

# Worcester City Council

## STANDARDS, CONDITIONS & MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION (HMO'S)

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## 1. Introduction

This guidance has been produced by Worcester City Council for Houses in Multiple Occupation (HMOs). It has been written to inform owners, agents and occupiers of the standards that are required in this type of accommodation, and as a basis for HMO licence conditions.

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

A HMO is defined in law as a house or flat in which three or more persons forming two or more households share one or more basic amenities such as a bathroom, toilet and/or kitchen facilities. A 'household' is defined as either a single person or members of the same family who are living together. Certain buildings that have been converted into flats are also HMOs (called Section 257 HMOs). This is where the conversion does not meet at least the standard required by the Building Regulations 1991, and where less than two thirds of the flats are owner-occupied

### **Licensing of HMOs**

The Council requires all HMOs in Worcester City to be licensed, regardless of the number of storeys. This also includes HMOs consisting of self-contained flats. If the HMO is occupied by 5 or more people it will require a 'Mandatory' HMO Licence. If it is occupied by 3 or 4 people it will require an 'Additional' HMO Licence.

The Housing Act 2004 and associated legislation<sup>1</sup> states the minimum standards for HMOs. All HMOs are subject to this legislation along with the HMO management regulations<sup>2</sup>.

\*Please note that these legal requirements are correct at the time of going to print and this guide does not take account of any subsequent changes to legislation.

### **Planning Requirements**

The Council has introduced an Article 4 Direction<sup>3</sup> which means that planning permission is required to change a use of a dwelling house (use class C3) to a small House in Multiple Occupation (use class C4, where between three and six unrelated individuals share basic amenities, such as a kitchen or bathroom). Planning permission has always been required to convert a property into a HMO with seven or more occupiers. It should be noted that the granting of a HMO licence in itself does not confer planning permission onto a property as Planning and Housing requirements in law are separate. Please contact the Planning department for more information on 01905 722233 or at [planning@worcester.gov.uk](mailto:planning@worcester.gov.uk) .

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<sup>1</sup> The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 <http://www.legislation.gov.uk/ukxi/2006/373/contents/made>

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007: <http://www.legislation.gov.uk/ukxi/2007/1903/contents/made>

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018: <https://www.legislation.gov.uk/ukdsi/2018/978011167359/contents>

<sup>2</sup> The Management of Houses in Multiple Occupation (England) Regulations 2006

<sup>3</sup> <http://www.worcester.gov.uk/article4>

## 2. Space Standards

When measuring the size of any room, the officer must take into account the 'useable space' by considering the height and shape of the room. Measurements will include all floor space including floor to ceiling fitted wardrobes/walk in cupboards, but not chimney breasts, bulkheads or en-suite facilities. Skirting boards will also be ignored. Rooms must be able to allow the effective use of the required amount of furniture and allow sufficient movement around the room. Where this is not possible (e.g. narrow layout), a higher minimum floor space may be required. All rooms should have a minimum floor to ceiling height of at least 2.3 metres over 75% of the room area. Where the ceiling height is less than 1.5 metres the floor area underneath it shall be disregarded and not counted as 'useable space'.

Room	Number of occupants (max 2 sharing a room)	Minimum size (m <sup>2</sup> )
Bedroom (with separate communal living space)	1	6.51*
	2	11**
Bedroom (with no separate communal living space)	1	10
	2	14
Kitchen	1-3	5.5
	4-5	7
	6-10	11
	11-12	15
Communal Living Space (e.g. living room)	1-5	11***
	6-10	14***
Bathroom	n/a	3.74
Shower room	n/a	2.74
Bedsit (where individual sleeping, living and cooking amenities are in 1 room)	1	14
	2	18

\* This is the government mandatory legal minimum for a bedroom occupied by one person and there can be no flexibility allowed. The legal minimum size sleeping room for a child under 10 is 4.64m<sup>2</sup>, when let together with a sleeping room of at least 6.51m<sup>2</sup> used by their parent or guardian.

\*\* The legal minimum for two people is 10.22m<sup>2</sup> but the Worcester City Council adopted standard is 11m<sup>2</sup>.

\*\*\*Where a communal living space does not meet these guidelines, bedrooms will need to meet the higher space standard size (e.g. 10 m<sup>2</sup> for 1 person). If there is a combined kitchen/communal area, the two size requirements should be added together to determine if the communal area is adequate enough to count as such.

### **3. Facilities for the storage, preparation and cooking of food**

3.1 Each occupant must have 24 hour a day access to a suitable internal kitchen which should be no more than two floors away from their room. Each kitchen must be large enough and have adequate facilities (requirements as detailed below), and laid out in such a way to adequately enable those using the facilities to store, prepare and cook food. Kitchens with a poor layout and/or facilities may be deemed inadequate.

3.2 There should be adequate space for cookers, sinks and worktops and these must be placed in appropriate positions in the room and in relation to each other. In particular, cookers must be located away from doors, door-openings and windows, and have enough floor space for items to be safely retrieved from the oven. It should be possible to stand directly in front of the cooker and sink and place pans and utensils down on both sides of each.

3.3 Sinks, worktops and immediately adjacent walls and floors should be non-porous and smooth, so as to facilitate cleaning. Walls abutting cookers, sinks and worktops should be provided with tiled splash-backs.

3.4 Where 2 sets of facilities are provided in one kitchen, the layout must allow them to be safely used at the same time. No more than 2 sets would normally be accepted in a single room.

3.5 Kitchens should have adequate natural or mechanical ventilation.

#### Kitchen Facilities

##### 3.6 Single household occupation:

Where kitchen facilities are provided within bedrooms or bedsitting rooms, they should be situated in a distinct kitchen area, ideally away from the door. They must have the following minimum standards:

- A suitable size sink and draining board with constant supplies of hot and cold water, a fixed impervious worktop measuring not less than 1.0m x 0.6m, with tiled or otherwise impervious splashback.
- A dry double (1metre) wall cupboard or 1 single (500mm) base cupboard (not under the sink)
- A storage cupboard for crockery and a drawer/container for utensils
- A refrigerator (minimum gross capacity of 66 litres), with freezer compartment
- A 2 ring hob with both oven and grill. This must be safely installed on a fixed worktop. Free standing units are not acceptable.
- A minimum of two 13 amp electric sockets in the food preparation area adjacent to the worktop
- Adequate space, layout, ventilation, artificial lighting, and a suitable impervious floor covering. All facilities must be fit for purpose.
- A fire blanket and suitable small fire extinguisher

### 3.7 Shared occupation:

For shared occupation, the full kitchen facilities required are laid out in the following table:

Persons	Room sizes (m <sup>2</sup> )	Cooking Appliances	Sinks	Refrigerated storage	Dry goods storage	Worktops	Electrics
3 – 5	3 persons 5.5m <sup>2</sup>	One conventional cooker which consists of : 4 x hotplates 1 x oven 1 x grill	One single bowl sink and integral drainer	One under counter refrigerator and a separate freezer or one equivalent combined fridge/freezer	Two 500mm base units and two 1000mm wall units with doors or equivalent	1 - 5 2000mm (L) x 500mm (D)	Two twin sockets, located at least 150 mm above the work surface
	4-5 persons 7m <sup>2</sup>						
6 – 7	11m <sup>2</sup>	Two conventional cookers (a combination microwave may be used in lieu of second cooker)	One double bowl sink and integral drainer (a one and a half bowl sink is acceptable where dishwasher is provided)	6+ Two under counter refrigerators and a separate freezer or two equivalent combined fridge/freezers	6 -10 Four 500mm base units and two 1000mm wall units with doors or equivalent	6 - 9 2500mm (L) x 500mm (D)	6 - 7 Three twin sockets, located at least 150 mm above the work surface
8 - 10	11m <sup>2</sup>	Two conventional cookers (irrespective of whether a combination microwave is provided)	Two single bowl sinks and integral drainer (10+ AND standard dishwasher)		11+ Five 500mm base units and three 1000mm wall units with doors or equivalent	10+ 3000mm (L) x 500mm (D)	8 - 12 Three twin sockets, located at least 150 mm above the work surface
11 -12	15m <sup>2</sup>	Two conventional cookers and two combination microwave ovens	10+ Two single bowl sinks and integral drainer and a standard dishwasher				
<b>Notes</b>		Properly connected to the electric or gas supplies. Electric cookers must be on their own fused spur.	Each sink shall be set on a suitable base unit and provided with adequate hot and cold water properly connected to the drainage system	Fridge: 84cm(H) 60cm(W) 60cm(D) 100 litre capacity Freezer: 84CM (H) 60cm (W) 60cm(D) 85 Litre capacity Upright fridge/freezer: 175cm (H) 60cm (W) 65cm (D) 150 litre fresh food storage, 85 litre frozen food storage	The space below a sink shall not be used for dry goods storage	This shall be provided in addition to any space required for cooking appliances	These are in addition to any sockets used for the connection of major appliances

#### **4. Personal washing facilities and WCs**

- 4.1 All baths, showers and wash hand basins in a HMO must have hot and cold water and suitable waste drainage.
- 4.2 All bath/shower rooms and separate WC compartments should have adequate ventilation and electric lighting.
- 4.3 All bath/shower rooms shall have a suitable layout and shall be of sufficient size (minimum of 3.74m<sup>2</sup> for full size bathroom and 2.74m<sup>2</sup> for a shower room) to include adequate drying/changing space. These must have fixed space heating.
- 4.4 All baths, showers and wash hand basins should be equipped with adequate splash backs (300mm to baths and wash hand basins, full heights for showers) with a waterproof seal between the splash backs and the fitting.
- 4.5 Electric shower units should be fitted with thermostatic temperature controls to prevent scalding.
- 4.6 There should be a suitable shower screen/curtain if the shower is fitted over a bath.
- 4.7 The wall finishes and flooring shall be readily cleansable, the flooring well-fitted and non-absorbent.
- 4.8 Bath/shower rooms and WC compartments must be capable of being used in privacy. In particular, doors must be capable of being secured from the inside and any window glazing must be suitably obscured.
- 4.9 All WCs shall be provided with a suitable seat and lid and must be securely fixed. They shall be properly connected to the soil drainage system and the cisterns provided with an adequate and constantly available supply of water.
- 4.10 All separate WC compartments must contain a wash hand basin with hot and cold running water and a tiled splash back.
- 4.11 Bedrooms must not be than one floor from any communal bathroom and/or WC. Officers may use their discretion if this is not practicable.



#### 4.12 Amenity Standards – Bathroom Facilities

The following table outlines the level of facilities which should be provided. A tick indicates that the provision is acceptable for that number of people.

Number of persons sharing	1 bathroom with WC	1 bathroom with WC <u>plus</u> a separate WC	2 bathrooms with WCs	2 bathrooms with WCs, <u>plus</u> a 3 <sup>rd</sup> bathroom with WC or a separate WC	3 bathrooms with WCs	4 bathrooms with WCs
3 or 4	✓	✓	✓	✓	✓	✓
5		✓	✓	✓	✓	✓
6			✓	✓	✓	✓
7			✓	✓	✓	✓
8				✓	✓	✓
9				✓	✓	✓
10				✓	✓	✓
11-15					✓	✓
16-20						✓

The term bathroom means an internal room containing a suitable bath or shower compartment and a wash hand basin. A separate WC must have a wash hand basin included.

Where a room is provided with a complete en-suite facility (bath/shower, WC, and wash hand basin) for exclusive use of that occupant, then that occupant will be disregarded in the above table when considering the number of occupants sharing. e.g. If a property has six occupants and one has exclusive use of a fully equipped en-suite, the requirement for the remaining occupants would be for five people. If, however, the facilities provided do not constitute a full en-suite, then the occupant will not be disregarded.

## **5. Heating, Lighting and Ventilation**

5.1 The heating system may be centrally controlled but the occupier of each unit of accommodation must be able to control the temperature within their room at all times, for example via thermostatic radiator valves (TRV's) where central heating is provided to individual wall mounted electric heaters.

5.2 All habitable rooms (bedrooms, living & dining rooms) must:

- A) Have fixed space heating capable of being heated efficiently to 21°C when the outside temperature is -1°C, at reasonable cost and must be controllable by the tenants. Heating appliances must be wall mounted and either hard-wired or plumbed in. Portable heating appliances such as fan heaters, halogen heaters, bottled gas heaters, oil radiators etc. are not considered a suitable form of heating.
- B) Be provided with adequate natural/artificial lighting. Generally this should be unobstructed windows having a glazed area of not less than 10% of the room's floor area and suitable electric light points.
- C) Be provided with adequate natural ventilation. Generally this should be windows having a combined opening area of not less than 5% of the room's floor area. If patio doors are the only form of ventilation they must have either trickle vents or be able to be securely left open at night by a locked chain.

5.3 Where heating is provided by a central heating system, including to common parts, the fuel supply to the common parts shall be via a dedicated supply, not a key or card meter, (except where a system is exclusive to an individual unit of accommodation).

5.4 Written instructions should be made available to occupiers to ensure they are acquainted with the safe operation of any appliances e.g. boilers, immersion heaters, thermostats, cookers, washing machines, tumble dryers etc.

5.5 Halls, stairs, landings, accessible cellars must be provided with adequate artificial lighting. External steps and walkways around the property must be able to be navigated safely.

5.6 All external doors and windows must be suitably and securely fitted and draught proofed.

5.7 Any shared house HMOs (i.e. not let under separate contracts) must meet Energy Performance Certificate minimum rating of 'E' unless otherwise exempted under Minimum Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

## **6. Safety in the Property**

### **6.1 Gas safety certificate**

Where a gas supply is fitted the licence holder must supply to the Council a copy of a gas safety certificate obtained within the previous 12 months and covering each appliance supplied by the landlord, and a certificate must continue to be supplied annually throughout the licence period. The certificate must be issued by a member of the Gas Safe Register who is competent to examine gas appliances. A copy of the most up-to-date certificate should be provided to the occupants and kept in the HMO Management Log Book (see page 13 for full list of Log Book requirements).

### **6.2 Electrical Safety certificate**

The licence holder must ensure that an Electrical Installation Condition Report (EICR) for the mains wiring and fixed electrical installations is provided to the occupants and the Council. This should have been carried out by a suitably qualified and competent electrician within the previous 5 years. A copy of this certificate should be kept in the HMO Management Log Book.

Any remedial work relating to the safety of the installation which is identified during this inspection shall be completed within the most appropriate time i.e. within 24 hours for emergency repairs and up to but no longer than three months of the date of issue of this certificate for non-urgent repairs.

### **6.3 PAT Certificate**

Licence holders must ensure all electrical appliances supplied by them are in a safe condition. A Portable Appliance Test (PAT) certificate must be completed by a competent person, and a copy kept in the Management Log Book. Appliances that fail the test cannot be kept to be used by the occupants. The PAT should be carried out annually or as stipulated by the competent person carrying out the test. The licence holder must keep all receipts for new appliances and supply copies on request to the Council. Any portable appliances left behind by previous occupiers are the responsibility of the licence holder and must either be removed or PAT tested.

### **6.4 Electrical sockets**

Each habitable room must be provided with an adequate number of electrical sockets (at least 4 x single or 2 x double). Failure to do so may result in the overuse of extension leads by occupiers which increases the risk of fire and may lead to trip hazards.

### **6.5 Carbon monoxide detectors**

A carbon monoxide detector should be placed in accordance with manufacturers' instructions and must be located in any bedroom which contains a solid fuel burning combustion appliance or a gas appliance. A detector must also be placed near the gas boiler if there is one.

## **7. Fire Precautions**

### **7.1 Fire Detection and alarms**

The property must be fitted with an integrated, hard wired fire detection system with battery backup in accordance with BS5839. In accordance with LACORS Guidance -

[http://www.cieh.org/uploadedFiles/Core/Policy/Publications\\_and\\_information\\_services/Policy\\_publications/Publications/National\\_fire\\_safety\\_guidance\\_08.pdf](http://www.cieh.org/uploadedFiles/Core/Policy/Publications_and_information_services/Policy_publications/Publications/National_fire_safety_guidance_08.pdf)

There should be integrated and audible smoke detectors in hallways, landings, living rooms, dining rooms, cellars, bedsitting rooms, and bedrooms, as well as heat detectors in kitchens. They should be mains powered with battery standby.

Where an LD2 Grade D fire alarm and emergency lighting system has been installed, the licence holder must include the installation certificate in the HMO Management Log Book and will need to demonstrate that correct maintenance of the systems has been carried out. Correct maintenance will include periodic tests and checks, in accordance with British Standard 5839. A Grade D system must be inspected on a six monthly basis by a suitably qualified person.

### **7.2 Fire Doors**

Fire doors must be fitted to all bedrooms as well as kitchens, living and dining rooms, and any other rooms/cupboards with combustible materials that open up onto the protected fire escape route. The doors must comply with BS 476, FD 30 fire resisting standard, incorporating the following:

- Three EN1935 CE marked minimum grade 11 hinges
- A maximum gap around the door and lining not to exceed 2mm. For gaps between 2 – 4mm maximum an intumescent strip and smoke seal is to be rebated into both edges and top, fitted either to the door or lining
- 35mm x 12.5mm door stops glued and screwed at 300mm centres

The door must be provided with overhead door closers capable of closing the door onto the latch. The door closers must conform to BS EN 1154. All door furniture must be metal. A conspicuous notice must be fitted to all fire resisting self closing doors to both sides at approximately eye level stating 'Fire Door – Keep Shut'.

Any doors providing a means of escape and which is required to be kept locked shall be fitted with a type of lock capable of being opened easily and quickly from within without the use of a key, e.g. Euro Cylinder. This is to include the main exit door from the property, all bedrooms, and exit doors from any other protected fire escape route.

### 7.3 Fire Fighting Equipment

The licence holder must ensure that all fire fighting equipment installed in the house is serviced on at least an annual basis by a suitably qualified person, and ensure that the equipment is maintained at all times. The licence holder must make available a copy of any documents relating to this work to tenants in the HMO Management Log Book held at the property.

1x 9ltr water or foam fire extinguisher should be securely fitted in a communal area of each storey. There must also be 1 x small mixed use fire extinguisher (preferably CO<sup>2</sup>) correctly installed in kitchens, including ones in bedrooms. These should be to British Standard EN3, and positioned at eye level in an unobstructed location.

All letting rooms or kitchens that contain cooking facilities shall be provided with a suitable fire blanket which complies with BS 6575. The blanket(s) should be provided in a wall-mounted quick release container, which should be positioned at eye level in an unobstructed location.

### 7.4 Emergency Lighting

All properties of three stories or above must install an emergency lighting system to British Standard 5266 and LACORS guidance. One or two storey HMOs need to refer to the LACORS guidance or as identified by the risk assessment. This must be maintained in good order and checked at intervals of not more than 12 months by a suitably qualified electrician.

### 7.5 Means of Escape

All properties must have a protected fire escape route where all occupants are able to escape safely in the event of a fire. All floors and walls on the protected fire escape routes and within all sleeping rooms must be constructed of minimum 30 minute fire resisting materials. All floors and walls between commercial and neighbouring properties are to be 60 minute fire resistant.

All means of escape must be maintained in good order and kept free from obstruction. This includes staircases, passageways, corridors, halls, lobbies, entrances, paths and yards.

### 7.6 Furniture

The licence holder must keep furniture supplied to the occupants in a safe and reasonable condition and is compliant with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) - <http://www.legislation.gov.uk/ukxi/1988/1324/contents/made>

### 7.7 Credit meters

Where a payment or credit meter controls the amount of electricity available to the occupants, a separate independent power supply circuit must be provided to the Fire Alarm and Emergency Lighting system. This new supply to the Fire Alarm System must not rely on the credit controlled supply, and must not be interrupted at any time.

### 7.8 Testing

The following fire equipment tests should be carried out on an annual basis and copies of the certificates kept in the HMO Management Log Book.

- Fire Alarm
- Fire Extinguisher
- Emergency Lighting (where provided)

### 7.9 Fire Risk Assessment

The licence holder must produce a written fire risk assessment and review at regular intervals. It should, as a minimum, list and identify fire hazards, what has been done to reduce and mitigate the risks of those hazards and to list what physical fire precautions and management arrangements are necessary to ensure peoples safety. At a minimum, the Fire risk assessment should address the fire safety precautions and required standards covered in this document.

- The [Hereford and Worcester Fire and Rescue website](#) contains comprehensive information on how to carry out fire risk assessments and is designed to cover all types of premises.
- Alternatively, gov.uk has produced some guidance on [Fire Safety Risk Assessments in Sleeping Accommodation](#), including step-by-step instructions on how to carry out an assessment. On page 120, there is also a template for "recording significant findings", which will be the document that you send into us. If you consider yourself to be "a competent person" to carry out the risk assessment, then you do not need to pay a contractor to do it for you.
- Review the Fire Risk Assessment if there are any changes within the property

Ensure that a copy of the Fire Risk Assessment is kept in the HMO Management Log Book.

## **8. Management of the Property**

### **8.1 Legal Responsibilities**

The licence holder/manager must ensure that the property is properly managed at all times and complies with legal HMO regulations. Their legal duty includes:

- Provision of the manager's contact details to the occupiers and display these at the premises on a notice board or in the HMO Log Book
- All common parts, fixtures, fittings and appliances are maintained in good and clean decorative repair and in safe working condition
- Each letting is in a clean condition at the start of a rental period and the internal structure is kept in good repair and condition
- Outbuildings, boundary walls, yards and fences are maintained in a good state of repair and clean condition. The garden must also be kept in a safe and tidy condition.
- The water supply is constant and not unreasonably interrupted and that the drainage system is maintained in a good, clean and working state
- Provision of required safety measures and tests for the property, including for fire safety
- Provision of supply and maintenance of gas and electricity
- Provision of waste disposal facilities

### **8.2 Other Requirements**

- The licence holder must ensure that occupiers are given clear advice what to do in the event of an emergency e.g. fire, and have access to contact details. They must be aware of the location of the stopcock should they need to turn it off.
- The licence holder must supply to the occupiers a tenancy agreement at the start of their occupation, and a copy shall be available on request by the Council
- The licence holder shall provide occupiers with advice and a copy of any instruction manuals necessary to enable them to operate boilers, cookers, gas fires and any other similar appliance.

### **8.3 Waste Disposal**

- The licence holder must ensure that an explanation is given to occupiers at the beginning of their occupancy, regarding the arrangements for refuse storage and disposal
- The licence holder is responsible for providing a suitable location for the provision of refuse containers for the property
- The licence holder shall provide and maintain suitable and sufficient waste containers for the storage of domestic waste and recyclable materials
- The licence holder shall ensure that refuse and litter must not be allowed to accumulate within the property or garden unless properly stored pending disposal. Where no external provision for storage is made, they shall ensure that safe and satisfactory internal storage is provided

#### 8.4 Anti-Social Behaviour (ASB)

- The licence holder is expected to try to manage any anti-social behaviour from their tenants. Examples of anti-social behaviour include disturbing the neighbourhood with noise nuisance such as shouting or the playing of loud music at any time of day, though particularly between 11pm and 8am. It also includes, but is not limited to, violence and criminal behaviour, domestic abuse, the supply and use of controlled drugs, and intimidation or racial harassment (a racist incident is any incident perceived as such by the victim or any other person)
- A written statement of the terms and conditions of the tenancy/licence agreement must be provided to all occupiers at the start of their occupation. The agreement must include a clause about not causing nuisance and anti-social behaviour and include provisions for bringing the tenancy/licence to an end for anti-social behaviour through the proper legal process
- On request, the licence holder/manager must demonstrate to the satisfaction of the Council that they have taken all reasonable and practicable steps when dealing with complaints of anti-social behaviour made against the occupants. Examples of action which may be taken include the issuing of warnings, both verbal and in writing. In the event that anti-social behaviour persists, the licence holder/manager must be prepared to take appropriate legal action to regain vacant possession as soon as possible.

#### 8.5 Management Log Book

A HMO Management Log Book shall be kept and maintained by the licence holder and kept in a communal area of the property. It should be available for inspection by both the occupants and the Council if required. The Log Book shall contain up to date copies of the following documentation: -

- A copy of the HMO licence (if not openly displayed in a common area)
- Contact details for the licence holder (if not openly displayed in a common area)
- A standard tenancy agreement for the property (not with personal details)
- Gas safety certificate (if applicable)
- Electrical Installation Safety Certificate (with minor works certificates, periodic reports and new installations certificates)
- Portable Appliance Test (PAT) certificate showing a pass for all currently used portable appliances
- Fire alarm installation or service records
- Fire alarm testing records – as specified in BS5839
- Fire extinguisher service records
- Fire Risk Assessment
- Emergency lighting test certificates (if applicable)
- Energy Performance Certificate (EPC)



An example of a Log Book can be found on the Worcester City Council Website. It is a sample document for your guidance and it has pro-forma logs in place which can be adapted (added to, removed or changed) to suit the specific requirements of an HMO. You may choose to use a different style log book

<https://www.worcester.gov.uk/documents/10499/20692/HMO+Tenancy+Management+Log+Book.pdf/a2275cab-6e09-4944-b7f5-2f64c15d52ab>

## **9. The Housing Health and Safety Rating System (HHSRS)**

The HHSRS is a risk assessment tool for assessing the health and safety risks in dwellings. The principle of HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. It assesses the risk associated with 29 specific hazards and if any hazards are found they are classed as category 1 (severe) or category 2 hazards.

More information on the HHSRS can be found at <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

All HMOs are checked for hazards by the Council during the property licence inspection.

If any category 1 or high category 2 hazards are suspected, a full HHSRS assessment will be carried out. The Council is obliged to take action if any Category 1 hazards are found and a Notice may be served to address any category 1 hazards which are of non-compliance.

In the case of licensable HMOs, conditions can also be added to the licence even if they serve the same purpose as the Notice. A Notice may also be served.

## **10. Management Notifications**

The licence holder, and (where appropriate) the nominated managing agent, must inform the Council within 21 days in writing of any of the following changes/events.

- Change of address of the licence holder
- Change of ownership of the licensed property
- Change of managing agent
- Changes to the property, including structural alterations
- Change to the number of occupants in the property
- Any events that may affect the 'fit and proper' person status of the owner, licence holder or manager, such as a relevant conviction
- Change of mortgagee

## **11. Non-Compliance**

### **Criminal Offence**

- It is a criminal offence to operate or manage an unlicensed House in Multiple Occupation (HMO) where it should be licensed, or fail to comply with any of the Management Regulations. Failure to comply may result in prosecution or a civil penalty charge.

### **Breach of Licence Conditions**

- If the Licence Holder or Manager allows the property to be occupied by more people than is permitted on the licence this is a breach of licence conditions and they may be prosecuted and face an unlimited fine through the Courts or be served a civil penalty charge.
- Failure to comply with any other condition of the licence may also result in prosecution and be subject to a fine of up to £5,000 per condition breached, or a civil penalty charge.

### **Following a Conviction**

- The tenant or the Council (where Housing Benefit has been paid) can apply to the first tier tribunal for a rent repayment order. This requires the landlord to pay back any rent collected during the period that the offence lasted (up to a period of 12 months).
- A conviction under Housing legislation may mean that the person is no longer considered to be a fit and proper person to hold a licence in the future and the licence will be revoked.

### **Civil Penalty Charges**

- From 28 June 2016, Worcester City Council can use its powers to issue a civil penalty charge of up to £5,000 for failing to comply with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- From 20 June 2017, Worcester City Council can use its powers to issue a civil penalty charge of up to £30,000 under the Housing and Planning Act 2016, as an alternative to prosecution for the following offences under the Housing Act 2004:
  - Failure to comply with an Improvement Notice (section 30)
  - Offences in relation to licensing of Houses in Multiple Occupation (section 72)
  - Offences in relation to licensing of houses under Part 3 of the Act (section 95)
  - Offences of contravention of an overcrowding notice (section 139)
  - Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

