once every five years. This is to demonstrate the licence holder is managing the house in accordance with the Management of Houses in Multiple Occupation Regulations.
- The means of escape is kept clear. This is to demonstrate the licence holder is managing the house in accordance with the Management of Houses in Multiple Occupation Regulations.
- To display a notice informing the occupants what to do in the event of a fire. This is to demonstrate the licence holder is managing the house in accordance with the Management of Houses in Multiple Occupation Regulations.
- A notice with the manager's name and contact details is displayed. This is to demonstrate the licence holder is managing the house in accordance with the Management of Houses in Multiple Occupation Regulations.
- To display a copy of the licence. This is to demonstrate the house is licensed and the maximum permitted number.
- To inform the Council of any changes relating to the HMO (apart from occupant names), changes to their address and change to any interested party details.

Typically, a basic HMO licence will be issued with around 18 to 20 conditions to meet the mandatory licence condition requirements and to regulate the management and use of the HMO. This is without any additional conditions relating to work required at the property or to address anti-social behaviour or restrict/prohibit parts of the HMO.



### **Additional conditions**

Following an inspection or information provided by other Council departments, Oxford City Council may place conditions on the licence for the following:

- To meet the prescribed standard for the proposed number of occupants;
- To undertake repairs to the property to meet requirement of the Management of Houses in Multiple Occupation Regulations.
- To restrict or prohibit part(s) of the house e.g. where planning permission or building control approval has not been given.
- To require the licence holder to have a tenancy agreement that contains clauses about anti-social behaviour/noise nuisance.

### **Penalties for non-compliance**

It is an offence to fail to comply with licence conditions. The City Council can prosecute when the licence holder does not comply with licence conditions. On conviction, the Court can impose an unlimited fine. The Council can issue a civil penalty of up to £30,000 as an alternative to prosecution.

Oxford City Council can also revoke an HMO licence for serious breaches of licence conditions.



## Appendix 5

# HMO Licence Application Process

You must make an application once the property is occupied as an HMO. You can apply for an HMO licence online at our website: [www.oxford.gov.uk/hmo](http://www.oxford.gov.uk/hmo)

To make a valid HMO licence application you must:

1. Complete the online application form
2. Sign and return the declaration
3. Pay the licence fee as directed

Once an application is valid, we will then arrange an inspection of the house to assess the condition of the property and maximum permitted occupant number to meet the standards stated in this guide.

After inspection, a draft licence is sent out called an 'Intention Notice'.

There is a two week consultation period after this intention notice. If you disagree with any conditions on the licence you can make representation against the condition. Any representations will be reviewed. We may amend the licence as requested or reject the representation.

The licence is then issued and you receive a 'Decision Notice'. You have the right of appeal to the First-tier Tribunal (formerly Residential Property Tribunal) against conditions on the licence. This must be done within 28 days.

An HMO licence has an expiry date. The Council will issue licences for a period of one year unless the licence holder meets additional criteria, in which case a longer licence is issued.

You must renew your licence before the current licence expires. A valid renewal requires timely submission of the online renewal application form, signed declaration and fee payment. It is your responsibility to make an application to renew the licence before the expiry date. There is no legal requirement for the Council to send you a reminder that the licence is due to expire.

Renewals received after licence expiry will be rejected and you will be required to submit a full new application and pay a higher fee.

Further information on the HMO Licensing process, fees and criteria for longer licences can be found on the Oxford City Council website: [www.oxford.gov.uk/hmo](http://www.oxford.gov.uk/hmo)

**St Aldate's Chambers, 109–113 St Aldate's, Oxford OX1 1DS**

**T: 01865 252307 E: [hmoapplication@oxford.gov.uk](mailto:hmoapplication@oxford.gov.uk)**



## Legal requirements

The Housing Health and Safety Rating System (HHSRS) introduced by the Housing Act 2004 is a method of assessing hazards in all homes, regardless of tenure. It is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. The HHSRS system applies to all HMOs in addition to the regulations regarding licensing, standards and management. The HHSRS identifies 29 hazards:

### Physiological Requirements

- 01 Damp and mould growth
- 02 Excess cold
- 03 Excess heat
- 04 Asbestos (and MMF)
- 05 Biocides
- 06 Carbon monoxide & fuel combustion products
- 07 Lead
- 08 Radiation
- 09 Uncombusted fuel gas
- 10 Volatile Organic Compounds

### Psychological Requirements

- 11 Crowding and space
- 12 Entry by intruders
- 13 Lighting
- 14 Noise

### Protection Against Infection

- 15 Domestic hygiene, pests and refuse
- 16 Food safety
- 17 Personal hygiene, sanitation and drainage
- 18 Water supply for domestic purpose

### Protection Against Accidents

- 19 Falls associated with baths
- 20 Falling on level surfaces
- 21 Falling on stairs, etc
- 22 Falling between levels
- 23 Electrical hazards
- 24 Fire
- 25 Flames, hot surfaces
- 26 Collision and entrapment
- 27 Explosions
- 28 Position and operability of amenities
- 29 Structural collapse and failing elements

## How the system works

The HHSRS assessment is based on the risk to the potential occupant who is most vulnerable to that hazard. For example, stairs and steps constitute a greater risk to the elderly, therefore when assessing hazards relating to those associated with stairs they are considered the most vulnerable. Falling between levels constitutes a greater risk to the very young, who are considered the most vulnerable with respect to this hazard. This information is gathered from statistics with the underlying principle that a dwelling that is safe for those most vulnerable to a particular hazard should be safe for all.

Further guidance can be found in *Housing Health and Safety Rating System – Operating Guidance* (ISBN 978–1–85112 8–46–4).





## **Most common hazards**

The following represents the more commonly assessed hazards that are more frequently encountered in dwelling houses. The accounts are based on the ideal standard to be achieved.

### **Damp and mould growth**

Houses should be warm, dry and well-ventilated, maintained free from rising penetrating damp and persistent condensation. There should be adequate provision for the safe removal of moisture-laden air to prevent damp and mould growth.

### **Excess cold**

Houses should be adequately insulated to prevent excessive heat loss; in particular, roof spaces should be properly insulated and windows and doors draught-proofed. The property should have an efficient heating system capable of maintaining temperature.

### **Entry by intruders**

Houses should be capable of being secured to deter unauthorised entry. Windows and doors should be robust and fitted with adequate security devices. Externally, the curtilage of the property should be restricted and be properly gated. Sheds or outbuildings should be maintained in good order and made secure.

### **Lighting**

All habitable rooms should have an adequate level of natural lighting. Where practicable, all staircases, landings, passages, kitchens, bathrooms and toilets should be provided, with a window. All rooms and circulations areas within the property should have provision for electric lighting.

### **Electrical hazards**

The electrical installation should be maintained in a safe condition. There is a legal requirement for the electrical installations in Houses in Multiple Occupation (HMOs) to be inspected every five years. Electrical installations must be inspected by a competent person.

### **Flames, hot surfaces, etc.**

Heating and cooking appliances should all be maintained in a safe condition and be suitably located so as not to become unreasonably hazardous. Cooking appliances should be set on an even surface and heating appliances securely fixed in a suitable position within the room.

### **Falls on level surfaces, on stairs and between levels**

#### **Falling on level surfaces:**

- Internally, floors should be even and comprise a non-slip finish and be maintained in a good condition. No change in level should be more than 300mm in height.



- Externally, paths and walkways should be even, comprise a non-slip finish, and where applicable, be properly drained. Where there is a change in level, adequate lighting should be available. No change in level should be more than 300mm in height.

**Falling on stairs etc:**

- Internally, stairs should be maintained in good condition, be free from disrepair and have treads and risers of equal height and depth. Stair coverings should be properly and securely fitted and should not be worn or loose. A securely fixed handrail or banister at a suitable height with suitably spaced balusters should be provided the full length of the stairway on at least one side. Adequate lighting of stairwells should be available together with suitably located switches at both the top and bottom of each flight.
- Externally, steps should be maintained in good condition and be free from disrepair. Treads and risers should be of equal height and depth and surfaces should be non-slip. A securely fixed handrail should be provided at a suitable height on at least one side for the full length of the flight.

**Falling between levels:**

- Balconies and basement light wells should have securely fixed guarding to a height of at least 1100mm and designed so that children are unable to climb them. Windows that open below 800mm from floor level should be fitted with restrictors that can only be disengaged using two hands for cleaning purposes.

**Personal hygiene, sanitation and drainage**

Bathroom and kitchen, surface finishes should be capable of being readily cleaned. The exterior of the property should be free from disrepair and free from access by pests, such as rats and mice. There should also be suitable provision for the storage of domestic waste inside and adequate receptacles outside the property.

**Water supply**

An adequate supply of cold potable drinking water should be available from the kitchen sink. All pipework should be adequately protected from frost damage.

**Further information**

Further guidance can be found in the Housing Health and Safety Rating System by following this link: [www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals](http://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals)

**What's new?**

- ▶ There is a table of the 29 hazards assessed. This was in the 2012 version.
- ▶ There is information on how the system works. This was in the 2012 version.



## Appendix 7

# Planning Permission

In Oxford, under the Town and Country Planning Act 1990, all HMOs require planning permission for use as an HMO except 'section 257 HMOs, which need permission as flats.

### 1. HMOs with three to six persons

HMOs occupied by between three and six unrelated individuals are defined as Use Class C4 by the Town and Country Planning (Use Classes) Order 1987 (as amended). Dwellings occupied by families or fewer than three unrelated people are defined as Use Class C3.

The government has granted planning permission in the form of permitted development rights for changes of use between these two Use Classes. Because of the potential implications of large numbers of properties changing to Class 4, the Council has removed the permitted development right to change between Use Class C3 and Use Class C4.

Dwellings with Use Class C4, however, still have permitted development to change back to a dwelling (Use Class C3).

This change came into effect on 24 February 2012 and means that planning permission is now required from the Council to change the use of a dwelling to an HMO in Use Class C4. Any property already in Use Class C4 before this date does not need planning permission to continue as an HMO.

### 2. HMOs with seven or more occupiers

HMOs with seven or more occupiers require planning permission under 'sui generis' use class. This has always required planning permission.

When increasing occupation from C4 (3 to 6 person HMO) to 'sui generis' (seven or more persons), this will require planning permission. This is not a permitted development.

### 3. Further information

Oxford City Council has a Local Plan containing planning policies in relation to HMOs. The objective is to achieve balanced communities throughout the city and proposals to use a dwelling as an HMO will only be resisted where the change of use would result in an unacceptable concentration of HMOs or other serious problems. Additional issues may arise if the property is listed or the proposal involves other planning issues.

An owner may wish to apply for a 'certificate of lawful use' to demonstrate the property is compliant with planning law where there has been no express planning permission granted.

The Planning Service operate a duty advice service and offer a pre-application consultation service (the consultation service has a fee). Both of these services are available from the contact below:

**St Aldate's Chambers, 109–113 St Aldate's, Oxford OX1 1DS**

**T: 01865 249811 E: [planning@oxford.gov.uk](mailto:planning@oxford.gov.uk)**

Planning permission and HMO licensing are two separate and distinct legal requirements. Simply put, planning permission controls the quantity of HMOs in an area while HMO licensing controls the quality of the accommodation.



## Difference between Planning Permission and HMO Licensing

Planning permission controls the number of HMOs in a defined area. The removal of permitted development rights was to prevent over saturation of HMOs in areas of Oxford.

Planning permission must be obtained before the property is occupied as an HMO. Planning permission stays with the property. Once obtained, there is no requirement to reapply for planning permission unless the house falls back into C3 (family) use or the permission was not enacted within the timeframe given.

HMO Licensing is to ensure the property meets minimum standards and is not over-crowded and the property is well managed. A licence is granted to a named person for a specific period of time and must be renewed on expiry.

Both must be obtained for an HMO to operate legally in Oxford.

Grant of one does not give tacit consent for the other.



## Legal requirements

The Building Act 1984 and associated regulations, require 'building work' to be in accordance with the Building Regulations.

You must check if you need approval before you construct or change buildings in certain ways. The owner of the building will be at fault if approval has not been given and may be served with an enforcement notice for non-compliance.

Generally if you are planning to carry out 'building work' as defined in regulation 3 of the building regulations, then it must comply with the building regulations. This means that the regulations will probably apply if you want to:

- Put up a new building
- Extend or alter an existing one
- Provide services and/or fittings in a building such as washing and sanitary facilities, hot water cylinders, foul water and rainwater drainage, replacement windows, and fuel burning appliances of any type.

In summary, the following types of project amount to 'building work':

- The erection or extension of a building
- The installation or extension of a service or fitting which is controlled under the regulations
- An alteration project involving work which will temporarily or permanently affect the ongoing compliance of the building, service or fitting with the requirements relating to structure, fire, or access to and use of buildings
- The insertion of insulation into a cavity wall
- The underpinning of the foundations of a building
- Work affecting the thermal elements, energy status or energy performance of a building.

Alterations include items such as:

- replace fuse boxes and connected electrics
- install a bathroom that will involve plumbing
- change electrics near a bath or shower
- put in a fixed air-conditioning system
- replace windows and doors
- replace roof coverings on pitched and flat roofs
- install or replace a heating system
- add extra radiators to a heating system



## Work that doesn't need approval

Certain buildings and building works do not require a formal application, this is generally because they are small, un-habitable, low risk, sheds or controlled by other legislation.

### Exempt projects

You don't need building regulations approval for some exempt projects, including most repairs, replacements and maintenance work (except heating systems, oil tanks, fuse boxes and glazing units), new power and lighting points, or changes to existing circuits (except around baths and showers), like-for-like replacements of baths, toilets, basins and sinks

### Self-certified projects

Some work can be self certified without the need to submit a building notice, if the person undertaking the work is suitably accredited as a 'competent person'. Find out more on our Work that can be self certified page

## Getting advice

You can check if you need building regulations approval using the Planning Portal website, [www.planningportal.co.uk](http://www.planningportal.co.uk)

Or for further information:

**St Aldate's Chambers, 109–113 St Aldate's, Oxford OX1 1DS**

**T: 01865 252807 E: [buildingcontrol@oxford.gov.uk](mailto:buildingcontrol@oxford.gov.uk)**



## Legal requirements

As a landlord, you are legally responsible for the safety of your tenants in relation to gas safety. By law you must:

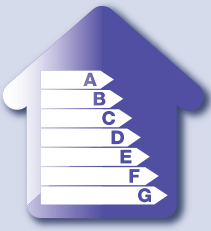
- Repair and maintain gas pipework, flues and appliances in safe condition
- Ensure an annual gas safety check on each appliance and flue
- Keep a record of each safety check
- You should also keep your tenants informed about their responsibilities while they are staying in your property

The enforcing body is the Health and Safety Executive (HSE). For further information: [www.hse.gov.uk/gas/landlords/index.htm](http://www.hse.gov.uk/gas/landlords/index.htm)

The smoke and Carbon Monoxide Alarm (England) Regulations 2015 require:

- A carbon monoxide alarm in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning appliance
- checks are made by, or on behalf of the landlord to ensure the alarm is on the proper working order on the day the tenancy began.

It is good practice to install a carbon monoxide alarm in a property with gas appliance e.g. gas boiler, gas cooker.



## Legal requirements

### Provision of an EPC

An Energy Performance Certificate (EPC) is required by law when a property is advertised for rent. Houses and self-contained flats, where let in their entirety require an EPC. Individual let rooms or bedsits do not require an EPC.

This must be available for prospective tenants. For more information see: [www.gov.uk/buy-sell-your-home/energy-performance-certificates](http://www.gov.uk/buy-sell-your-home/energy-performance-certificates)

Failing to provide an EPC is an offence and this is enforced by Trading Standards.

### Minimum Energy Efficiency Standard

From 1 April 2018, on new or renewal of tenancies, where a property is required to have an EPC then the EPC must now reach an 'E' or as high as practicable as indicated on the EPC.

Although normally room lets/bedsits do not need an EPC, where the house containing the bedsit has been sold since April 2006 then the whole property would have required an EPC at the point of sale. As an EPC was legally required at point of sale, then the requirement to reach an 'E' would now apply.

Alternatively, the landlord must register an exemption (see below).

From 1 April 2020, all rented properties will be required to meet an 'E' on the EPC certificate.

### Penalty for non-compliance

Oxford City Council can issue two types of notices for non-compliance:

1. Compliance notice – this can be issued when the Council believes that a landlord may be in breach of the regulations (currently or during past 12 months) and requires the landlord to provide information. Failing to comply with this notice carries a penalty of up to £2,000.
2. Penalty notice – this can be issued by an LA where they are satisfied that a landlord is (or has been in the last 18 months) in breach of the requirements and requires the landlord to pay a civil fine of up to £5,000 for failing to comply.

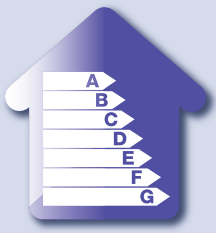
### Exemptions

The exemptions register is available here: [prsregister.beis.gov.uk/NdsBeisUi/used-service-before](https://prsregister.beis.gov.uk/NdsBeisUi/used-service-before)

Some exemptions are:

- The landlord has undertaken those improvements that are cost-effective but remain below an 'E' EPC rating.





- Necessary third party's permission denied or unreasonable conditions applied.
- The landlord requires consent, and the occupying tenant withholds that consent.
- Measures would cause capital devaluation of the property of more than 5%.
- Professional advice – not appropriate improvement due to its potential negative impact on the fabric or structure of the property.
- Listed buildings where 'insofar as compliance with certain minimum energy efficiency requirements which would unacceptably alter their character or appearance' (see below).

## Listed buildings

In order to know what energy efficiency improvement work would be necessary, it will likely necessitate getting an EPC. To understand the requirements and the historical significance of the property, landlords of Listed Buildings and/or properties in Article 4 conservation areas (currently Jericho and Osney) are advised to submit a Listed Building Pre-Planning application, listing all works intended to be carried out. Advice from the pre-application will help landlords gauge whether recommended works are likely to be possible before putting in a full planning application.

For further information on listed building pre-planning:

**A: St Aldate's Chambers, 109–113 St Aldate's, Oxford OX1 1DS**

**T: 01865 249811 E: [planning@oxford.gov.uk](mailto:planning@oxford.gov.uk)**

Further information on minimum energy requirements:

[www.oxford.gov.uk/info/20277/energy\\_efficiency\\_in\\_private\\_housing/1220/energy\\_efficiency\\_in\\_private\\_rented\\_housing](http://www.oxford.gov.uk/info/20277/energy_efficiency_in_private_housing/1220/energy_efficiency_in_private_rented_housing)



## Appendix 12

# Legionella Assessment

### Legal requirements

Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants, with regard to their health and safety. The Control of Substances Hazardous to Health Regulations 2002(COSHH) provides a framework of actions to control the risk from a range of hazardous substances, including biological agents (e.g. Legionella) to identify and assess the risk, and implement any necessary measures to control any risk. There is a duty to assess the risk from exposure to Legionella to ensure the safety of their tenants. More information is available from the HSE:

[www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm](http://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm)

The HSE advise that whilst there is a duty to assess risk from Legionella, this does not require an in-depth assessment.

The risks in most residential settings are low due to regular water use and turnover. For most domestic settings, temperature is the most reliable way of reducing the risk of exposure by keeping the hot water hot and cold water cold and keeping water moving. Simple control measures are:

- flush system prior to letting the property and after vacant periods
- avoid debris getting into the system
- get control parameters (e.g. hot water stored at 60°C)
- remove redundant pipework





# Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation 2019



## Contact us

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