

## Houses in Multiple Occupation

### Standards and Licence Conditions for HMOs subject to Licensing

Before making an application for a licence for a House in Multiple Occupation (HMO), please ensure that you have read the following standards and accompanying guidance notes. They are detailed and extensive and if followed will enable you to complete the application form correctly and assist you to reach compliance with all the licensing requirements. If you require any further advice or explanation regarding the Licensing Scheme or the relevant standards, please contact the HMO team on 0191 2116104.

N.B. Before carrying out any work to comply with the requirements contained within these standards you should consult the Building Control Section and Development Control team. In addition if the building is Listed or is located in a Conservation Area you will need permission from the Conservation and Historic Environment team before carrying out any work.

The Licence Application form comprises seven sections. Part 1 must be completed by the owner(s) of the property. Part 2 must be completed by the proposed licence holder. Part 3 must be completed where a manager is to be employed. Part 4 deals with notifications to relevant persons; you must tell anyone with an interest in the property of your intention to apply for a licence. Part 5 covers property and management standards. Part 6 gives information on disclosure of convictions and Part 7 requires declarations by the proposed licence holder and manager where appropriate.

#### 1. Licensing of HMOs

The Licensing scheme commenced on the 6<sup>th</sup> April 2006. A licence is required for an HMO where there are 5 or more persons living together in a property comprising of 3 or more floors. The licence will be valid for 5 years from the date of issue, it will specify the maximum number of occupants or households.

The occupancy number will depend upon the number and size of rooms and the kitchen and bathroom facilities.

- The City Council maintains a Public Register of all premises licensed under this scheme, or subject to a management order which can be viewed at the Customer Service Centre, Civic Centre or online at [www.newcastle.gov.uk/hmolicensing/publicregister](http://www.newcastle.gov.uk/hmolicensing/publicregister)
- Any person who operates an HMO without the requisite licence or allows a greater number of occupants than that allowed by the licence will be guilty of an offence and may on conviction be liable to a fine not exceeding £20,000.
- Failure to comply with any conditions attached to the licence may result on conviction in a fine not exceeding £5,000 for each offence.

#### 2. Fees

The fees for initial application are based on a property consisting of five lettings and are as follows

Accredited properties	£ 850.00
Non-Accredited properties	£1100.00

Not for Profit Registered charities £100.00

A payment of £300.00/property will be required with the application, the balance falling due for payment on or before the 7<sup>th</sup> April 2008.

The fee will be reviewed after 12 months to ensure that it adequately reflects the costs of administering the licensing scheme. If there is to be an alteration to the fee, licence holders will be notified prior to the balance falling due for payment.

For every unit of accommodation in excess of five an additional fee of £25.00 will be payable per letting.

The fee income will be used to provide the following services

- Processing of application and collection of fee
- Determination of Fit and Proper Person
- Inspection of the property, preparation of licence and re-visit if appropriate to verify compliance

Where further visits are required to determine compliance an additional fee of £25.00 will be levied.

Variation fees will be charged as follows:

Agreed increase in occupancy levels £50.00

Amendment to ownership/manager details within the licence period £100.00

Revocation of Licence £50.00

Failure to pay the fee in full by the appointed date may result in revocation of the licence and enforcement action being implemented. Should the property be sold before the 7<sup>th</sup> April 2008 the balance of the fee must be paid prior to completion of the sale. Payment of the full fee is a condition of the licence and non-payment will result in recovery as a civil debt through the County Court procedures.

### **3. Completed applications MUST be accompanied by the following documentation.**

- a. A current Gas Safety Certificate (CP12) issued by a Corgi registered gas engineer (where gas is used in the house).**
- b. A declaration by a competent person that all electrical appliances provided by the landlord have been tested and are in safe working condition. (Competency may be through technical knowledge or experience but must be carried out in accordance with the requirements of the Electricity at Work Regulations).**
- c. A copy of the current electrical safety inspection of the hard wired system. This is required every 5 years and a report produced on the recognised form (see Appendix 6, BS 7671). The inspection must be carried out by an authorised competent person who is a member of a scheme approved by the Office of the Deputy Prime Minister e.g. NICEIC or ECA.**
- d. A plan of the premises. This plan should be used to identify the bedrooms and the number and location of amenities within the house. It need not be to scale but should indicate room dimensions. It should also show the position of any smoke/heat detectors/alarms installed in the house.**

- e. A declaration by a competent person that all smoke alarms have been installed, positioned and maintained in proper working order.
- f. A declaration that all upholstered furniture supplied by the landlord including chairs, mattresses, head boards, cushions etc is in a safe condition and that where appropriate it complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
- g. Copies of the terms under which the tenants occupy the property. If this is a standard form only one need be supplied. Alternatively an occupancy record for the previous 3months should be supplied where a tenancy or licence agreement is not applicable.

**4. The licence and any conditions attached to it MUST be displayed in a prominent location at the property.**

**5. Determination of Fit and Proper Person**

In deciding whether the proposed licence holder or proposed manager is a fit and proper person the Council must take into account circumstances which may compromise the welfare of the tenants and the good management of the property. It must consider amongst other things

- any previous convictions relating to violence, sexual offences, drugs, fraud or other dishonesty
- whether the person has broken laws relating to housing or landlord and tenant issues
- whether the person has been found guilty of unlawful discrimination in connection with the running of a business
- whether the person has previously managed HMOs and has infringed any Approved Code of Practice or been refused a licence.

To enable the Council to determine whether the proposed licence holder or manager is a suitable person the applicant(s) must

- **provide evidence that the intended licence holder/manager has no unspent criminal convictions relevant to the above clauses. Evidence provided in a basic disclosure from *Disclosure Scotland Service* will satisfy this requirement. Applications for this information can be obtained by going on line to [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) or by tel 01918 606855 for further information.**
- **make a declaration regarding the other issues detailed on the application form regarding suitability to properly manage the HMO. This will cover information as to whether there have been any County Court judgements made relating to tenancy issues**
- **indicate whether it has been necessary for this or any other local authority to take action for failure to comply with any relevant Housing legislation or Approved Codes of Practice or issue an HMO Control Order or Interim or Final Management Order in respect of properties owned or managed by the applicant**
- **disclose information which may show that any person associated or formerly associated with the intended licence holder has done any of the above things, since it is necessary to consider this evidence and its relevancy to the applicant's suitability.**

## **6 Standards for Accommodation**

To determine the number of occupants who may occupy the house, consideration must be given to the number, type and quality of amenities available in the property. The standards below will be applied to all properties subject to licensing.

### **6.1 Space Standards**

**These standards MUST be met with immediate effect. However, where there is an existing tenancy agreement compliance must be achieved at the expiry of the tenancy. Where this agreement is for longer than 12 months action must be taken to obtain possession to ensure compliance no later than July 2007.**

**6.1.2 The HMO should not be overcrowded. Normally sleeping accommodation will be in the form of single or double rooms, although other arrangements may be considered. Every room used as a sleeping room should be capable of accommodating**

- a bed
- a wardrobe, unless there is a built in wardrobe or cupboard of adequate size.
- A chest of drawers together with activity space to each item.

#### **6.1.3 Single unit**

- not less than 10 m<sup>2</sup> except where a separate communal room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be not less than 6.5 m<sup>2</sup>.
- in rooms which have sloping ceilings the above standard will apply, however any floor area which does not have a minimum floor to ceiling height of 1.5 m will normally be discounted. Where rooms do not meet this standard discretion may be exercised if there are compensatory factors. The HMO team should be contacted for advice in such circumstances.
- Where the letting includes a kitchen, not less than 13 m<sup>2</sup>

#### **6.1.4 Two person unit**

- not less than 15m<sup>2</sup> except where a separate communal room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 11 m<sup>2</sup>.
- in rooms which have sloping ceilings the above standard will apply, however any floor area which does not have a minimum floor to ceiling height of 1.5 m will normally be discounted. Where rooms do not meet this standard discretion may be exercised if there are compensatory factors. The HMO team should be contacted for advice in such circumstances.
- Where the letting includes a kitchen, not less than 15m<sup>2</sup>

**Where other arrangements apply the HMO team should be contacted to enable them to determine the appropriate space standard.**

## 6.2 Kitchen facilities

This standard **MUST** be achieved by April 2008

### 6.2.1 Space

- For up to 6 persons the kitchen or kitchen area should have a total floor area of at least 7 m<sup>2</sup> (measured wall to wall).
- For each occupant in excess of 6 an additional 1.0 m<sup>2</sup>/ person is required up to a maximum of 13 m<sup>2</sup> Kitchens must have a layout which is safe and practicable
- The room should be provided with extract ventilation.

If you do not meet the standard with regard to space within the kitchen consideration will be given to the layout so as to ensure the convenient and safe use of the equipment and facilities.

### 6.2.2 Sink

- A suitably sized sink and drainer, provided with a satisfactory supply of cold and constant hot water, and properly connected to the drainage system should be provided for up to 6 persons.
- Where there are more than 6 persons additional sinks must be provided in the ratio of 1:6 persons.
- Consideration may be given to the provision of a dishwasher in place of one of the additional sinks/drainers.

### 6.2.3 Food Storage

- Accommodation must be suitable and sufficient and provided at a minimum capacity equivalent to a standard 500 mm wall cabinet per person. A 500 mm base unit would be sufficient for 2 persons. Storage below sinks will not count towards this figure.

### 6.2.4 Refrigerated storage

- A refrigerator with a minimum capacity of 150 litres should be provided for occupancies up to 6 persons.
- Additional capacity should be provided in a ratio of 20 litres per person.
- Unless a separate freezer is provided the fridge must have a freezer compartment.

### 6.2.5 Food Preparation and Cooking

- For cooking purposes an oven, grill and 4 burner hob should be provided for 5 or 6 persons. The cooking facilities should be sited away from doorways.
- Where there are more than 6 persons, an additional cooking facility must be provided, which may be a microwave oven.
- Where there are more than 12 persons an additional oven, grill and 4 burner hob and kettle must be provided.
- A preparation surface of 1.5 linear metres should be provided for up to 6 persons, part of which must be adjacent to the cooking facilities.
- For between 7 and 12 persons, 3 linear metres is required.

- For more than 12 persons an additional 1.5 linear metres of workbench must be provided.
- Adjacent walls must be provided with a non-porous finish and easily cleanable finish.
- A suitable bin must be provided for the storage of refuse prior to disposal.
- Electrical sockets must be sufficient to facilitate the use of each fixed appliance plus two double socket outlets.

Where cooking facilities are provided within the unit of accommodation (bedsit) and there are no other shared facilities within the house the facilities must comprise:

- Cooking - two burner hob, an oven, grill and kettle.
- Dry goods - accommodation must be suitable and sufficient and at a minimum capacity equivalent to a 500 mm wall cabinet.
- Refrigerated space - a refrigerator with a minimum capacity of 40 litres, together with a freezer compartment.
- Sink - A suitably sized sink and drainer, provided with a satisfactory supply of cold and constant hot water, and properly connected to the drainage system.
- Food Preparation - a worktop or table of suitable material at least 500 mm x 1000 mm.

Where meals are provided as part of the board arrangements the Landlord must comply with the requirements of the Food Safety Act 1990 and any regulations made thereunder.

The following standards **MUST** be achieved by April 2008

### **6.3 Baths and Showers**

- A bathroom or shower room must be provided for every 5 persons.
- For 6 to 10 persons an additional bathroom or shower room must be provided.
- Additional facilities must be provided in the ratio of 1: 5 persons.

#### **6.3.1 The facility must be**

- readily accessible
- adequately heated
- situated in a proper room
- provided with a satisfactory supply of cold and constant hot water and waste drainage
- provided with adequate ventilation and electric lighting, and the adjacent/surrounding walls must have a non-porous and easily cleanable finish.

**6.3.2** Where the amenity is provided in a house likely to be occupied by children then the facilities must include a bath.

**6.3.3** A suitable locking mechanism must be fitted to the access door to ensure privacy.

## **6.4 Wash hand basins**

### **6.4.1 Shared housing/hostels**

- A wash hand basin with a tiled splash back and satisfactory supply of cold and constant hot water must be provided for up to 5 persons and may be situated in a bathroom or shower room. Facilities situated within a wc compartment will not be taken into account.
- Additional facilities must be provided as follows  
6 to 10 persons, two wash hand basins,  
11 to 15 persons, three wash hand basins.
- Further wash hand basins must be provided in a ratio of one additional basin for up to 5 additional persons.

### **6.4.2 Bed & Breakfast/Bedsit**

- each letting must be provided with a wash hand basin; if the room is also provided with cooking facilities then a sink with a satisfactory supply of cold and constant hot water must then be provided.
- each wash hand basin must be provided with a satisfactory supply of cold and constant hot water and waste drainage.

## **6.5 Water Closets**

**6.5.1 Every toilet should have a wash hand basin within the compartment or within an adjacent space which provides the sole means of access to the toilet. The wash hand basin must be provided with a satisfactory supply of cold and constant hot water, and waste drainage.**

- A toilet must be provided in a proper compartment separate from the bath/shower room, for up to 5 persons.
- Where there are up to 10 persons a second toilet must be provided. This may be in the bath/shower room.
- Where there are 11 to 15 persons a further separate toilet must be provided.
- Toilets must then be provided in a ratio of one additional facility for up to 5 additional persons.
- At least half of those provided should be in separate compartments.

**6.5.2 The room should be provided with adequate ventilation and electric lighting.**

**6.5.3 A suitable locking mechanism must be fitted to the access door to ensure privacy.**

## **7. Space Heating**

**This standard MUST be met with immediate effect.**

**7.1 Each unit of accommodation including bedrooms and common rooms must be provided with a fixed space heater where the house is not provided with central heating.**

## 8. Security

This standard **MUST** be met with immediate effect.

- All ground floor and other accessible windows must be protected by the provision of suitable window locks or other appropriate security measures. Keys must be readily available at all times. See fire precautions section for escape windows.
- The front and rear doors must be of sound construction and be well maintained. Outward opening doors must have hinge bolts fitted.
- The front door must be fitted with a suitable viewer where the door is not fitted with a useable glass panel.
- The front door should be provided with a suitable safety chain.
  
- Front and rear access doors must be provided with a secure lock. Those doors fitted with a lock, including final exit doors forming part of the means of escape, must be capable of being opened from the inside without the use of a key to facilitate escape in the case of fire. In addition the rear door is to be provided with a barrel bolt (200mm min) unless the door is fitted with a shoot bolt locking mechanism (3 or 5 point locking). Where locks are fitted to bedroom doors they must be capable of being opened from the inside without the use of a key to facilitate escape in the case of fire.
- Where the property is fitted with an alarm, key holder details should be notified to the Council's Environment Team.

## 9. Fire Precautions

You **MUST** comply with the following standard by the 9<sup>th</sup> January 2007. However those properties which have an existing, mains wired interlinked detection system in the common parts will have until the 1<sup>st</sup> May 2007 to reach full compliance.

*Please note that for a licence to be issued the property must be fitted with a fire detection and warning system which meets the minimum standard laid down under 'Interim Arrangements'.*

### Interim Arrangements

If you do not already comply with the following standards and you are applying for a licence before January 2007 your application will not be considered unless you have provided as a minimum, tamper proof battery operated smoke alarms fixed in the same locations as required in the full standard. See plans in Appendix A.

- 9.1 Every wall which forms part of the protected route of escape, (highlighted in red in the diagrams attached in Appendix A) must be half hour fire resisting. Existing lath and plaster walls must retain their integrity and be in sound condition (the plaster must have a good key to the laths). Polystyrene tiles must be removed from ceilings. Where upgrading is necessary the application

of 12.5 mm plasterboard and 3mm skim coat to the risk side will provide the necessary fire resistance. Walls may be over boarded using long reach nails.

- 9.2 A half hour fire resisting ceiling must separate any accommodation from the floor above. Existing ceilings constructed with lath and plaster must be in sound condition (the plaster must have a good key to the laths). For separation between an occupied basement and the floor above, this resistance must be one hour. On un-boarded ceilings this can be achieved by over boarding with two layers of 12.5 mm plasterboard, fixed with staggered joints and 3mm skim coated.
- 9.3 Where sleeping accommodation is provided in basements there must be an alternative means of escape via a door or suitable escape window to the external ground level in addition to the access route from within the house.
- 9.4 Where an inner room (a room where the exit route would be through another room) is a bedroom on the ground or first floor then an escape window must be provided with an unobstructed opening that has an area of at least 0.33 m<sup>2</sup> with no dimension being less than 450 mm and with a cill height between 800-1100 mm from the floor. For use in an emergency an additional key for the locking device must be permanently available from within the room. On second floors or higher, escape windows are not acceptable and an alternative route will be required. Further advice can be sought from the HMO team.
- 9.5 Fire doors must be fitted to all habitable rooms, kitchens and rooms containing gas burning appliances. Each fire door set must comprise of a 30 minute fire door hung on one and a half pairs of high melt point hinges and be complete with intumescent strips and cold smoke seals. A closer must be fitted to the door which is adequate for the size and weight of the door, the closer to be adjusted to ensure that the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. All doors must fit correctly into the frame. Any lock or latch must be sleeved in intumescent material.
- 9.6 Existing doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with BS 476, and evidence provided to verify the conversion.
- 9.7 Where glazing panels are fitted in or above doors or in walls they must be capable of providing at least the same fire resistance as the surrounding material.
- 9.8 Locks on room doors and any other door leading from the unit of accommodation on to the protected route of escape and the final exit door(s) must be capable of being opened from the inside without the use of keys. Hasp and staple/padlock type of fastening to bedroom doors are not permitted.
- 9.9 Where a bedsit is supplied with an oven/grill it must be fitted with an interlinked heat detector. A stand alone smoke detector must also be provided. The cold smoke seals must be omitted from that room entrance door. A closer must be fitted to the door which is adequate for the size and weight of the door, the closer to be adjusted to ensure the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. Any lock or latch must be sleeved in intumescent material.
- 9.10 In properties which use a single unit to house the heat/smoke detector, sounder and back up battery, that system must comply with BS 5839: Part 6

2004, grade D. The units must be interlinked to ensure that sounders will operate throughout the premises. The detection system should be permanently wired to a circuit. The mains supply to the units should take the form of either –

- a) an independent circuit at the main distribution board or
- b) a separately electrically protected, regularly used lighting circuit

- 9.11 Where panel type detection is provided then that system must comply with BS 5839: Part 1 2002 (as amended).
- 9.12 Smoke/heat detectors and sounders must be fitted in the locations indicated in the diagrams in Appendix A.
- 9.13 A small fire blanket to BS EN 1869:1977, should be provided in each kitchen. A 1 kg multi-purpose fire extinguisher to BS EN 3:1996 should be provided in each kitchen. N.B. Fire fighting equipment must be maintained in accordance with BS 5306: Part 3: 1988.
- 9.14 Any cupboard within the means of escape must not be used for the storage of combustible materials unless the access door meets the 20 minute standard and is kept locked (the door does not require a self-closing device or cold smoke seals).
- 9.15 All escape routes must be kept clear of obstacles and combustible materials.
- 9.16 The Landlord must provide adequate fire safety instructions for residents and any employees. They must be brought to the attention of all tenants and must be kept available for inspection at the premises. A copy should be included with the application to satisfy the Management Arrangements.
- 9.17 A Fire Precautions log book, (*obtainable from [www.twfire.org.uk](http://www.twfire.org.uk) download from firesafety/business*) must be used to record the periodic inspection and maintenance of the alarm system, fire fighting equipment and where applicable emergency lighting. It should be maintained and kept available for inspection at the premises. If the property is to be left untenanted for 4 weeks or longer, the systems and equipment must be checked before tenants take up occupancy and always before re-letting the accommodation.
- 9.18 Any proposals to provide alternative means of protection in the event of fire e.g. sprinkler systems will be considered in consultation with the Fire Service.
- 9.19 Emergency lighting may be required if the protected escape route is not provided with adequate background lighting either natural or borrowed from street lighting to ensure the safe movement to the final exit door(s). Where emergency lighting is provided it must comply with BS5266 Part 1, 1988.
- 9.20 If the layout of the property does not conform to the standard layouts in Appendix A, you must ensure that a protected route to a final exit door is provided. This must incorporate half hour fire resisting walls, ceilings and fire doors. Advice on means of compliance may be obtained from the HMO team.
- 9.21 In those premises previously requiring a Fire Certificate compliance with these standards does not negate the requirement to carry out a risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005. If you are unsure as to whether this is applicable to your property you must contact the Tyne and Wear Fire and Rescue Service for further information.

## **10. General Conditions and Management Arrangements**

**In deciding whether the proposed management arrangements for the house are satisfactory, the Council must be satisfied that the person proposed to be responsible for the management of the house has sufficient competency to be so involved, and that the proposed management structures and funding arrangements are suitable.**

**The licence holder must at all times comply with The Management of HMOs (England) Regulations 2006 and any Approved Code of Practice made under S233 of the Housing Act 2004.**

**The following conditions MUST be met with immediate effect**

### **10.1 General Conditions**

- 1. The property must be in good repair and be structurally sound.**
- 2. The property must be kept in a clean condition and in internal good repair.**
- 3. The property must be maintained in good external decorative repair.**
- 4. All reasonable efforts must be made to ensure that gardens, yards and paved areas are kept in good order and tidy condition and kept free from all accumulations of refuse and litter.**
- 5. A suitable wheeled bin of adequate capacity must be available for use to ensure the proper disposal of domestic refuse.**
- 6. All furniture, furnishings and other domestic contents provided by the landlord must be kept in good repair and serviceable condition.**
- 7. All windows must be provided with suitable curtains or blinds.**
- 8. All electrical appliances provided by the landlord must be tested to determine safety for use and a record kept of the examination.**

### **10.2 Property Management**

**The intended licence holder must provide evidence of the arrangements for the proper management of the property including appropriate finance. To satisfy this requirement the applicant must provide a statement detailing arrangements which cover the following matters,**

- In particular, where a manager is employed, a declaration stating that adequate funding is available to ensure compliance with these standards and relevant legislation. (see application form Part 7)**
- the periodic inspection of the property both internally and externally to identify where repair or maintenance is needed.**
- planned maintenance programmes.**
- measures to respond to problems identified through periodic inspection/planned maintenance and notification by tenants of defects.**
- the visual inspection of items such as socket outlets, light switches and distribution boards at regular intervals and prior to the commencement of a tenancy and where the property is subject to the Health and Safety at Work etc Act 1974 at intervals determined under a relevant risk assessment. The determination of the intervals for checking should be**

on a risk assessed basis (i.e. the likelihood of damage) and should always be carried out prior to the commencement of a new tenancy

- information provided to tenants and employees (if applicable) regarding the action to be taken in the event of a fire including details of the escape route.

The Licence holder must provide the following documents to the Council when requested

- reports of the inspection and testing of the fire detection and alarm system and emergency lighting, where applicable.
- A CP12 Certificate of Gas Safety inspection must be provided where gas is used in the property. All gas appliances must be serviced on a regular basis.
- Electrical Appliance safety test declarations.

### 10.3 Tenancy Management

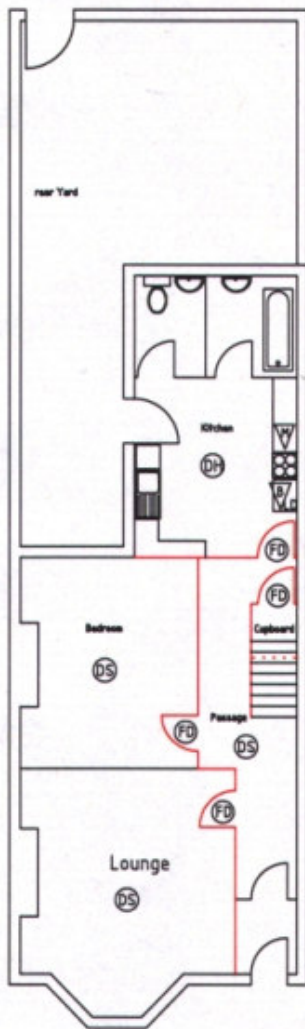
The intended Licence holder must provide evidence of the arrangements for the proper management of the property. This evidence should form a statement which covers arrangements for

- dealing with anti-social behaviour practised by the occupants or persons visiting the HMO. *Advice on developing a policy can be obtained by contacting the Private Rented Project on 0191 2736103 or the Community Safety Unit on 0191 2115895. If issues of anti-social behaviour arise you can obtain advice from the Private Rented Project. There is also a 24 hour emergency hotline if you require urgent assistance regarding anti-social behaviour the number to call is 0845 6052222.*
- the enforcement of the tenancy agreement when appropriate.
- tenants to report defects, including emergencies and tenancy issues.
- providing instructions to tenants and any employees which detail action to be taken in the event of a fire, including the means of escape.
- Informing tenants of their duties and responsibilities not to frustrate the efforts of the landlord in complying with conditions of the licence and to allow access at all reasonable times to enable compliance.

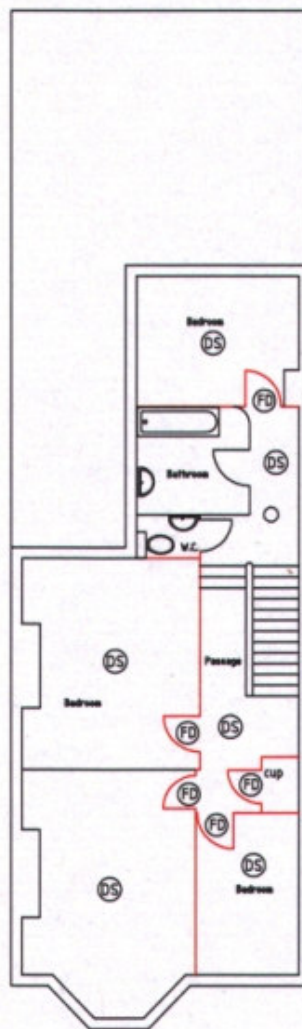
Advice on tenancy related issues can be obtained by contacting the Council's tenancy relations officers on 0191 2771720 or 2771724.



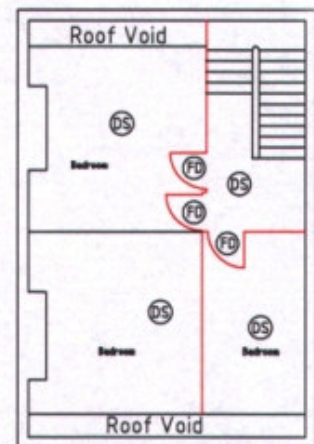
# Three Storey Terraced Dwelling House Accommodation for five or more occupants



Ground  
Floor



First  
Floor



second  
Floor