

Licensing of Houses in Multiple Occupation

Application Guidance and standards 2009.

Plymouth City Council



**Private Rented Team
Housing Strategy and Renewal
Community Services**

Contents

Introduction

General information

Guidance on completing your application.

Guidance on standards, rooms sizes etc

Details of standard licence conditions

Details of antisocial behaviour code.

Introduction

The Housing Act 2004 and regulations made under it introduced mandatory licensing of certain HMOs.

This guidance document is intended to help landlords who own licensable HMOs within Plymouth through the licence application process.

We have also produced a local HMO licensing policy document. This is available from our website, www.plymouth.gov. You can call 01752 307077 to request a copy.

The regulations specify certain information that must be given, and the council requires additional information in order to determine whether or not an application can be approved.

ALL INFORMATION REQUESTED IN THE APPLICATION FORM MUST BE PROVIDED.

It is important that you are aware of the following:

IT IS AN OFFENCE TO SUPPLY ANY INFORMATION THAT IS FALSE OR MISLEADING AND WHICH YOU KNOW IS FALSE OR MISLEADING. THE GIVING OF FALSE INFORMATION MAY RESULT IN PROSECUTION AND ANY LICENCES HELD MAY BE CANCELLED.

If you are unsure about completing any section of the form after reading this guidance please contact the Private Rented Team. In particular make sure that you read the section on **standards and room sizes** carefully before saying that your property meets these standards.

General Information

Who should hold the licence?

The council has a duty to award the licence to the person it thinks is most appropriate to be the licence holder. Unless there is a good reason why someone else should be the licence holder the council will normally expect this to be the owner.

The circumstances in which the Council may decide that the licence holder should not be the owner include where the owner:

- Lives in another part of the country or
- Is not a '**fit and proper person**'. (see later)

The Licence holder is expected to have the power to:

1. Let to and evict tenants
2. Access all parts of the premises to the same extent as the owner
3. Authorise any expenditure necessary to ensure the health safety and wellbeing of the tenants and other who may be effected by the property (including neighbours and passers-by).

What is the fee for the licence?

Plymouth has adopted a scale of fees to reward good practice. The fee for Landlords who promptly comply with legislation is up to £230 less than the fee for those who have delayed in making application. However, to benefit from this discount a full application, complete with all supporting information and documents, has to be submitted.

The scale of fees is set out in the table below, the various "classes" of fees described in the table are explained below.

Class 1

Newly formed licensable HMOs or recent changes to existing HMOs which make them licensable.

- (a) Licensable HMOs where changed circumstances require a new licence or
- (b) Properties that have become licensable HMOs

In both cases the Council would require the applicant to make contact within 4 weeks of the date of conversion/change of circumstances to qualify for this rate.

Class 2

Licensable HMOs which the Council has recently identified as needing a licence (Excluding those in Class 1 or Class 3)

Class 3

Licensable HMOs that have been operating without a licence and

- (a) The owner has other licensable property and could be expected to be aware of the need to license this property or
- (b) The manager could be expected to be aware of the need to license this property or
- (c) The Council has previously written to the owner or manager, and advised or enquired about the licensable status of the property

Category of Application	Fee
Class 1, full application form and all certification submitted within four weeks of notification of change	£470
Class 1, full application form and all certification submitted after four weeks but within eight weeks of notification of change	£505
Class 1, full application form and all certification submitted after eight weeks of notification of change	£700
Class 2, full application form and all certification submitted within four weeks of client being advised of need to licence	£570
Class 2, full application form and all certification submitted after four weeks but within eight weeks of client being advised of need to licence	£605
Class 2, full application form and all certification submitted after eight weeks of client being advised of need to licence	£700
Class 3	£700

There is also a scale of rebates where the licence is terminated early.

Application Notifications

The Regulations state that you must let certain people know, in writing, that you have made an application. You can do this by completing the form included in the application pack. The people you must inform are stated on page 11 of the application pack (Part 1). You must sign a declaration that you have done this.

‘Fit and Proper’ Person

The licence holder must be a ‘fit and proper person’. Any manager and/or others involved in the management of the property must also be ‘fit and proper’ persons.

The application form asks questions relating to the issues which must be considered in assessing this. If any of the answers indicate that a proposed licence holder or manager may not be a ‘fit and proper person’, we will seek further information to enable us to make an informed decision.

You must make a declaration that you take appropriate steps to ensure that staff and contractors are ‘fit and proper’ persons to undertake their respective duties. “Appropriate” reflects the extent of trust or responsibility of the person involved..

Such steps could include using reputable contractors, asking tenants whether they are happy with the way that a contractor has carried out the work etc. You should ensure that the past conduct of that employee has been satisfactory, and that reasonable enquiries are made on the recruitment of new employees.

Guidance on Completing the Parts of the application form.

The application pack has four parts. This is to reduce the amount of work required by applicants with more than one property to license. The parts are colour coded as follows:

1. Property (Yellow)
2. Owner (Blue) – *To be completed by an owner.*
3. Manager (Pink) – *To be completed by the manager/ the nominated person acting on behalf of owner, where a company.*
4. Management (Green)

Where there is no manager employed part three does not need to be returned.

When there are multiple applications parts two, three and four may be photocopied. However, the address of the property to be licensed must be added and that part **signed** and **dated** with an **original (not photocopied) signature**. It is recommended that you keep a photocopy of your application for your records.

To make the application process as simple as possible many questions are multiple-choice, or involve you making a declaration. If the answer you would wish to give is not provided you may write your response.

The form requires the **date of birth** and **national insurance number** to be given. This information is required **only** for identification purposes.

The following notes will provide guidance on the completion of the form.

General

1. **Owner** – The person(s) having control of the living accommodation and capable of authorising repairs and letting (directly or indirectly through a managing agent)
When the property has been acquired under a long lease, the leaseholder.

The Manager – for the purposes of the application form, this includes any person (other than the owner) who carries out any management function in relation to the property. Such functions include letting and eviction and the authorising of repair, maintenance and cleansing and ensuring that the property is in good order.

However if you want this person to be the licence holder they will also have to have the powers to let and evict tenants, access all parts of the property to the same extent as the owner and authorise any expenditure necessary to ensure the health, safety and wellbeing of the tenants and others who may be affected by the property (including neighbours and passers by).

2. **The person completing the form** – This may be the owner, manager, proposed licence holder or a person appointed to complete the form (for example someone acting as their agent).

Part One

3. **You are required to provide the details of any person who has agreed to be bound by a condition in the licence.** This is an unusual situation, but it might exist, for example, where the building is divided into leasehold and freehold interests.
4. **Other licensed property under Parts 2 or 3 of the Act.** We are required to ask you to give details of all other properties you have an interest in which require licensing under the Housing Act 2004. In Plymouth, licensing has not been extended beyond the current mandatory scheme. You may need to contact the local authorities (in which your other properties are located) to answer this question.

The two other types of licensing are Selective Licensing and Additional Licensing. If a Selective Licensing scheme has been set up it may include non-HMOs.

For further general information about Selective and Additional Licensing please contact the Private Rented Team.

5. **Household** – A ‘household’ can be:
 - A family (including foster children)
 - A cohabiting couple (including same sex)
 - A person living alone (in a student house, each student would normally be a household).

For more guidance on this please contact the Private Rented Team.

6. **Amenity** – Kitchen, bathroom and toilet facilities, see our standards document for amenity standards.
7. **House in single occupation** – A house occupied by a single household
8. **House in multiple occupation** – This is specific to the question regarding the type of house and means a house occupied by more than one household. Where the property is a flat in multiple occupation, please tick the box for “flat in multiple occupation”.
9. **Flat in single occupation** – A flat occupied by a single household.
10. **Flat in multiple occupation** – A flat occupied by more than one household.
11. **Bedsits** – A house occupied by three or more people from different backgrounds, with some sharing of facilities.
12. **Non-self contained flats** – A house converted into flats, where each flat has all the individual amenities, which are not all behind a single door (for example a house where each floor is an individual flat with separate amenities but all the rooms are accessed off the common hall).

It can also include situations where there are amenities shared by the occupiers of one or more flats.

13. **Self contained flats** – Each let has individual amenities, all parts of each flat are behind a single lockable entrance door.

14. Description of the property –

Detached	A single dwelling which is free standing from any other structure except its own outbuildings.
Semi detached	A dwelling which shares a structural party wall with one other dwelling forming a pair which are free standing from any other structure except their own outbuildings.
Terraced	A dwelling forming part of a group of three or more dwellings linked by side party walls in a linear layout, excluding those defined as end terrace. Crescent layouts would be included.
End terrace	A dwelling at the end of a terrace of dwellings which therefore shares a side party wall with one other dwelling only.
Back to back terrace	A dwelling forming part of a group of three or more dwellings linked by side and rear party walls in a linear layout.
Grouped Design	A dwelling which shares a party wall with one or more other dwellings set out in a non linear layout such as a cluster or around a courtyard. Entrances will normally be private.
Residential block	A dwelling in a block, which is entirely designed for residential or related use.
Mixed use block	A dwelling in a block, which contains a mix of units designed for both residential and non-residential use.

15. Gas supply – If you provide any gas appliances you must have an annual inspection carried out by a competent person (an engineer recognised by CORGI as being competent to undertake such testing. Please note that from 1 April 2009 CORGI registration is replaced by GAS SAFE). You must provide the original current certificate, which will be copied and returned to you.

16. Electrical Installation - All electrical installations must be inspected and a periodic inspection and test carried out by a competent person (eg an engineer recognised by NICEIC or ECA as being competent to undertake such testing). The certificate will state when the next inspection is required and therefore when the certificate expires. You should provide an original current certificate, which will be copied and returned.

17. Electrical Appliances – If you provide any portable electrical appliances (e.g. fridges, freezer, microwave, kettle, etc.) these should be inspected annually by a competent person (eg an engineer recognised by NICEIC or ECA as being competent to undertake such testing). Unless the all the appliances are less than one year old, you should provide a current original certificate, which will be copied and returned.

18. Furniture – If you provide any furniture to which the Furniture and Furnishings (Fire)(Safety) Regulations 1988 apply (e.g. beds, sofas, curtains) they must comply with the regulations. At the application stage you will only be required to confirm this yourself.

19. Fire detection **Grade A** -A fire detection and alarm system which incorporates Control and Indicating equipment with remote back up power supply (usually includes a panel in the hallway).
Grade D - A system of 240 volt mains powered smoke alarms, each with an integral standby supply that may be a single detector or two or more linked detectors.
Battery - Stand-alone battery operated smoke alarms.

If you have difficulty in establishing which system the property has, please call the Private Rented Team on 01752 307080.

20. Fire detection testing

Grade A systems must be tested by a competent person, i.e. someone with “the necessary training, expertise, and with the access to the requisite tools, equipment and information and capable of carrying out” the test (BS5839). In practice, a reputable alarm installation company will be able to carry out these tests and provide a certificate.

Grade D and battery systems can be tested by the owner or manager. However, the manufacturer’s instructions must be followed in these tests.

21. Property Sketch – A sketch plan of the property is required as it the most efficient way of describing the layout, amenity provision and fire detection, etc. This need not be to scale. You are not expected to produce a high quality plan of the property. The purpose is to provide the information in a basic but understandable form; all that is needed is clarity and accuracy. An example plan and some common building footprints’ are provided. You can use the footprints provided if they are similar to your property or amend them if they are similar.

22. Property Occupation and Facilities

Maximum Number of people – Please state the number of people you would like to be included on the licence. **This should be based on our space and amenity standards.** You may have a lower number during the period of the licence. IF YOU EXCEED THE NUMBER OF OCCUPANTS STATED ON THE LICENCE IT IS AN OFFENCE WITH A FINE OF UP TO £20,000.

The council may vary this maximum number should you request, provided there are adequate facilities and space.

Individual Room Occupancies

In the table, you will need to indicate the number of people you may permit to occupy each room. This will be determined by the space and amenity standards but only one household will be permitted per sleeping room. There may be circumstances where you require flexibility in the way you let the individual rooms of the HMO; in such cases the total stated in the table may exceed the maximum number of people. However, the actual occupancy of the house may not exceed this maximum stated in the licence, nor may any individual rooms be overcrowded or occupied contrary to the licence.

Toilet, washing facilities and cooking facilities – when indicating that facilities are present, please check to ensure that they meet with the standards specified in the Standards Guide. Also please indicate the number of facilities if more than one in each room.

Fire door – Please check that any fire doors meet the specification as shown in the standards.

Heating type – Please indicate the type of heating in each room.

Parts Two and Three

23. Statutory Notices relating to residential property – These may include Housing Act, Environmental Protection Act, Building Act and Prevention of Damage by Pests Act and Public Health Act notices.

24. Code of Practice – The Government may make codes of practice for the management of HMOs made under s233 of the Housing Act 2004. Should such a code be made, details will be available from the Private Rented Team or on the Department of Communities and Local Government (DCLG) website, <http://www.communities.gov.uk>

25. Financial resources – We need to confirm that you have adequate financial and other arrangements in place that allow the effective management of the property (all properties in your portfolio). These need to be sufficient to enable you to:

- Make repayments in respect of any mortgage or other outstanding charge on the property
- Fund emergency repair as the need for them arises
- Plan and schedule general maintenance and upgrading to the fabric and internal fixtures and fittings
- Meet all your statutory requirements (for example, paying your taxes)
- Meet any other payments as they become due.

In ticking the 'yes' box you are declaring that your financial resources meet all these criteria.

Additional guidance on form completion.

There has been some confusion in the completion of applications where there are more complicated ownership and management arrangements. The following examples will help you to complete the forms correctly:

Example 1

A Property owned by a couple (or similar arrangement).

The following steps should help with completing the application form:

1. Identify all owners on part one.
2. Decide who will complete part one. This can be completed by any of the owners (or an agent appointed by the owners). Note that the owner(s) have to complete part of the last page of part one.
3. Decide who will be the licence holder – ie choose one person or include all owners. If not one or more of the owners please state why.
4. Complete Notification of application for owners not being the licence holder.
5. Identify proposed licence holder(s) in declaration at the end of part one, all owners to sign.
6. One of the owners must complete part two.
7. If there is a manager, the manager must complete part three.

8. Part four must be completed by either an owner or manager.

Example 2

A property owned by a registered limited company.

The following steps should help with completing the application form:

1. Part one should be completed by the person who has authority to sign documents on behalf of the company.
2. If the proposed licence holder is not the owner please state why.
3. Part two to be completed on behalf of the company as above.
4. Complete notification of application for owners not being the licence holder.
5. Identify proposed licence holder(s) in declaration at the end of part one.
6. If there is a manager, the manager must complete part three
7. Part four must be completed on behalf of the company as above or by a manager.

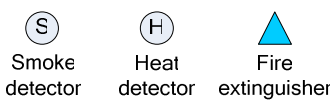
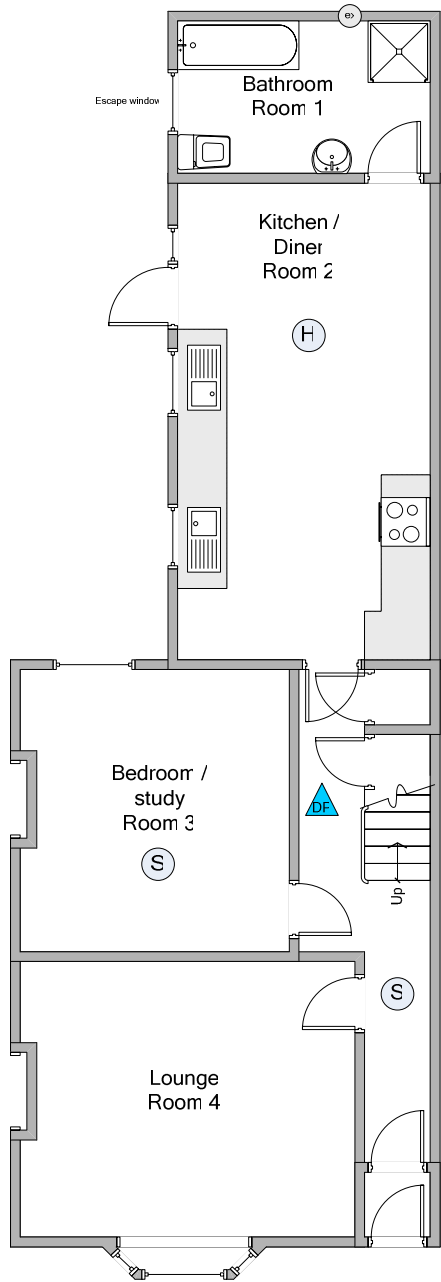
Note

Where there are two managing agencies managing various aspects of the HMO, a second part three form will usually need to be completed by the second manager.

Property Plan - Guidance

A simple sketch of the property is required to describe its layout, the amenities provided (kitchen and bathrooms) and fire alarm systems and occupation. An example is given below. Included in the application pack are a small selection of footprint drawings that are common in the city. If your property is similar to one of these, you can use one of these to help you complete your sketch.

Please complete your sketch on either the templates provided in the guidance, on the website or on blank/graph paper, and attach with the appropriate part of the application form.



Ground Floor

If you think the Housing Department holds a plan of the property, please contact us. We will try to locate this and send to you to check and amend if necessary.

Step 1

Draw an outline of the whole of the building floor by floor, include all storeys including commercial use, etc. This will need to be large enough for you to write inside the rooms. Please label each floor (for example Ground Floor, First Floor).

One floor per page or half page would be recommended, unless using those provided. If you do not own parts of the property you will not be expected to complete information past this step, just indicate which parts you do not own.

Step 2

Label the rooms in the property (e.g. lounge, kitchen, bedroom, etc.). Number the rooms to identify each room.

Step 4

Mark the location of any smoke and heat detectors. This does not have to be too precise; we need to know which rooms they are in. Please indicate a smoke detector with an S in a circle and a heat detector with an H in a circle.

Step 5

List the rooms in the licensable HMO and state the maximum number of occupiers for each room and the facilities in that room. If there are multiple facilities in a room please state the number.

The table below has been completed for rooms 1, 2 and 3 of the example plan.

Step 6

Once complete sign the space standards declaration box.

Property Occupation and Facilities - Example

	Room number															
Occupancy	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Number of people (bedrooms/bedsits only)			1													
Room type (Tick)																
Bedroom			✓													
Bedsit																
Shared Kitchen / diner			✓													
Exclusive kitchen / diner																
Shared Bathroom / WC		✓														
Exclusive bathroom/WC																
Lounge / other (state)																
Facilities (number)																
Cookers			1													
Microwaves			2													
Fridge with freezer compartment			1													
Freezer			1													
Sink with drainer			2													
Dishwasher																
Extract Fan (externally vented)			1													
Electric sockets			6													
Cupboards			8													
Fire door			1													
Fire blanket			1													
Facilities (Tick)																
Kitchen waste bin			✓													
Work surface			✓													
Fixed heating such as gas central heating		✓	✓													
Electric storage heating																
Other heating																
Bath with or without shower over		✓														
Shower Cubicle		✓														
WC		✓														
Wash hand basin		✓														
Exceptions	Please tick below to indicate a room/ facility which does not comply with the standards and enclose a separate sheet giving details.															

Declarations		
<ol style="list-style-type: none"> 1. I declare that I have checked the room sizes and that all the rooms described in the table meet Plymouth City Council's space standards. I have taken into account the room use and the number of occupants (where necessary) and 2. I declare that all the facilities described above comply with the specifications given in the guidance document, except those ticked in the bottom row of the "Property Occupation and Amenities" table. (Where there are any exceptions) I enclose details of all these on a separate sheet. 		
Signed:	Full name:	Date:

Standards applicable to Licensable houses in Multiple Occupation

These standards apply to licensed houses in multiple occupation, and may be enforced through housing legislation. The standards apply to houses occupied as bedsits, flatlets and shared student lettings. They do not apply to houses fully converted into self contained flats (although they may apply to a flat in multiple occupation) or bed and breakfast establishments.

There may be other ways of achieving an adequate standard in the property rather than following the specifications set down in this document. Should you feel that there are alternative measures that are more suitable in your property, please contact the Private Rented Team for further advice before commencing work.

As well as being subject to these standards, houses let as HMOs are also subject to the Housing Health and Safety Rating System (HHSRS). The HHSRS evaluates the risk to the health and safety of tenants and visitors presented by a wide range of potential housing hazards. Many of the items described in the following standards can also be required by HHSRS (possibly to a higher level than described in this document). They need to be included in this leaflet as they can be specified as conditions of an HMO licence.

In addition to licensing and HHSRS, the Management of HMOs (England) Regulations 2006 apply to HMOs. Furthermore there may be Planning, Building Control, Trading Standard etc. implications for your HMO.

You are advised to contact the Private Rented Team if you need further advice on these, and other, requirements.

Amenity and space standards (Bedsit and Student accommodation)

A - SPACE STANDARDS

Bedrooms			
Number of people	Shared Lounge	Shared Kitchen	Room Size (m ²)
1	Yes	Yes	6.5
1	No	Yes	10
1	No	No	13
2	Yes	Yes	10
2	No	Yes	14
2	No	No	20.5

A single room should not be occupied by more than one household.

It is not normally acceptable for a bedroom to be occupied by more than two people in one household. Please consult the Private Rented Team for advice in this situation. An HHSRS assessment will be carried out to determine the risk from crowding and where this is unacceptable improvement will be required.

Measurement of rooms

Rooms sizes are calculated by taking wall to wall measurements directly above the height of the skirting board. Areas which can only be used for access (e.g. some “L” shaped rooms with a narrow area in front of a doorway) are excluded. Also excluded are all parts of rooms located below sloping ceilings etc where the maximum ceiling height is less than 1.5m.

B - SPACE HEATING

Each unit of accommodation must be provided with satisfactory fixed heating. This needs to be sufficient to maintain the temperature of the room at 21°C when the external temperature is -1 °C. The output of the heater needs to reflect the thermal characteristics of the accommodation which include the heat losses through walls etc, draughts and the volume of the room.

An HHSRS assessment will be carried out to determine the risk from cold and where this is unacceptable improvement will be required. Assessment of this takes account of the heating supplied, its control, and the thermal characteristics of the property.

A properly designed gas central heating system, throughout the property, which is controllable by the individual occupiers, combined with adequate insulation, would meet this requirement.

C - FIRE PRECAUTIONS

Appropriate fire precautions must be provided in the property; any works required must be carried out within the licence period.

An HHSRS assessment will be carried out to determine the risk from fire and where this is unacceptable improvement will be required. We will discuss the works and negotiate a timescale for them. The Council has adopted the

standard of fire safety described in the document “Housing - Fire Safety” published by LACORS (July 2008). A copy of this can be downloaded from the LACORS website www.lacors.gov.uk or from the private housing fire safety pages of the Council website www.plymouth.gov.uk.

The minimum requirement for the grant of an HMO licence is that:

- A battery operated smoke alarm is fixed to the ceiling of each hall and landing.

If this minimum standard is provided then the property will reach a standard where a licence may be issued. However, you may be required to carry out further fire safety works to further reduce the risk from fire. Also see the section on kitchens/shared kitchens where further works may be required as a condition of licence (Section H).

D - LIGHTING

Adequate artificial lighting shall be provided in all areas sufficient for (a) the safe use of the accommodation (including external and common areas) (b) the maintenance of its cleanliness and (c) the carrying out of normal domestic activities.

E - ELECTRICITY, GAS AND WATER SUPPLIES

The supplies of electricity, gas (where provided) and water to each letting shall be sufficient to carry out normal domestic activities. Where landlord's submeters are provided, the charge for the power used shall be within the limits set by the maximum retail price of electricity and gas.

Where lighting, heating, ventilation, kitchen, hot water, electrical sockets or alarm systems are provided for the shared use of all, or several, households, then:

- These services shall be available at all times, and sufficient for the needs of the users in the function being carried out and
- The electricity and gas (where provided) shall be provided from quarterly meters. Normally these will be landlords' meters. However, in the case of some, smaller, shared housing, metering may be the collective responsibility of all the occupiers.

F - PERSONAL WASHING FACILITIES

- 1 In some circumstances wash hand basins may be required within sleeping rooms. This may be to compensate for a lack of a wash hand basin in a WC compartment or bathroom (due to restricted space) or because there is an excessive distance of travel to the nearest wash hand basin for example. Where this is the case it must be provided with a supply of hot and cold (drinking) water, delivered by way of fixed taps and properly connected to mains drainage. A 300mm tiled splashback is to be provided.
- 2 All baths and showers must be located in a proper room of adequate size and layout and the room and fittings must be fit for their purpose. There must be sufficient room for washing/bathing, drying, dressing and the placing of dry clothing. Baths or showers cannot be provided in kitchens. Where a bath is provided, a 300 mm splashback shall be

provided to each wall adjacent to the bath. It must be provided with a supply of hot and cold water, delivered by way of fixed taps and the waste must be properly connected to mains drainage. Where a shower is provided suitable waterproof covering is to be fitted to the walls to ceiling height or at least 2.1 metres above the base of the shower, whichever is the lesser. A suitable shower curtain or screen must be provided. Showers must be provided with appropriate hot and cold water supplies which can be thermostatically controlled and the waste suitably connected to mains drainage.

- 3 The hot water supply shall be of sufficient capacity, temperature and flow for any wash hand basin, bath or shower and be available at all times. The fitting must be permanently plumbed into the hot/cold water system. See Part E for metering of shared facilities.
- 4 Flooring must be water resistant, readily cleansable and suitably sealed to adjoining surfaces. When choosing floor coverings consideration must also be given to the possibility of slips and falls. On inspection an HHSRS assessment will be carried out to determine the risk of slips and falls, and where this is unacceptable improvement will be required.
- 5 Each separate occupancy shall be provided with its own bath or shower. Where this is not practicable, for all sharing occupants there must be a readily accessible bathroom or a shower room in the following ratios:

Number of people ¹	Minimum Bathroom and toilet requirements
1-4	1 bathroom, 1 WC can be combined ²
5	1 bathroom and 1 separate WC ²
6-8	2 bathrooms and 2 WC's (separate WC not required) ²
9-10	2 bathrooms and 2 WC's (1 WC must be separate) ²
11-12	3 bathrooms and 3 WC's (separate WC not required) ²
13-15	3 bathrooms and 3 WC's (1WC must be separate) ²

¹This refers to the number of people using shared facilities.

²All compartments/rooms containing a WC must contain a wash hand basin.

- 6 Bathrooms must be provided with effective and safe means of heating. See Part E for metering of shared facilities.
- 7 An effective means of natural/artificial ventilation shall be provided. See Part E for metering of shared facilities.

G - DRAINAGE AND SANITARY CONVENIENCES

1. All above and below ground drainage shall be fit for purpose.
- 2 Every water closet, and associated wash hand basin, shall be fit for its

purpose.

3. Where all or some of the units of living accommodation do not contain toilet facilities for the exclusive use of each individual occupant, for all sharing occupants there must be toilet facilities in the ratios as shown below:

Number of people ¹	Minimum Bathroom and toilet requirements
1-4	1 bathroom, 1 WC can be combined ²
5	1 bathroom and 1 separate WC ²
6-8	2 bathrooms and 2 WC's (separate WC not required) ²
9-10	2 bathrooms and 2 WC's (1 WC must be separate) ²
11-12	3 bathrooms and 3 WC's (separate WC not required) ²
13-15	3 bathrooms and 3 WC's (1WC must be separate) ²

¹This refers to the number of people using shared facilities.

²All compartments/rooms containing a WC must contain a wash hand basin.

External water closets shall not be reckonable for this purpose.

Every sharing occupant must have access to such a shared toilet within one floor's distance of his or her letting.

4. WCs separate from a bathroom or shower room shall be provided as indicated above and shall have independent means of access from a common area. All water closet compartments must be of adequate size, and safely and conveniently laid out.
5. There must be adequate natural or mechanical ventilation. Any water closet sited so as to open directly and immediately on to a space intended for the storage or preparation of food shall be provided with mechanical ventilation. See Part E for metering of shared facilities.
6. Flooring must be water resistant, readily cleansable and suitably sealed to adjoining surfaces. When choosing floor coverings consideration must also be given to the possibility of slips and falls. On inspection an HHSRS assessment will be carried out to determine the risk of slips and falls, and where this is unacceptable improvement will be required.
7. A wash hand basin shall be provided in each separate water closet compartment. Each wash hand basin must be supplied with continuous supplies of hot and cold running water delivered by way of fixed taps and connected to mains drainage. A tiled 300 mm splashback shall be provided immediately above each wash hand basin. See Part E for metering of shared facilities.

H - FACILITIES FOR STORAGE, PREPARATION AND COOKING OF FOOD AND FOR THE DISPOSAL OF WASTE WATER

- 1 Satisfactory kitchen facilities shall be provided for the safe preparation of food and hot drinks. The layout and location of these facilities must be satisfactory for the numbers of occupiers using them.
- 2 Preferably each household shall have for its own exclusive use a proper kitchen. Where this is not possible a shared kitchen may be provided.
- 3 Kitchens must be provided as close to living accommodation as possible, to a maximum of 1 floor distance, unless there is a living room or dining area of sufficient size in relation to the number of people using the kitchen on the same floor as the kitchen.
- 4 A set of kitchen facilities is to include the items specified in paragraphs 7 to 13 below.
- 5 Shared kitchens shall be provided on a scale of one set of facilities for a maximum of five persons. Provision of microwave ovens and dish washing machines in addition to the standard set of facilities may allow variation to the specified standard if a second set of facilities is required within a kitchen.
- 6 The layout of the shared kitchen facilities provided must permit the safe preparation of food and hot drinks. The layout and location of these facilities must be satisfactory for the numbers of occupiers using them.

Food Storage and cupboards

- 7 A refrigerator with a freezer compartment shall be provided. In a shared kitchen this may be provided in the individual accommodation, where on the same floor as the kitchen.
- 8 A dry food store of a minimum size of 0.1m³ (e.g. a 500mm wall cupboard) shall also be provided for each person using the kitchen. In addition, a cupboard for the storage of cooking utensils, crockery and cutlery etc. shall be provided of a minimum size of 0.15 m³ (e.g. a 500mm base unit). In shared kitchens these must be lockable or may be provided in the individual accommodation, where on the same floor as the kitchen. The requirement for locks on cupboard doors may be waived by this department with consent of the tenants.
- 9 The space in a base unit below the sink will not be accepted for the purposes of food storage.

Preparation of food

- 10 Suitable 500mm work top(s) shall be provided. In separate kitchens these must be a minimum total area of 0.5m². In shared kitchens these must be of a minimum total area of 1.0m².

Any area of worktop on which items such as microwaves are permanently sited is excluded from the measurement of 'free' worktop.

In all cases, a work top of not less than 500mm by 500mm shall be placed next to each cooking appliance to facilitate the safe removal of hot foods from the cooker.

Cooking of food

11 A proper cooking appliance shall be provided

The minimum acceptable with be:-

- a) two rings or hot plates together with either a grill or oven for single person use, or
- b) a cooker with three or four rings or hot plates together with grill and oven facilities for use by more than one person.

12 Kitchens must also be provided with electric sockets which must be situated in a safe place above each worktop. A minimum of 2 sockets are to be provided for the use of work top appliances (in addition to any that may be needed for microwave cookers and refrigerators and other large kitchen appliances).

Sink and Disposal of Waste Water

13 A sink (with drainer) with its own permanently connected supplies of hot and cold (drinking) water and suitably connected to mains drainage. A 300mm splashback is to be provided

The hot water system is to be provided from an instantaneous gas water heater, hot water cylinder (hot water from a gas boiler or immersion heater), or 5 litre point of use electric storage water heater.

Kitchen Ventilation

14 An effective form of ventilation shall be provided to each kitchen area, sufficient for the use and design of the facilities. In shared kitchens, **it is recommended** that a switched mechanical extractor fan is provided in addition to any window opening. The necessity, or otherwise, of requiring mechanical extraction, will be determined on inspection taking into account the existing provision of ventilation, the size and layout of the kitchen and fittings provided, the presence (or likely presence) of dampness in the property and the difficulty of fitting the appliance having regard to the benefits this would provide.

Flooring

15 Flooring must be water resistant, readily cleansable and suitably sealed to adjoining surfaces. When choosing floor coverings consideration must also be given to the possibility of slips and falls. On inspection an HHSRS assessment will be carried out to determine the risk of slips and falls, and where this is unacceptable improvement will be required.

Kitchen Fire Precautions

16 A fire blanket must be provided in a proper container. The container shall be securely fixed to the wall in a prominent and readily accessible

position, sited so as to prevent a user from being trapped in the event of the fire becoming out of control.

Shared Kitchens

- 17 See Part E regarding electricity and gas supplies etc.
- 18 A fire door shall be provided to each shared kitchen. The fire door is to be fitted in accordance with the detailed specification provided in the Plymouth City Council's fire precautions guide.
- 19 Each shared kitchen shall be provided with a lidded refuse storage container

Single Household Use Kitchens

- 20 In some cases the landlord is not contractually bound to provide kitchen facilities. In such situations there is no obligation (under the licensing legislation) for the owner to provide cooking or refrigeration appliances.

I. REFUSE, STORAGE AND DISPOSAL

1. Refuse storage facilities must be provided sufficient for the needs of the house and of a type acceptable to the local authority (and in accordance with its recycling requirements).
2. This should normally be in the ratio of one standard dustbin or equivalent per household. This provision is additional to any refuse storage containers provided in shared kitchens.
3. All containers should be located on hardstanding with suitable access for cleansing of the area and removal of containers.

Items I.2 and I.3 are recommendations for the storage and disposal of refuse. You should be aware that the manager is responsible for ensuring that a nuisance or health risk does not arise from refuse problems; such a problem is evidence of failure to provide adequate "facilities", and may give rise to enforcement action by the Council.

Standard Licence Conditions

1. The licence holder will provide to the Council sight of the following documents. These are to be provided within two weeks of the date of the document demanding the information:
 - (a) A current certificate certifying the safety of the landlord's gas appliances and installations (if present).
 - (b) A current certificate of service demonstrating the proper operation of the emergency lighting system (if present).
 - (c) A current electrical appliance safety certificate in respect of all electrical appliances provided by the landlord (where such appliances are more than one year old).
 - (d) A current electrical periodic inspection certificate (unless such a certificate has been previously provided **and** remains current).
 - (e) A current certificate of service demonstrating the proper operation of the fire alarm system(s) (where present)
 - (f) A declaration as to the condition, and position, of the smoke alarms.
 - (g) A declaration demonstrating compliance with fire safety regulations for landlord's furnishings.

With the exception of items (f) and (g), all these documents are to be provided by a competent person.

2. Where gas is supplied in the house, the licence holder will provide the Council with a current gas safety certificate on, or within two weeks, of each anniversary of the date of this licence.
3. If required, the licence holder and/or manager and/or owner shall submit a valid application form for a criminal record check to such an organisation as the Council may determine. An original copy of the result of this check is to be presented to the Council within the time stated in the demand for this information.
4. A copy of the following documents shall be displayed in a part of the HMO to which all tenants have access:
 - this licence,
 - the manager's contact details
 - a procedure for notifying the manager of any emergency and other complaints concerning the property and details of how the manager will address them.
 - The statement specified in the anti social behaviour code, (see paragraph 3 of attached document entitled Anti-Social Behaviour Code).
5. The licence holder shall provide sight of the following documents to a tenant should he so request:
 - The documents referred to in (1)a to (1)e above.
 - Details of the Management of Houses in Multiple Occupation (England) Regulations 2006
6. The licence holder will ensure that all electrical appliances, gas fittings and furniture made available by him shall be kept in a safe condition.

7. The licence holder shall ensure that all smoke alarms and fire alarm systems installed in the house are kept in proper working order.
8. The manager/licence holder (or his employee) will inspect the HMO on a regular basis sufficient for the proper management of the HMO.
9. The manager/licence holder will attend the property as may be reasonably necessary for the purposes of inspection by the Council.
10. The licence holder shall ensure that suitable provision is made to carry out emergency repairs as and when these may arise, including by the use of specialist contractors when necessary.
11. The licence holder shall comply with the requirement of the Anti Social Behaviour Code to take reasonable steps to tackle antisocial behaviour. This code is attached to the licence document.

N.B. The Council is not empowered to make a condition of the licence which requires an alteration to a term of tenancy under which any person occupies the house at the time the licence was granted.

The effect of this condition is modified to the extent that where a term of tenancy conflicts with any of its requirements, that requirement is no longer applicable in relation to that tenancy.

The Condition becomes fully operative in respect of any tenancy granted after the date of issue of this licence.

12. The licence holder will ensure compliance with regulations 3 to 9 of the Management of Houses in Multiple Occupation (England) Regulations 2006.
13. The licence holder is to ensure that he complies with the requirements of landlord and tenant legislation.
14. The licence holder will ensure that written terms of tenancy are to be provided for all occupiers. These terms will describe and give details of:
 - The type of tenancy, its duration and terms of notice.
 - The amount of rent due together with dates and method of payment, and the circumstances when the rent may be reassessed.
 - The amount of deposit taken, how it is held and the terms for its return.
 - An inventory for, and statement of the condition of, the letting prior to the start of the tenancy.
 - Conditions expressly prohibiting antisocial behaviour as specified in the code regarding anti-social behaviour.

N.B. The Council is not empowered to make a condition of the licence which requires an alteration to a term of tenancy under which any person occupies the house at the time the licence was granted.

The effect of this condition is modified to the extent that where a term of tenancy conflicts with any of its requirements, that requirement is no longer applicable in relation to that tenancy.

The Condition becomes fully operative in respect of any tenancy granted after the date of issue of this licence.

15. The licence holder is to ensure that any works carried out at the property are done so with due regard to the comfort of the occupying tenants.
16. The licence holder is to ensure that any works carried out at the property comply with all relevant legislation, including Building Regulations, Planning requirements and the Construction Design and Management Regulations.
17. The licence holder is required to notify the Council of any changes that might affect the licence. Such changes include (but are not limited to):
 - Structural alterations to the property
 - Changes in the ownership
 - Changes in the management
 - Events that may affect the fit and proper person status of the owner, licence holder or manager.
18. The licence holder shall ensure that adequate fire precautions are provided at the property, in accordance with the Councils standards, when notified of the need to carry out any such works and within such a reasonable period as the Council may require.
19. The electricity and gas meters providing energy to shared facilities are to be quarterly meters. Coin, card, token or key meters are not acceptable.

Shared facilities include the following (where these are used by more than one household):

- heating systems for the whole house (or any flat in multiple occupation),
- fire alarm systems and emergency lighting systems,
- (in respect of shared kitchens, bathrooms, water closets, utility rooms, hallways and stairwells) heating, ventilation, lighting, hot water, cooking and other appliances.

N.B. The Council is not empowered to make a condition of the licence which requires an alteration to a term of tenancy under which any person occupies the house at the time the licence was granted.

The effect of this condition is modified to the extent that where a term of tenancy conflicts with any of its requirements, that requirement is no longer applicable in relation to that tenancy.

The Condition becomes fully operative in respect of any tenancy granted after the date of issue of this licence.

Advisory note.

You are advised that a failure to ensure a constant supply of electricity and (where appropriate) gas to a shared facility may be a breach of the Management of Houses in Multiple Occupation (England) Regulations 2006.

Anti-Social Behaviour Code

Under the Housing Act 2004 Licence Holders of Houses in Multiple Occupation which are required to be by the local authority must take reasonable steps to tackle anti-social behaviour within their stock.

The following conditions sets out what is expected of landlords to meet the 'reasonable' test for tackling anti-social behaviour.

1. The Written Statement of the Terms of the Tenancy.

- i. As a part of any new tenancy agreement, every written statement of the terms of the tenancy provided to the occupier under these licence conditions must include an express prohibition on anti-social behaviour. This should refer to (ii) to (v) below.
- ii. Anti-social behaviour is anything which causes:
 - a nuisance or annoyance to other occupiers and nearby neighbours,
 - harassment to anyone in the local area (because of their race, colour, nationality, ethnic origin, sexuality, sex, religion, politics, age, medical condition, or disability) or
 - violence (including domestic abuse) against any person (including the landlord or persons acting on their behalf).
- iii. Anti-social behaviour also includes:
 - interfering with security or safety equipment,
 - using the property (including all communal areas bin stores, yards and gardens etc) for any criminal, immoral or illegal purpose, including buying, selling or using any illegal drugs, or storing or handling stolen goods, or
 - damaging any part of the premises.
- iv. It is also anti-social behaviour to encourage anyone else to carry out or threaten to carry out any of the above. The occupier, under the terms of the tenancy, is responsible for the behaviour of themselves, their family and their visitors.
- v. The terms of the tenancy should also state that the landlord will not tolerate anti-social behaviour and include a warning that legal action against the occupiers breaching the terms of tenancy may be taken. This could lead to them losing their accommodation and not being re-housed within Plymouth.

2. Dealing with Anti Social Behaviour

- i. The Licence Holder is required under these licensing conditions to keep a register of all complaints received by the landlord from occupiers.
- ii. The register will contain the following information:

- Date of complaint
- Name and address of complainant
- Details of the complaint
- Name and address of the alleged 'perpetrator'
- Action taken by the landlord to resolve the problem

(Note action could include making contact with the 'alleged perpetrator' face to face or by letter or both)-

- iii. The Licence Holder should encourage the complainant to complete diary sheets as a record of the frequency and seriousness of the incidents.
- iv. When considering action against occupiers who are allegedly in breach of the terms of tenancy, and prior to taking enforcement action, the Licence Holder shall inform and consult with the Plymouth City Council's Anti-Social Behaviour Unit, 0845 605 2222.
- v. The licence holder shall inform the police or City Council's Anti-Social Behaviour Unit where he has reason to believe that a criminal offence has been, or is being, committed on the premises.

3. Signs

The Licence Holder shall affix in a prominent position, within the communal area, a sign containing a statement that the Licence Holder will not tolerate anti-social behaviour and to encourage the reporting of those responsible, including a telephone number or an address to which complaints should be made. This sign shall be replaced if it is torn, defaced or removed.