

	AGENDA ITEM NO.
Report Cover Sheet	
Name of Meeting:	Executive
Date of Meeting:	25th March 2008
Report Title:	Amenity Standards for Houses in Multiple Occupation (HMO's)
Summary of report:	Proposed amendment of the Council's amenity standards for HMO's in accordance with amendment Regulations.
For further information please contact (report author);	Paul Hughes Tel: 01926 456729 E Mail: paul.hughes@warwickdc.gov.uk
Business Unit:	Housing Strategy
Would the recommended decision be contrary to the policy framework:	No
Would the recommended decision be contrary to the budgetary framework:	No
Wards of the District directly affected by this decision:	All
Key Decision?	Yes
Included within the Forward Plan?	No
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and name of meeting when issue was last considered and relevant minute number:	Not applicable
Background Papers:	None

Consultation Undertaken		
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.		
Consultees	Yes/ No	Who
Other Committees	No	
Ward Councillors	No	
Portfolio Holders	Yes	Councillor Doody
Other Councillors	No	
Warwick District Council recognised Trades Unions	No	
Other Warwick District Council Service Areas	No	
Project partners	No	
Parish/Town Council	No	
Highways Authority	No	
Residents	No	
Citizens Panel	No	
Other consultees	Yes	Local landlords and letting agents, University of Warwick, Coventry City Council, all Warwickshire District Councils
Officer Approval		
With regard to officer approval all reports must be approved by the report authors relevant director, Finance Services and Legal Services.		
Officer Approval	Date	Name
Relevant Director(s)	4 March	Mary Hawkins
Chief Executive	n/a	
CMT	28 Feb	
Section 151 Officer	4 March	Mary Hawkins

Legal	4 March	Simon Best
Finance	4 March	Mary Hawkins
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. RECOMMENDATION

- 1.1 To approve the revised amenity standards for HMO's in the Warwick District Council area. (see Appendix 'A')

2. REASONS FOR THE RECOMMENDATION

- 2.1 Section 65 Housing Act 2004 states that to be suitable for licensing, HMO's must meet 'prescribed' standards as to number, type and quality, for bathrooms, toilets, wash basins, showers, food storage, food preparation and cooking facilities.
- 2.2 Section 65 also allows local authorities to set their own standards which exceed any national standards.
- 2.3 A national standard was introduced in Schedule 3 of SI 2006 No.373. This came into force on 6th April 2006 in line with the introduction of HMO Licensing, but was subsequently amended by Regulation 12 of SI 2007 No.1903, which came into force on 1st October 2007. Some of the larger local authorities and landlord organisations were lobbying for these amendment Regulations. Many authorities are now reviewing their standards in the light of these Regulations.
- 2.4 In summary, the amendment Regulations require the local Authority to have regard to the age and character of the HMO, the size and layout of each flat and its existing provision for washing and bathing facilities, **an adequate number** of bathrooms, toilets and wash hand basins for the number of persons sharing those facilities, and **where reasonably practicable**, there must be a wash hand basin in each unit of accommodation, unless a sink has been provided.
- 2.5 Regulation 12 effectively gives discretion to local authorities to set their own amenity standards. The provision of wash basins in bedrooms and separation of WC's in bathrooms were prescriptively required previously. The amendment Regulations have generally been welcomed by local authorities, thus allowing them to set standards which are in line with their particular HMO stock.
- 2.6 In response to Regulation 12, the Council has conducted a consultation exercise with some of it's larger landlords, letting agents, Warwick University, Coventry City Council and all of the Warwickshire District Council's. There has been no adverse comment to the proposals. Landlords and their agents have generally been positive in response.
- 2.7 Many HMO Licences have been issued before the amendment Regulations came into force. Consequently, these were issued with requirements to install wash hand basins in bedrooms and in some cases, separate WC's from bathrooms. Generally, these have been required by giving generous timescales for completion, in anticipation that amendment Regulations would be made. As this is the case, the Council would, upon approval of these revised amenity standards, write to all licensed landlords to advise them that these works would no longer be required.

3. RATIONALE FOR CHANGES TO THE AMENITY STANDARDS

- 3.1 It is proposed to only require the separation of a WC from a bathroom where there are 5 persons sharing those facilities. The rationale is that for a single bathroom with a WC inside it, if the bath/shower/WC is in use, there is no other facility available. Where there are 2 or more WC's or baths/showers, there is more likelihood of other facilities being available, that likelihood increasing as the ratio of facilities increases.
- 3.2 The existing standard requires separation of WC's from bathrooms unless there is an over supply of facilities for the number of occupants. For example, for 7 persons, 2 bathrooms and 2 WCs are required, and each WC should be separated from each bathroom. It could be argued that this standard is difficult to achieve, and excessively burdensome, particularly in existing HMO's where space may not be readily available.
- 3.3 The existing standard requires a wash hand basin to be fitted in each unit of accommodation in all types of licensable HMO. In shared houses, i.e. those most often occupied by students or professional people, and where there is a common room, used for sitting and dining purposes, the required floor area for each bedroom is a minimum of 6.5 sq.m. Given that the majority of people will have a desk/computer in addition to a bed, wardrobe and chest of draws, it could be claimed that the provision of a wash hand basin in such rooms is not reasonably practicable. It would be unfair to require landlords who provide larger rooms in shared houses to provide wash hand basins, whilst those offering rooms at the minimum space standard could avoid such provision. It is also accepted that many tenants of shared houses, students or otherwise are at best, neutral to having such facilities, and in some cases resent the loss of space in a bedroom, which restricts the layout of furniture.
- 3.4 Persons living in traditional bedsitting HMO's, staff accommodation, (e.g. hotels and restaurants) and hostels, are typically occupying a single room without a communal room for sitting. Such rooms are therefore required to meet a higher minimum space standard, i.e 10 sq. m. for a single room. It is therefore more reasonably practicable to provide wash hand basins in these rooms, and traditionally they have always been required in such accommodation. It is therefore proposed to require wash hand basins only in these particular types of HMO.
- 3.5 In terms of kitchen facilities, 6 people are currently allowed to share a single sink/drainage and 4 ring cooker. Where space allows, it is proposed to allow a dishwasher and an additional 2 ring cooker, grill and oven where there are more than 6 persons sharing, as an alternative to installing a second sink/drainage and 4 ring cooker.
- 3.6 With regard to HMO's which do not fall under mandatory licensing, it is proposed to adopt the same standards, although these would be required under Part 1 Housing Act 2004 Housing Health and Safety Rating System (HHSRS) rather than Part 2 (Mandatory HMO Licensing). There is no logical reason why there should be a different ratio of amenities, although it is accepted that the mechanism for requiring them has to come through Part 1.

4. **ALTERNATIVE OPTIONS CONSIDERED**

4.1 None

5. **BUDGETARY FRAMEWORK**

5.1 These proposals do not relate to the Budgetary Framework. There are no financial implications for the Council.

6. **POLICY FRAMEWORK**

6.1 Warwick District Council seeks to ensure that all issued documents and policies are clear and helpful to those who have to comply with them. By agreeing these standards, Warwick District Council will clarify what it means by the phrases ***an adequate number*** and ***where reasonably practicable***, - phrases included in Government Regulations - and thus remove any ambiguity.

APPENDIX 'A'

Proposed Revised Standards for HMO's

Words in *italics* have been added to the revised standard.

Bathrooms

- 3.1 A bath or shower with hot and cold water supplies and waste drainage must be provided in a suitable room, not more than *two floors* distant from any *occupier*, so that there is one bath or shower to not more than 5 persons. Persons with en-suite facilities will be disregarded *for the purpose of this ratio*. *A bath or shower room may contain a WC where there are exactly 5 persons sharing, provided there is also a separate WC in the HMO.*
- 3.2 Each bath or shower room must have adequate ventilation, electric lighting and fixed heating.
- 3.3 Each bath or shower room must have a smooth impervious floor covering and sufficient splashback tiling or equivalent to each bath or shower.
- 3.4 Each bath or shower room must be of adequate size and layout, and facilities must be fit for the purpose.

WC's

- 3.5 *The following shared toilet provision is required:-*

1-4 persons	1WC (<i>permitted within a bathroom</i>)
5 persons	1 WC (<i>must be separated from the bathroom</i>)
6-10 persons	2 WC's (<i>permitted within bathrooms</i>)
11-15 persons	3 WC's (<i>permitted within bathrooms</i>)
16-20 persons	4 WC's (<i>permitted within bathrooms</i>)
21-25persons	5 WC's (<i>permitted within bathrooms</i>)
26-30 persons	6 WC's (<i>permitted within bathrooms</i>)
21-35 persons	7 WC's (<i>permitted within bathrooms</i>)

- 3.6 *Persons with en-suite facilities will not be counted for the purposes of these ratios.*
- 3.7 *A WC must be located not more than two floors distant from any occupier.*
- 3.8 Outside toilets are disregarded for the purposes of this standard.
- 3.9 Each toilet must have adequate ventilation and artificial lighting, and a smooth impervious floor covering.
- 3.10 Each toilet *must* be provided with a wash hand basin with hot and cold water supplies, adequate drainage and splash back tiling.

3.11 Each toilet must be of adequate size and layout, and facilities must be fit for the purpose.

Wash Hand Basins

3.12 Each letting *room in a bedsit HMO**, *residential staff accommodation*** or a *hostel**** shall be fitted with a wash hand basin (except where a sink unit is installed) provided with appropriate splash back tiling, hot and cold water supplies and adequate waste drainage. *A wash hand basin will not generally be required in each bedroom of a shared house****.*

In the HMO, where wash hand basins are not required in bedrooms, there must be one communal wash hand basin to every 5 persons, in bath/shower rooms.

Kitchens

3.13 Where kitchen facilities are provided within bedrooms or bedsitting rooms they must have the following:

- a suitable size sink and draining board with constant supplies of hot and cold (drinking) water with tiled or other impervious splashback.
- a fixed impervious worktop measuring not less than 1.0m x 0.6m, with tiled or other impervious splashback.
- a dry food storage cupboard of 0.18 cubic metres (6.4 cubic feet) wall/base unit (sink units are discounted)
- storage cupboard/drawer for crockery and utensil storage
- a refrigerator (minimum gross capacity 66 litres or 2.3 cubic feet)
- a 4 ring cooker with oven and grill (2 rings for single person use), except a microwave oven may be substituted for 2 rings.
- a minimum of two 13 amp electric sockets in the food preparation area adjacent to the worktop.

3.14 The kitchen area must have adequate space, suitable layout, ventilation, artificial lighting, and a suitable and impervious floor covering. Kitchens must be arranged to allow safe access and easy use. All facilities must be fit for the purpose.

3.15 Where kitchens are shared they should not be more than one floor distant from any user (unless an adjacent dining area is provided), and be provided with the following facilities for every 6 persons:-

- a suitable size sink and draining board with constant supplies of hot and cold (drinking) water with tiled or other impervious splashback. *(Where there are 7 persons sharing, a dishwasher may be installed in lieu of an additional sink/drainage).*
- a fixed impervious worktop, not less than 1.5m x 0.6m with tiled or other impervious splashback.
- dry food storage cupboards of 0.18 cubic metres (6.4 cubic feet) per person wall/base unit or larder (sink units are discounted)
- refrigerator (minimum gross capacity 150 litres or 5.3 cubic feet)
- freezer (minimum gross capacity 120 litres or 4.2 cubic feet)

- 4 ring cooker with oven and grill. *(where there are 7 persons sharing, an additional 2 ring cooker, with grill and oven may be provided in lieu of an additional 4 ring cooker, provided it can be suitably accommodated).*
- a minimum of four 13 amp electric sockets in the food preparation area adjacent to the worktop, in addition to those provided for major appliances (fridge, microwave, washing machine etc.)
- suitable and sufficient refuse disposal facilities
- a suitable fire blanket and Carbon Monoxide (34B rating) type fire extinguisher

3.16 Kitchens must have sufficient space for the number of persons sharing them, and facilities must be fit for the purpose. Kitchens must be arranged to allow safe access and easy use.

3.17 The kitchen area must have adequate extract ventilation, artificial lighting, and a suitable impervious floor covering.

Definitions

Bedsit HMO*

‘An HMO where the occupiers generally share either a bathroom, WC and/or cooking facilities, and have exclusive use of a room, which is used for both sleeping and living. Typically, the occupiers of a bedsit HMO would have individual tenancy agreements, and bedsit rooms would normally be lockable.’

Residential Staff Accommodation**

‘An HMO which is ancillary to a business use, and may be a separate building or forming part of business accommodation, and contains sleeping accommodation for persons employed in that business, typically under a service contract where that accommodation is provided without separate rent under the terms of employment.’ Typically, there are shared cooking and washing facilities. A common living room is sometimes provided. Staff accommodation is normally, although not exclusively associated with the hotel trade, restaurants and pubs.

Hostel***

‘An HMO providing accommodation for people in particular housing need and who would otherwise be homeless’. Typically, a hostel will provide staff supervision, and sometimes catering for the occupants. Laundry and individual room cleaning is often provided, and the occupiers normally have a licence to occupy rather than a tenancy. Accommodation is normally provided on a relatively short stay basis.’

Shared House

‘An HMO usually, although not exclusively, let to a group of individuals who have some commonality, e.g. students at a University or professionals who have a common employer. Typically, the occupiers will have a single tenancy agreement, for which there will be a joint and several liability. There will be shared facilities and a shared living room. Occasionally, a shared house can be let to individuals on separate tenancy agreements. In this case, there is often some overlap in definition with a bedsit HMO, and each case has to be judged on fact and degree.’

Paul Hughes
17.10.07