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STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “HOSTELS, GUEST HOUSES AND BED AND BREAKFAST ACCOMMODATION”

“Hostels, Guest Houses and Bed and Breakfast Accommodation” mean, for the purposes of this standard, HMO’s where they are not occupied as shared houses or bedsits, but are nevertheless HMO’s under the meaning of section 254 of the Housing Act 2004 (the ‘Act’), or by virtue of a declaration issued by Durham County Council under section 255 of the Act and not subject to exemption under schedule 14 of the Act. In general terms, but not always, each unit of accommodation in “Hostels” is occupied by unrelated persons on a shorter term basis. “Guest Houses” and “Bed and Breakfast Accommodation” are generally former commercial premises used for holiday purposes, but now occupied by multiple households as their only or main residence.

In deciding upon whether a property provides Hostel, Guest House or Bed and Breakfast accommodation, the following factors will be considered and a balanced view taken of the particular state of affairs, namely:

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

PART 1

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

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

1. Heating

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

2. Washing facilities

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

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

(b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

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

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

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

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

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

3. Kitchens

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

(a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

(b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—

(i) sinks with draining boards;

(ii) an adequate supply of cold and constant hot water to each sink supplied;

(iii) installations or equipment for the cooking of food;

(iv) electrical sockets;

(v) worktops for the preparation of food;

(vi) cupboards for the storage of food or kitchen and cooking utensils;

(vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);

(viii) appropriate refuse disposal facilities; and

(ix) appropriate extractor fans, fire blankets and fire doors .

4. Units of living accommodation without shared basic amenities

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

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

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

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.

(2) Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either—

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation

5. Fire precautionary facilities

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

Category D Houses - Hostel, Guest House and Bed and Breakfast Type Accommodation

PART 2

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

A. Space Standards

1. *Bedrooms* (There shall be prominently displayed in each bedroom, a notice in all relevant languages, setting out the maximum number permitted to sleep in the room):

All bedrooms to be as follows:

1 person	8.5m ²
2 persons	11m ²
3 persons	15m ²

For each additional person there shall be an additional 4.5m² of floor area.

Measurement of Attic and Similar Rooms with Reduced Headroom

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

For the purpose of calculating these standards, a child under the age of one shall be disregarded, and a child more than one and less than 10 years of age shall count as ½ a person.

2. *Lounge:*

A minimum provision of 3m² per person will be required.

3. *Dining:*

A minimum of 2m² per person will be required.

4. *Combined Lounge/Dining Areas:*

A provision of 4m² per person will be deemed to be adequate if the floor areas of lounge and dining room are combined.

5. *Kitchens:*

To be in accordance with the requirements of the Food Safety Act 1990 and associated legislation.

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing situated in either a window and/or door, equivalent in total to at least 1/10th of the floor area of the room.
2. All kitchens, bathrooms and water closet compartments shall comply with B1 above. Where this is not practicable, adequate artificial lighting shall be provided to the satisfaction of Durham County Council.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity, none of which will be provided via a time switch, and shall be available at all times.

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

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m, except in the case of existing underground rooms, which shall have a minimum height of 2.15m and attic rooms, which shall have a minimum height of 2.3m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room.

Neither an openable door giving access directly to the external air nor a louvered opening in such a door will be acceptable for the purpose of this requirement.

3. All bathrooms and water closet compartments shall comply with D2 above, but where this is not practicable, mechanical ventilation provided a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to a lighting circuit of the room.
4. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all kitchens, bathrooms, water closet compartments and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. Each bedroom shall be provided with a supply of cold running water suitable for drinking purposes. The tap shall be suitably marked "Drinking Water".
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant water authority at all times.
3. All water supplies shall be suitably protected from frost damage.

F. Personal Washing Facilities

1. Each bedroom shall be provided with a wash hand basin together with its own continuous supplies of hot and cold running water, and of minimum dimension 560mm x 430mm.

Where an en-suite bathroom is available, such wash hand basin may be provided in that bathroom.

In self-catering hostels, where a sink is provided to comply with the requirements of paragraph H.1(j) a separate wash hand basin will not be required.

2. A readily accessible bathroom or a shower room shall be provided on every floor where bedroom accommodation is located. The bath/shower shall be sited in a proper room and shall be provided in the following ratios for each occupied floor:

1-5 persons	1 bathroom or shower room
6-10 persons	2 bathrooms or shower rooms
11-15 persons	3 bathrooms or shower rooms

The hot and cold water supplies shall be exclusive (unless the rental or charge for accommodation includes the supply of hot water), and available at all times.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. A readily accessible water closet compartment shall be provided on every floor where bedroom accommodation is located. The water closet shall be sited in a proper room and shall be provided in the following ratios for each occupied floor:

1-5 persons	1 water closet
6-10 persons	2 water closets
11-15 persons	3 water closets

External water closets shall not be reckonable for this purpose. Additional water closet accommodation to the satisfaction of Durham County Council shall also be required to be provided on floors used for communal purposes.

3. Each reckonable water closet shall be situated in a room separate from the bathroom or shower room.
4. Separate male and female accommodation shall be required to the satisfaction of Durham County Council.
5. Any water closet accommodation provided for the above purpose is to be exclusive of any requirements under the Food Safety (General Food Hygiene) Regulations 1995.
6. A wash hand basin shall be provided in each separate water closet together with its own supplies of hot and cold running water. The hot and cold water supplies shall be included in the rental or charge for accommodation and available at all times.

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

1. *Self Catering Hostels:*
 - (a) Each occupancy shall have use of a kitchen separate from the sleeping room, and of an area of 4m². Where this is not practicable, each occupancy shall have its own kitchen facilities within the accommodation and 4m² shall be added to the floor areas in A1.
 - (b) Shared kitchens may be provided for single person occupancies, but must be on the same floor as the accommodation provided for those people sharing the kitchen.

Food Storage

- (c) Each separate occupancy shall be provided with a proper food store of adequate size ventilated to external air, within the unit of accommodation. A refrigerator of at least 0.1m³ per person shall be considered to be a proper food store for the purpose of this requirement.
- (d) The space in a sink unit below the sink will not be accepted, ventilated or otherwise.
- (e) Where shared kitchens are provided, each occupancy sharing shall have its own facility either within the unit of accommodation or in the kitchen. If in the kitchen, the facility shall be lockable.

Preparation

- (f) Each separate occupancy shall be provided with a suitable worktop.
- (g) In shared kitchens a worktop of sufficient size shall be provided.

Cooking

- (h) Each separate occupancy shall be provided with a proper cooking appliance. The minimum acceptable will be:
 - (i) two rings or hot plates together with either a grill or oven for a one person unit of accommodation, or
 - (ii) a cooker with four rings or hot plates together with a grill and an oven for units of accommodation for more than one person.

In shared kitchens, one cooking appliance shall be provided for each user in accordance with h(i) above or, a cooking appliance in accordance with h(ii) above shall be shared by not more than three person units.

Disposal of Waste Water

- (i) Each separate occupancy shall be provided with its own sink complete with drainer and provided with its own supplies of hot and cold running water.
- (j) In shared kitchens, sinks shall be provided in the ratio of one sink per three one-person units accommodation.

2. *Hostels Providing Meals*

Kitchen Facilities

- (a) The facilities for preparation, cooking and serving food shall comply with the Food Safety (General Food Hygiene) Regulations 1995. Kitchen facilities for the cooking and preparation of food for residents as part of the service provided by the establishment shall not be allowed to be used by residents.
- (b) Separate provision for residents to prepare and cook their own food shall be provided within the property.

A suitable area for this purpose will be provided on each occupied floor and will contain the following facilities:

- (i) cooker with four burners, oven and grill;
 - (ii) sink with constant hot and cold water supplies, properly connected to the drainage system;
 - (iii) four 13 amp electric power outlets;
 - (iv) a worktop of sufficient size.
- (c) Kitchen facilities for the purpose of (b) above shall be available for use 24 hours a day and the cost of running the appliances will be included in the residential charge.
- (d) Separate provision as required by (b) above will not be required in circumstances where it can be shown to the satisfaction of Durham County Council, either by virtue of the scale of their provision of meals or because of the manner in which the premises are occupied, that such provision would be excessive. In these cases a lesser standard may be applied.

I. Space Heating

A fixed efficient heating system capable of heating the room temperature to 18°C shall be provided and properly fitted to all rooms. The system shall be capable of attaining this temperature when the outside temperature is -1°C. Solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety from the removal of hot ashes. The cost of running the heating system is to be included in the residential charge, and shall be under the exclusive control of the manager.

A full central heating system shall be deemed to be adequate for this purpose.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided, sufficient for the needs of the premises and of a type acceptable to the local authority. This will depend on the frequency of collection and it may well be that it is necessary for the person having control to arrange for extra collections of refuse. Storage facilities shall be hygienic and regularly maintained.

K. Means of Escape from Fire and Other Fire Precautions

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

L. Management of Houses in Multiple Occupation

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

1. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-
- (a) all rooms in common use
 - (b) staircases, passageways and corridors
 - (c) halls and lobbies
 - (d) entrances to the house, including entrance doors, porches and entrance steps.

- (e) any means of escape, apparatus, systems or other equipment provided by way of fire precautions
2. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - (a) sanitary conveniences, baths, sinks and wash hand basins
 - (b) installations for cooking or for storing food
 3. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
 4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.

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

A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.

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

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

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

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

Footnote

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