

**Durham County Council
EHCP (Housing)
PO Box 617
Durham
DH1 9HZ**



STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “SHARED HOUSES”

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

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

PART 1

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

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

1. Heating

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

2. Washing facilities

A. 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:-

- (i) 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
- (ii) 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

B. 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.

- C. All bathrooms in an HMO must be suitably and adequately heated and ventilated.
- D. All bathrooms and toilets in an HMO must be of an adequate size and layout.
- E. All baths, toilets and wash hand basins in an HMO must be fit for the purpose.
- F. 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

- A. 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—
 - (i) adequate appliances and equipment for the cooking of food;
 - (ii) a sink with an adequate supply of cold and constant hot water;
 - (iii) a work top for the preparation of food;
 - (iv) sufficient electrical sockets;
 - (v) a cupboard for the storage of kitchen utensils and crockery; and
 - (vi) a refrigerator.
- A1. The standards referred to in paragraphs (i) and (vi) of sub-paragraph (A) **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.
- B. 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—
- (i) within the living accommodation; or
 - (ii) 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.

6. Household waste

The licence holder must provide suitable and sufficient receptacles for the storage and disposal of household waste and recycling materials at the HMO pending collection by Durham County Council, or any other registered waste carrier. The licence holder to provide written instructions to the occupiers regarding presentation for collection and return of waste / recycling receptacles at the beginning of each tenancy. The licence holder shall ensure that the end of each term and tenancy all household waste and recycling materials are presented for collection / removal and the receptacles returned within the curtilage of the property.

7. Space standards

Unless specified elsewhere, the floor area of each room used for sleeping accommodation by one person aged over 10 years must be not less than 6.51m². For any room used for sleeping accommodation by two persons aged over 10 years the floor area must be not less than 10.22m².

CATEGORY B HOUSES – including SHARED STUDENT HOUSES

PART 2

Houses in Multiple Occupation that require a licence must also comply with the Part 1 standards where they are higher than those in Part 2. Durham County Council ('the Council') has also formally adopted local standards for all Houses in Multiple Occupation within this Category. These local adopted standards represent the minimum requirements considered appropriate for this type of accommodation so as to meet the reasonable needs and expectations of the occupiers' health, safety and welfare requirements.

Legal action will be fully considered to deal with cases where standards fall below those prescribed in Parts 1 and 2 of this document. Without prejudice to the generality of the Council's decision to consider legal action, the following factors will be taken into account:

- Absolute legislative requirements identified in Part 1;
- Any competing legislative standards e.g. listed building status;
- The age, type, layout and structural characteristics of the property;
- The extent to which any breach of standards is likely to impact upon any occupier;
- Any exceptional mitigating factors not described elsewhere in this document.

1. Space Standards

Note: All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m except in the case of existing attic rooms, which shall have a minimum height of 2.15m. Reference made to floor space means "usable floor space" – actual floor space may therefore be reduced, for example, in irregularly shaped rooms.

A. One Person Units of Accommodation for occupiers aged over 10.

- (i) Each bedroom/study: 6.51m² where adequate separate living space is provided, which is not solely a kitchen or kitchen/dining space; otherwise 10m² where there is only a separate kitchen or combined kitchen/dining space.

B. Two Person Units of Accommodation for occupiers aged over 10.

- (i) Each bedroom/study: 15 m² except where adequate separate living space is provided, which is not a kitchen or a kitchen/dining space, in which case the bedroom shall be 10.22m².

C. Measurement of Attics, Basements and Similar Rooms with Reduced Headroom

Attics, basements or similar rooms, shall have a minimum height of 2.15m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor. 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.

D. Kitchen, living and Dining Rooms.

Each HMO needs provision for living, dining and kitchen spaces/areas. Where properties contain bedrooms that are over 10m², these bedrooms can be discounted in the calculation used to determine the provision of such common rooms. These living areas can be provided either separately or as combined spaces as given below:

- (i) Living Room

The lesser of 10m² or 2m² per person for 3 or 4-person unit of accommodation where a separate kitchen/diner is provided elsewhere.

(ii) Dining Room

The lesser of 10m² or 2m² per person for 3 or 4-person unit of accommodation where a separate kitchen/living room is provided elsewhere.

(iii) Kitchens

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

(iv) Dining/Kitchen or Living/Kitchen

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

(v) Living rooms/dining rooms

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

(iv) Combined living/dining/kitchen areas

Where any bedroom in the HMO is over 10m² a deduction of 1m² per oversized bedroom can be deducted from the floor areas listed below:

used by 1-5 persons	16m ²
used by 6-10 persons	21m ²
used by 11-15 persons	26 m ²
used by 16+ persons	31m ²

Combined spaces must have significant openings between each area of at least 1200mm to allow for a free-flowing area. The simple removal of a door between rooms will not be sufficient to define the two areas as a combined living space.

2. Natural Lighting

- a. All habitable rooms shall be provided with an area of clear glazing equivalent in total area to at least 1/10th of the floor area of the room, and some part of the window should normally be at least 1.75m above floor level. Where it is not reasonably practicable to do so, other means of enhancing the rooms natural lighting may be acceptable e.g sun tunnel.
- b. Basement rooms used for human habitation should, in addition to the requirements in the paragraph 1 above, have sufficient natural lighting for their purpose.

- c. All kitchens, bathrooms and water closet compartments shall comply with paragraph 1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part 3, to the satisfaction of the environmental health officer.

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

All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part 3, to the satisfaction of the environmental health officer.

3. Artificial Lighting

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

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

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

4. Ventilation

- a. All habitable rooms shall be ventilated directly to the external air; the ventilation openings shall be equivalent to at least 1/20th of the total floor area of the room. External doors/French windows/patio doors **will not** be acceptable as the sole form of natural ventilation. Installation of mechanical extractor fans **will not** be acceptable as suitable ventilation to habitable rooms. In exceptional circumstances the installation of a whole house positive input ventilation system may be acceptable together with existing natural ventilation.

- b. Where the free circulation of air may be restricted, such as in a room in a habitable basement, the floor of which is more than 0.9m below the surface of the adjacent street or ground, natural ventilation should be direct to the external air. In such situations, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. It is also to be expected that the average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room.

- c. All kitchens, bathrooms, water closet compartments shall comply with paragraph (a) above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

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

- d. Where a tumble dryer is provided in the HMO it must be either a condensing dryer or permanently vented to the external air by way of a manufacturer approved 'through the wall' ventilation kit. The dryer must be suitably located to comply with fire safety requirements.

5. Water Supply

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

6. Personal Washing Facilities

- a. Each occupancy shall be provided with its own bath or shower, each in a proper room. Where this is not practicable a readily accessible bathroom or a shower room, being not more than one floor distant from any user, shall be provided in the following ratios:

1-5 persons	1 bathroom or shower room with wash hand basin
6-10 persons	2 bathrooms or shower rooms with wash hand basins.
11-15 persons	3 bathrooms or shower rooms with wash hand basins.

- b. Baths and showers shall not be provided in kitchens.

7. Drainage and Sanitary Conveniences

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

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

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

External water closets shall not be reckonable for this purpose.

- c. Each shared water closet shall be situated in a room separate from the bathroom or shower room. In exceptional circumstances, Durham County Council may waive this provision, if the said separation of facilities is impossible to achieve or would involve either excessive cost or a significant reduction in usable room floor space.
- d. A wash hand basin shall be provided in each separate water closet together with its own continuous supply of hot and cold running water. The hot and cold-water supplies shall be adequate, constant and available at all times.

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

Kitchen Facilities

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

Food Storage

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

Preparation

- e. A work top of smooth, impervious material giving an unobstructed working area of at least 2000mm by 500mm shall be provided in the kitchen.
- f. Extra socket outlets must be provided in shared kitchens, in addition to those serving major appliances. The ratio of extra sockets is as follows:

1-5 persons	2 double socket
6-10 persons	3 double sockets
11-15 persons	4 double sockets

All sockets must be set at a convenient height and position within the kitchen.

Cooking

- g. A kitchen must be provided with sufficient activity and circulation space so as to allow for the safe cooking of food. The kitchen shall be provided with a proper cooking appliance. The minimum acceptable provision will be as follows:

1-5 persons	a cooker with four rings/hot plates together with a grill and oven.
6-10 persons	a cooker with eight rings/hot plates together with a grill and double oven
11- 15 persons	Three four ring/hot plate cookers together with two grills and three ovens

Microwave ovens will not be considered a proper cooking appliance but may be provided in addition to any gas or electric cooker.

Durham County Council may accept a suitable lesser provision in circumstances where the cooking equipment would not significantly affect food safety for the occupiers.

Sinks and Disposal of Waste Water

- h. The kitchen shall be fitted with its own sink complete with drainer and provided with its own continuous supplies of hot and cold running water and suitable drainage in the ratio of one to every five persons or part thereof. A full size dishwasher may be considered as a suitable alternative to a second sink for 6+ occupiers.

9. Space Heating

- a. All habitable rooms shall be adequately heated by an affordable fixed space heating appliance of either gas or electricity. Portable or removable heating appliances will not be acceptable as the main source of heating.
- b. All heating systems shall be of a sufficient output so as to heat adequately the habitable rooms to a temperature of 18°C with an outside temperature of -1°C.

10. Refuse, Storage and Disposal

- a. Refuse and recycling storage containers shall be provided, sufficient for the needs of the house and of a type acceptable to the local authority. They should be located on a hard standing within the curtilage of the dwelling allowing suitable access for cleansing of the area and removal of the container.
- b. The licence holder to provide written instructions to the occupiers regarding presentation for collection and return of waste / recycling receptacles at the beginning of each tenancy. The licence holder shall ensure that the end of each term and tenancy all waste including household waste and recycling materials are presented for collection / removal and the receptacles returned within the curtilage of the property.

11. Means of Escape from Fire and Other Fire Precautions

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

12. 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.

- a. 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: -
 - i. all rooms in common use
 - ii. staircases, passageways and corridors
 - iii. halls and lobbies
 - iv. entrances to the house, including entrance doors, porches and entrance steps.
 - v. any means of escape, apparatus, systems or other equipment provided by way of fire precautions
- b. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - i. sanitary conveniences, baths, sinks and wash hand basins
 - ii. Installations for cooking or for storing food
- c. 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.
- d. 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.

A 5 yearly Electrical Installation Condition Report (EICR) 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 (EICR) must confirm that the installation is safe for use, as specified in BS 7671:2008. Where a new electrical installation has been installed the Electrical Installation Certificate will also be acceptable for five years.

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 and is able to self-certify that its work complies with the Building Regulations Part P (Design and Installation of Electrical Installations) and is designed, installed, inspected and tested to the standard required by BS7671 in accordance with the current relevant Electrical Regulations

All improvements to electrical installations shall comply with the current Institute of Electrical Engineers Wiring Regulations. The minimum provision of conveniently located socket outlets is as follows:

- (i) Bedrooms – 2 double switched sockets
- (ii) Living and dining rooms – 4 double switched sockets
- (iii) Kitchens – provision dependent upon number of occupiers as described in item 8f above, together with adequate additional sockets for major appliances.

All electrical appliances provided by the owner must function in accordance with manufacturers' operational limits and be capable of being operated in a safe manner. Appliances must be regularly visually inspected for wear and tear and any defects remedied. It is advised that appliances are subject to a yearly Portable Electric Appliances Test (PAT) Report issued by an approved electrical contractor (competent person) in accordance with the Institute of electrical Engineers 'Code of Practice for In-Service Inspection of Testing of Electrical Equipment'.

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

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

Where an open flue appliance is in use within the dwelling a carbon monoxide detector must be suitably located within the same room as the appliance.

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.

13. Energy Efficiency

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended) apply to all properties, unless an exemption has been registered and the property is listed on the PRS Exemptions Register.

14. Housing Health and Safety Rating System

The property and boundary must be adequately maintained, as far as is reasonably practicable, and be free of any avoidable or unnecessary hazards as defined in the Housing Health & Safety Rating System. Particular attention should be paid to hazards such as: excess cold, damp and mould, noise, falls on stairs or between levels, fire and entry by intruders.

Footnote

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