

London Borough of Tower Hamlets

# Accommodation and Amenity Standards For Private Rented Sector Housing



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Accommodation and Amenity Standards for Private Rented Sector Housing  
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# Private Rented Sector Housing Standards

## Introduction

The purpose of this document is to provide guidance on the minimum requirements for privately rented homes within London Borough of Tower Hamlets.

We aim to:

- Provide information and advice in plain language about the legislation we apply to HMOs.
- Discuss general issues and specific problems with anyone experiencing difficulties.
- Provide a courteous, efficient and helpful service.
- Actively seek the views of those that receive our services and use this information to develop our service.

If you require advice, please contact Environmental Health and Trading Standards Service on 0207 364 5000 or email [environmental.health@towerhamlets.gov.uk](mailto:environmental.health@towerhamlets.gov.uk)

As a minimum, properties should always:

- be free from Category 1 and significant Category 2 hazards with regard to the Housing Health and Safety Rating System (HHSRS) introduced by the Housing Act 2004,
- comply with all other legislation relating to the health and safety of residential occupants,
- be in such a condition so as not to cause nuisance to any neighbouring properties.

Officers will contact landlords to discuss the condition and requirements for their HMO property. A clear list of what is needed to be done to comply with legislation and standards applicable to HMOs will be provided.

A Statutory Notice is often served if problems are identified and this requires specified works to be undertaken within a defined time period; certain notices served under Part 1 of the Housing Act 2004 will attract a charge.

If a Statutory Notice is not complied with the council may prosecute, issue a Civil Penalty and may organise for the work to be done and recharge the cost, including any appropriate fees, to the owner of the property.

## Our Current Licensing schemes are:

### Selective Licensing

Selective licensing of residential accommodation under part 3 of the [Housing Act 2004](#) is intended to ensure that all properties let in the private rented sector are of a good standard, well maintained and well managed. It applies to all private rented properties within areas of Whitechapel, Weavers, Spitalfields and Banglatown areas. It is a tool to deliver sustainable improvements to private rented accommodation, increasing the quality of existing stock in the private rented sector in terms of both physical conditions and management standards.

### Additional Licensing

HMOs with 3 or more occupants in two or more households in the additional licensing areas are required to be licensed under the additional licensing scheme, The Additional Licensing scheme also covers flats in purpose built blocks.

## **Mandatory HMO licences**

HMOs are houses in which 5 or more people comprised of 2 or more households live. The Housing Act 2004 requires large Houses in Multiple Occupation (HMOs) to be licensed. Licences aim to ensure minimum standards of safety and maintenance for HMOs are met. Shelter has more information about HMO standards.

From 1 October 2018, mandatory licensing of HMOs has been extended so that smaller properties used as HMOs in England which house 5 people or more in 2 or more separate households will in many cases require a licence.

New mandatory conditions to be included in licences have also been introduced, prescribing national minimum sizes for rooms used as sleeping accommodation and requiring landlords to adhere to council refuse schemes.

## Overcrowding and Space Standards

Tower Hamlets has adopted a set of amenity standards to ensure that properties are not overcrowded and enough facilities are available for the tenants to live there safely, therefore:

- No bathroom, toilet, office, lobby, kitchen, cupboard, corridor or circulation space must be used for sleeping purposes.
- Inner bedrooms are not acceptable for sleeping and living purposes (this is a bedroom which can only be accessed by passing through another room, such as a lounge, kitchen or bedroom).
- Irrespective of the floor area, we will consider the shape of the room and the useable living space within the room when determining whether or not it is suitable for use as sleeping accommodation.
- Although basements and loft spaces may be used as sleeping accommodation, it is recommended that you contact the Health and Housing team to obtain advice as there are often additional hazards associated with loft spaces and basement rooms.
- Bedrooms without any access to natural light and ventilation shall not be used for sleeping and living purposes (for example, basements, lofts or rooms without windows).

### The Statutory Overcrowding Standard

There are two standards to assess whether a home is statutorily overcrowded, if either or both standards are breached then a dwelling will be statutorily overcrowded.

A property is overcrowded where two or more persons, being ten or more years old and of opposite sexes have to sleep in the same room.

Unless those persons are over 16 years old and co habiting are married to each other or live together as husband and wife or in an equivalent relationship in the case of persons of the same sex.

For these purposes, children under ten years of age maybe disregarded, and a room means any room normally used as either bedroom or a living room.

#### (1) Room Standard

The first test is based on the number of bedrooms available in the dwelling, disregarding rooms less than 4.6 m<sup>2</sup>, the following table should be used to calculate the permitted number of occupants for the dwelling:

Maximum number of occupiers per dwelling based on number of bedrooms in single household dwelling units	
Number of Bedrooms	Max. No. of Persons
1 bedroom	2 persons (1 household)
2 bedrooms	4 persons (1 household)
3 bedrooms	6 persons (1 household)
4 bedrooms	7 persons (1 household)

## (2) Space Standard

The second standard is based on space available.

Number of Bedrooms	
Bedrooms size	Max. No. of Persons
Less than 4.64 m <sup>2</sup>	No one
4.64 m <sup>2</sup> to 6.50 m <sup>2</sup>	aged 1-10 years only
6.51 m <sup>2</sup> to 10.21 m <sup>2</sup>	1 person
10.22 m <sup>2</sup> or more	2 persons

A child below the age of one does not count and a child between the age of one and ten counts as a half person.

**Note:**

Hallways, corridors, landings, kitchens, W.Cs or bathrooms cannot be used as sleeping accommodation.

Sharing bedrooms - Only persons under the age of 10 years old of the opposite sex may sleep in the same room, unless those persons are over 16 years old and co habiting are married or live together as husband and wife (or in an equivalent relationship in the case persons of the same sex).

## Amenity Standards for Houses in Multiple Occupation

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

An HMO is defined in law as a house or flat in which three or more unrelated persons forming two or more households sharing an amenity such as a bathroom, toilet or cooking facilities.

A 'household' is defined as either a single person or members of the same family who are living together.

An HMO is also a building which has one, or more, non-self-contained units. A non-self-contained unit is where one, or more, of the facilities is not within the occupant's room. This applies even if the facility is for exclusive use of the occupant.

An HMO is also a building that has been converted into self-contained flats and less than two-thirds are owner occupied and the conversion does not meet the appropriate Building Regulations.

If the property was converted prior to June 1992, the conversion must meet the 1991 Building Regulations. If the conversion took place after June 1992, the conversion must meet whichever Building Regulations that were in force at the time of conversion.

Self-contained flats within buildings that are HMOs may be occupied as HMOs themselves. The guidance applies to self-contained flats which meet these conditions.

An individual tenancy may have exclusive use of the basic facilities (bath/shower, wc and kitchen), but the accommodation would only be defined as self-contained if the sleeping/living area and all the facilities are behind one door.

### 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.

### Management Regulations

All HMOs are subject to the Management Regulations irrespective of whether they are required to be licensed.

### What HMOs does this guide cover?

This guide sets out the standards to be applied to all HMOs which require to be licensed and will also be used as a baseline for standards expected to be achieved in non-licensable HMOs.

## Space Standards

### Legal requirements

Maximum number of occupiers per room based on floor space in all privately rented accommodation	
4.64 m <sup>2</sup> to 6.50 m <sup>2</sup>	1 person (under the age of 10 years old)
6.51 m <sup>2</sup> to 10.21 m <sup>2</sup>	1 person (over the age of 10 years old)
10.22 m <sup>2</sup> or more	2 persons (over the age of 10 years old)

A room with a usable floor area between 6.51 m<sup>2</sup> and 10.21 m<sup>2</sup> may only be occupied as sleeping accommodation by one person.

Only a room with a usable floor area of 10.22 m<sup>2</sup> or over may be occupied as sleeping accommodation by two persons.

A room with a useable floor area between 4.64 m<sup>2</sup> and 6.5 m<sup>2</sup> may be occupied as sleeping accommodation by a child under the age of 10, provided the room is let or occupied in connection with the letting or occupation of an adjacent room with a useable floor area of or in excess of 6.51 m<sup>2</sup> to a parent or guardian of the child.

No room may be occupied as sleeping accommodation if the floor area of the room is less than 4.63 m<sup>2</sup>.

#### NOTE:

These are absolute minimum sizes and are only applied where there is adequate shared living accommodation elsewhere in the HMO (see space guidance below).

Communal space, hallways, corridors, landings, kitchens, W.Cs or bathrooms cannot be used as sleeping accommodation.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require kitchens, bathrooms and WCs to be of adequate size, as set by this guide.

### Tower Hamlets Council Requirement for shared kitchen

Tower Hamlets Council has adopted the following space standards as the minimum requirements for Houses of Multiple Occupation (HMO), kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens apply:

Number of sharers	Room size
Up to 3	5.5 m <sup>2</sup>
4 – 5	7.5 m <sup>2</sup>
6- 7	9.5 m <sup>2</sup>
8 – 10	11.5 m <sup>2</sup>

Where all or some of the lettings within the HMO do not contain cooking facilities, they must be provided for sharing with other households. There should be one full set of facilities per 5 persons, irrespective of age. Some flexibility may be considered in well- managed properties where there are 6 or 7 persons, subject to a risk assessment carried out by the local authority.

Where there are 8 – 10 persons, either an additional full set of cooking facilities must be provided, or additional facilities must be provided in an appropriate number of individual lettings where the room is large enough.

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

1. 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).
2. A bedsit can be occupied by a maximum of two persons.
3. Room sizes:

Maximum number of occupiers per room based on floor space in Houses in Multiple Occupation with exclusive kitchen facilities within the room and self-contained studio bedsits/flats with kitchen facilities within the room	
13 m <sup>2</sup> to 17.99 m <sup>2</sup>	1 person (over the age of 10 years old)
18 m <sup>2</sup> or more	2 persons (over the age of 10 years old)

### Buildings converted into flats (Section 257 HMOs)

- Section 257 of the Housing Act 2004 defines the circumstance where a building converted into flats is a HMO. This is a building that was not converted in accordance with the 1991 Building Regulations (or later) and which still does not meet those standards and where a third or more of the flats are rented out on short term tenancies.
- The standards detailed below are for units occupied by a single household. Where a flat in a section 257 is occupied by two, or more unrelated persons the standards detailed above for HMOs will apply.
- The table below details the minimum required standards for a section 257 HMO:

**Table 1 Required Standards for 257 HMOs**

Buildings	Minimum floor space
Studio – one person	13 m <sup>2</sup>
Studio two persons cohabiting as a couple	18 m <sup>2</sup>
Separate kitchen – up to 3 persons	5.5 m <sup>2</sup>
Separate kitchen – 4-5 persons	7.5 m <sup>2</sup>
Bathroom	Must meet the general requirements above
Separate bedroom – single occupancy	6.51 m <sup>2</sup>
Separate bedroom - couple	10.22 m <sup>2</sup>
Additional bedrooms single person	6.51 m <sup>2</sup>
Additional bedrooms couple	10.22 m <sup>2</sup>

#### Notes.

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.

Any floor space that has a ceiling height of less than 1.5m (5ft) is disregarded for the purpose of measuring the total space in the room.

## Facilities for Storage, Preparation and Cooking of Food

### Shared kitchens

#### Legal requirement

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 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 the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:
  - Sinks with draining boards
  - An adequate supply of cold and constant hot water to each sink supplied
  - Installations or equipment for the cooking of food
  - Electrical sockets
  - Worktops for the preparation of food
  - Cupboards for the storage of food or kitchen and cooking utensils
  - Refrigerators with an adequate freezer compartment
  - Appropriate refuse disposal facilities; and
  - Appropriate extractor fans, fire blankets and fire doors.

#### Tower Hamlets Council requirements

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

1. Location
  - Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen. Kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens apply;

Number of sharers	Room size
Up to 3	5.5 sq m
4 – 5	7.5 sq m
6- 7	9.5 sq m
8 – 10	11.5 sq m

2. Layout
  - The kitchen layout must be safe, convenient and allow good hygienic practices.
  - Cookers should be located away from doorways and have 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.

Facilities	Number of Occupiers	Specifications
Cooker	One	In one-person bedsits only, a cooker with a 2- ring hob, oven and grill. Must be permanently and safely installed on a fixed worktop
	Up to 5	Four-ring hob, oven and grill
	6 – 7	Four-ring hob, oven and grill and an additional combined microwave oven and grill
Sink / Drainer	Up to 5	1000 mm sink/drainer set on base unit, provided with a constant supply of hot and cold water and properly connected to the drainage system
	6 – 7	A double sink/drainer installed as above <u>or</u> A single sink/drainer plus a dishwasher
Worktop	One household up to 5	1000 mm x 600 mm. Worktop must be fixed, and made of suitable impervious material.
	6 – 7	2000 mm x 600 mm provided and fitted as above, plus additional space for extra appliances
Splashback	All	300 mm tiled splashback or its equivalent to be provided to the sink/drainer, worktop and any cooker without an integral splashback.
Electrical sockets	Up to 5	One suitably located electrical socket for each dedicated appliance such as a cooker, refrigerator and washing machine. In addition, 4 sockets (in either double or single combinations) to be provided above the worktop
	6 – 7	An additional 2 sockets as above.
Floor covering	All	Impervious and washable floor covering to cover the floor area of the kitchen.
Food storage cupboard	Per household	One double wall cupboard or One single base cupboard. May be provided within individual lets. The base unit below the sink/drainer is not acceptable for food storage.
Refrigerator	Per Household	Where provided in individual lets, a small fridge freezer
	Up to 5	Where provided in a shared kitchen, equivalent of 2 worktop height refrigerators both with freezer compartments, or 1 worktop height fridge and 1 worktop height freezer
	6 - 7	Where provided in a shared kitchen, the equivalent of an additional worktop height refrigerator with freezer compartment

Kitchen facilities where provided in a bedsit should be sited remote from the entrance door.

The cooker should not be situated below a window.

Exit and egress to a kitchen must not be through a room used for sleeping.

Kitchen facilities must not be installed in a hallway.

kitchens must have a mechanical extractor regardless of whether there is an openable window.

Apart from an extractor hood, fixtures and fittings are not to be directly above cooking appliances.

**See appendix 1**

### Legal requirements

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 requires rooms without shared amenities to be provided with adequate equipment.

### Tower Hamlets Council requirements

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

1. **Cooking:** A gas or electric cooker with a minimum two-ring hob, oven and grill.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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 and to reduce the possibility of a fire on the hob trapping an occupant in the room.

#### Notes:

Where a gas appliance or a solid fuel burning appliance is provided within a unit of accommodation, a carbon monoxide detector must also be provided.

Kitchenettes with limited facilities may be provided as an additional facility in rooms but do not remove the necessity to provide the appropriate level of shared kitchen facilities and the space taken up including 750mm deep working space adjacent to the kitchenette is not counted towards the floor area of the room for space standards.

## Personal Washing Facilities

Legal requirements The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 set standards for washing facilities as below:

1. Bath/showers shall be provided in the ratio of at least one to every five persons sharing.
2. The bathrooms or shower rooms shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a common area. Facilities must be inside the building.
3. Bathrooms and shower rooms must be of adequate size and be laid out in such a way as to enable persons to undress, dry and dress themselves in a safe manner.
4. Each bath, shower and wash hand basin shall be provided a continuous and adequate supply of hot and cold running water, designed to ensure reasonable temperature control.
5. Bathrooms and shower rooms must have adequate lighting, heating and ventilation.
6. Bathrooms must be fit for the purpose.

### Tower Hamlets Council requirements

To meet the above requirements of adequate size, layout, and fit for purpose, Tower Hamlets Council has adopted the following standards:

1. Bathrooms must have a 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.
2. A tiled splash-back at least 300mm high or full height adjacent to an over-bath shower must be provided to all baths and wash hand basins.

Shower cubicles must have fully tiled walls and be provided with a suitable water-resistant curtain or door to the cubicle. Bathrooms and shower rooms must have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip-resistant

3. The information below explains the minimum requirement for WC, bath/shower facility:

Number of Occupiers	Facilities
1–5 people	The minimum provision is 1 bathroom containing toilet, bath or shower and wash hand basin. The bathroom and toilet may be in the same room.
6–10 people	The minimum provision is: 2 bathrooms containing a bath or shower 2 toilets with wash hand basins, one of which must be in a separate room.
11–15 people	The minimum provision is: 3 bathrooms containing a bath or shower 3 toilets with wash hand basins, one of which must be in a separate room.
Bedrooms with en-suites	Where a room is provided with a complete en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant then that occupant will be disregarded when considering the provision of sanitary facilities.

4. The following minimum dimensions apply:

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

5. Shared bathrooms and shower rooms must be constructed to ensure privacy, be provided with an internal locking device to the door, have facilities to hang clothes during bathing and have sufficient space to permit users to dry and dress themselves.

## Fire Safety

### Legal requirement

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require appropriate fire precaution facilities and equipment must be provided of such type, number and location as considered necessary.

The Regulatory Reform (Fire Safety) Order 2005 requires all HMOs to have a sufficient risk assessment with regard to fire.

The Management Regulations require firefighting equipment and fire alarms to be maintained in good working order. DASH Services - LACoRS Fire Safety Guidance

### Tower Hamlets Council requirements

1. The following fire safety advice is in accordance with the recommended standards detailed by LACORS in their publication "Housing – Fire Safety, Guidance on fire safety provisions for certain existing types of housing" with regard to fire safety risk assessment in sleeping accommodation. Responsible persons who operate licensed HMOs are required to record their fire safety arrangements and the responsible person must allow the Fire Authority to see those arrangement

Licence holders who feel competent to do so may prepare their own Fire Risk Assessment (FRA). The use of a suitable template such as that available at

<https://www.dashservices.org.uk/Media/Default/Docs/FireRisk%20AssessmentForm.pdf> will assist in ensuring that attention is given to the appropriate issues.

2. Fire precaution requirements

The requirements expected by Tower Hamlets Council will vary according to the observations and findings arising from any inspection undertaken and will be based on the advice detailed in the above guides.

Landlords should also be aware that 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.

Although a full list of likely requirements cannot be given in this document necessary measures may include: fire doors on high risk rooms, fire separation and automatic fire detection systems.

Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standards.

The Fire Service discourage the provision of fire extinguishers except in premises with full time on-site staff who are trained in their use. The emphasis is on escape from danger rather than fighting a fire. Where fire extinguishers are provided, they must be serviced or replaced annually and a record of date of servicing or replacement attached to the equipment.

Fire blankets may be provided in kitchens to enable fires on hobs to be tackled before they get out of hand. Where provided they should be prominently mounted on the wall away from the hob and advice on their use should be prominently displayed nearby.

## Gas and Electricity Supplies

### **Location of gas and electricity meters and control equipment**

Other than “smart meters”, gas and electricity meters and associated isolating switches, valves and consumer units must always be located within communal parts of the HMO so as to be accessible to all occupiers at all times. Under no circumstances will they be permitted to be located within a letting room.

### **Pre-payment Meters**

Supplies of gas and electricity are maintained at all times without requiring tenants to contact the landlord to arrange for the “topping up” of meters.

**Electricity supplies to automatic fire detection and alarm systems and emergency lighting should not be from a pre-payment meter and shall be from a landlords supply.**

## Management of Privately Rented Properties

### Legal requirement

There are management regulations that apply to all HMOs and where appropriate single let properties.

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

The Regulations can be accessed in full at [www.legislation.gov.uk](http://www.legislation.gov.uk). Under both sets of Regulations the person in control of or managing the HMO must ensure that:

- The manager's name, address and any telephone contact number is made available to each household in the HMO and these details must be clearly displayed in a prominent position in the HMO.
- Each letting is in a clean condition at the beginning of any rental period and that the internal structure, fixtures/fittings/appliances, windows and mechanical ventilation are maintained in good repair and clean working order.
- All common parts i.e. Staircases, passageways, corridors, halls, lobbies, entrances, balconies and steps are maintained in good and clean decorative repair, in a safe and working condition and kept reasonably clear from obstruction.
- Outbuildings, boundary walls, yards and fences are maintained in repair, clean condition and good order. The garden must be kept in a safe and tidy condition.
- The water supply is constant and not unreasonably interrupted and that the drainage system serving the HMO is maintained in good, clean and working condition.
- Annual gas safety tests are carried out on all gas appliances within the HMO by a Gas Safe registered engineer, and evidence is supplied to support this if requested by the Council.
- The electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and evidence is supplied to support this if requested by the Council.
- The gas or electricity supply, used by any occupier within the HMO, is not unreasonably interrupted.
- All means of escape from fire, any automatic fire detection system and fire fighting equipment are maintained in good working order and are kept free from obstruction.
- All reasonable steps are taken to protect the occupiers of the HMO from injury, ensuring structural safety within the HMO, and that windows set close to or at floor level are suitably safeguarded.
- The manager must ensure that sufficient bins or other suitable receptacles are provided for the storage of refuse and litter pending their disposal.

### Responsibilities of occupiers

Every occupier must ensure that:

- Reasonable access is provided into their letting in order for the manager to undertake any work required under the Management Regulations.
- Reasonable care is taken to avoid damage to any items which the manager has responsibility to supply, maintain or repair under the Management Regulations.
- Store and dispose of litter in accordance with the arrangements made by the manager under the Management Regulations.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

It is an offence to fail to comply with the Regulations. The Tower Hamlets Council can prosecute or issue a civil penalty of up to £30,000 per offence when landlords or agents do not comply with the Regulations. If found guilty, on summary conviction the Court can impose an unlimited fine per breach.

## **ASBESTOS AND MMF (Manufactured Mineral Fibres)**

Occupants should not be exposed to the presence of airborne asbestos or MMF.

The presence, position and condition of any asbestos or MMF building materials should be determined and recorded by a qualified asbestos auditor. Any necessary action to remove or encapsulate shall be undertaken by an approved UKAS (NAMAS) contractor (i.e. a contractor licensed by the HSE).

## **Pest Control**

The dwelling should be free from pests and pest infestations (including, but not limited to rats, mice, pigeons, cockroaches, fleas, bed bugs) so that the occupants are not subjected to threats to their physical or mental health.

Where pests or pest infestations are found during occupation, a suitably qualified pest control contractor should be engaged to carry out all necessary treatments and other works to ensure the eradication of the pests.

Where pest control works are carried out within occupied dwellings, the occupier must be made aware of the location of any baits or other chemical treatments.

Any soft furnishings found to be infested with pests must be appropriately destroyed and replaced.

## **Noise**

The dwelling should be sited and maintained so that the occupants are not subjected to noise which would result in a threat to their physical or mental health.

All new flats/flat conversions should comply fully with current Building Regulations in respect of sound insulation. Older flats/flat conversions should comply as fully as possible with current Building Regulations.

Where there are excessive noise levels (e.g. from main road, rail lines, and adjacent noise producing commercial premises) noise mitigation measures (e.g. secondary glazing) should be installed to habitable room i.e. bedrooms, living rooms. Where noise mitigation measures are necessary, consideration should also be given to the presence of existing airbricks which must be replaced with acoustic vents.

## **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

These Regulations require landlords in the private rented sector in England to ensure that a smoke alarm is installed on every storey of their rented dwelling when occupied under a tenancy, and that a carbon monoxide alarm is installed in any room which contains a solid fuel burning combustion appliance. They also require landlords to ensure that such alarms are in proper working order at the start of a new tenancy. There will also be an on-going requirement to maintain the alarms provided under these Regulations to ensure compliance with the HMO Management Regulations.

## **HMO Planning Permission and Building Regulation Approval**

On the 1 June 2021, Tower Hamlets Council introduced an Article 4 direction, which removes permitted development rights for the change of use from a dwelling house (use class C3) to a House in Multiple Occupation (HMO) (use class C4) across the whole Borough. From this date, change of use to an HMO will require full planning permission.

Planning and/or Building Regulation approval may be required where works are being undertaken to create an HMO or carry out alterations within an existing HMO. Compliance with these standards is not a substitute for securing any required planning permissions or building regulation approval.

HMOs with seven or more occupiers require planning permission and owners and managers are recommended to contact the Planning Service to clarify the planning status of the property.

## Children

These standards in relation to minimum room sizes for children the following criteria shall always apply:

- No bedroom can be let to a child under the age of **18** without a parent/legal guardian also occupying a bedroom in the HMO.
- No adult to share a room with a child other than, parents or same sex siblings.
- A child's bedroom will be lockable (thumb turn lock) with two keys provided to the parent/legal guardian.
- A bed shall be provided for exclusive use by the child.
- Where a child is under the age of ten, the minimum bedroom size is 4.64 m<sup>2</sup> (higher standards will apply in different circumstances, see below).
- Where a bedroom is provided for a child under the age of ten, the bedroom shall be adjacent too or directly across from the bedroom occupied by the parent/legal guardian of that child.
- Where a bedroom is provided for a child under the age of ten, the bedroom shall not contain any kitchen facilities or bathroom facilities.

## Gardens and Balcony

Where there is a garden or other outside space associated with the dwelling it shall be maintained, it shall be free of harbourage for rodents, free of refuse and detritus and articles that could cause harm (physically, chemically or biologically), e.g. items with cutting edges, gas cylinders, pesticides, etc. Where items of this nature are stored in the garden they should be stored in locked container, inaccessible to children. The garden should be safely & easily accessible to the children.

Balconies must have guarding to a height of at least 1100mm. Guarding should be designed to discourage children from climbing on it and should be strong enough to support the weight of people leaning against it. There shall be no gaps greater than 100mm in width.

## Windows

- Window sills (to windows on the first floor upwards or on the ground floor where there is a basement well) less than 1100mm shall be fitted with window restrictors. It shall be possible to override the window restrictors for escape purposes.
- All windows should have key operated locks with the exception of windows which are complying with fire regulations as part of a means of escape.
- Where windows don't have a lock in order to comply with fire regulations (eg, green button handle locks), then they must be either double glazed units or laminated glazing or fitted with a security film or have a metal grill. The window will also require a security latch.
- Windows for basement, ground floor or first floor dwellings that lead directly to a flat roof require restrictors to be fitted.

## Clothes Drying Facilities

Consideration should also be given to the provision of clothes drying facilities externally e.g. a rotary line or a suitably located and ventilated tumble dryer, etc.

Where appliances provided are likely to cause noise and/or vibration they are to be located in positions to minimise noise nuisance to neighbouring or adjoining property (vertically and horizontally) and to minimise noise/vibration transmission to sleeping accommodation within the HMO. All appliances must be fitted and

adjusted in position to avoid vibration and consideration given to the use of sound proofing and/or anti-vibration materials

## **Heating**

All units of accommodation must be equipped with adequate means of space heating. 'Adequate' will mean that heating must be available, if required, to all tenants at all times and be capable of heating habitable rooms to 21° when the outside temperature is -1°C and all other rooms to 18°C when the outside temperature is -1°C. Although provision for space heating may be centrally controlled such systems should be operated to ensure that occupants are not exposed to cold indoor temperatures and the amount of heating in each unit must be under the control of the occupying tenant.

The method of heating must be safe and should be efficient and affordable. A current gas safety certificate must be available where gas appliances are provided. Where heating is provided by a gas or electric central heating system, the gas or electricity supply must be via a quarterly credit meter and not a key or card meter (except where a system is exclusive to a self-contained flat).

A humidistat-controlled mechanical extractor must be provided where there is inadequate ventilation by means of a window.

## **Lighting**

As with any habitable room, the area of natural lighting provided must be equal to at least 1/10th of the floor area of the room and must be of appropriate shape and position to allow for reasonable daylight penetration throughout the room.

There should be sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain. It is particularly difficult to meet this requirement where the property abuts directly onto the footpath and the window depends on the provision of a bulkhead in the ceiling encroaching on the room above. It is necessary for the bulkhead to have sufficient depth to not interfere with the light distribution, but consideration must be given to the effect on the floor area and space in the room above.

Artificial lighting must be sufficient for the normal use of the room outside daylight hours and on dull days but will not be considered a viable alternative to adequate natural lighting.

Where practicable bathroom and toilet compartments shall also comply with this standard. Glazing to windows and doors in bathrooms and toilet compartments shall be obscure to protect privacy.

## **Ventilation**

Sufficient ventilation, preferably by natural means must be provided to ensure that the room is not unduly affected by excess heat during summer months and also to assist in ensuring that rooms are not affected adversely from dampness connected with condensation, especially basement. Generally, an opening window of at least 1/20th of the floor area of the room is considered sufficient. Trickle ventilation should also be provided to permit background ventilation without compromising security when the room is unoccupied or at night time, especially considering that such rooms often abut the public footpath. Artificial ventilation or air conditioning may be considered appropriate to provide in addition to natural means.

## **Free from damp**

Special attention needs to be given to the prevention of penetrating and rising dampness and condensation damp.

## Electrical power points

Room	Minimum number of power points:
Living Room	3 double sockets
Double Bedrooms	3 double sockets
Single Bedrooms	3 double sockets
Kitchen	2 double sockets at worktop height, plus separate socket for fridge. Boiler to be on spur. Cooker to be on a separate 30amp circuit.
Landing or hall	1 socket

## Refuse Storage and Disposal

Appropriate refuse storage facilities should be provided within dwellings with suitable access to disposal facilities. Refuse containers to be located away from habitable rooms. Where dwellings do not have a yard or garden to store refuse bins, suitable bins should be provided to permit storage without causing odours or attracting vermin or pests. In particular the management of a House in Multiple Occupation is a commercial activity and as such a manager may have to give consideration to increasing the facilities provided by the Local Authority to prevent refuse accumulations and to meet recycling requirements.

## Energy Performance Certificates

Where accommodation is let to a group of tenants or under a single tenancy agreement an Energy Performance Certificate must be made available to prospective tenants.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended)

These Regulations make it a requirement to currently only rent properties that have an Energy Performance Certificate (EPC) rating of 'E' or above (Although there are proposals to change this). Exemptions apply and a landlord must register an exemption. Guidance - <https://www.gov.uk/government/publications/private-rented-sector-minimum-energyefficiency-standard-exemptions>

Register - <https://prsregister.beis.gov.uk/NdsBeisUi/used-service-befor>

## Security

It is necessary that consideration is given to the security of the property and appropriate measures are taken to prevent 'Entry by Intruders' hazards.

## Kitchen layout

### Examples of approved and poor layout

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



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

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



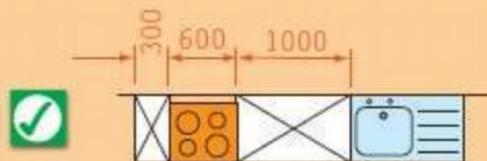
This cooker location meets the minimum requirements for a suitably sited cooker with sufficient worktop to both sides of it.

## Examples of approved and poor layout



### Good practice

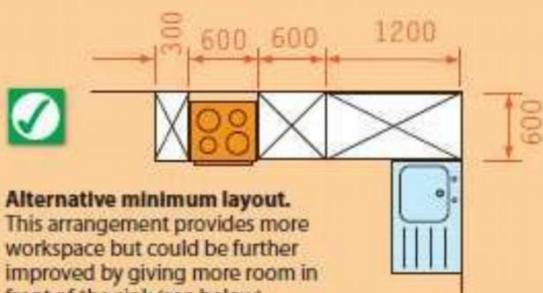
A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require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



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

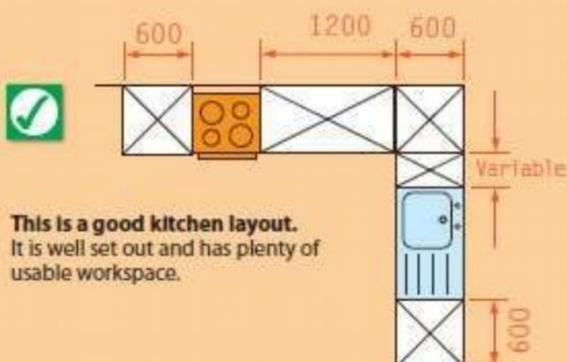
It incorporates worktop on both sides of the cooker and working space both sides of the sinkbowl.

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).



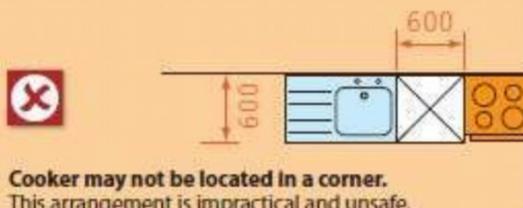
#### This is a good kitchen layout.

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 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.