

November 2019

House in Multiple Occupation (HMO) Standards

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1 Introduction

This document sets out Torbay Council's standards for Houses in Multiple Occupation (*HMOs*) and should be used by landlords, HMO licence holders and property managers operating in the area to ensure that their properties meet or exceed these minimum requirements.

Should you wish to vary from these standards due to the individual circumstances of your property, and you think an alternative solution would work better, please discuss this with the Housing Standards team. Providing the proposal is within the legislative framework and provides tenants with safe and quality accommodation we will try to adopt a flexible approach when possible.

Part 1 – What is a House in Multiple Occupation?

The Housing Act 2004 (*HA2004*) contains a comprehensive definition of what constitutes a HMO. For the purposes of this guidance and as a useful starting point, a simplified definition is set out below which aims to give landlords a base understanding of what constitutes a HMO. If you are unsure as to whether a property is a HMO then you should review the HA2004 or seek specialist advice.

In general terms, a HMO is a dwelling (*a building or part of a building*) that:

- Is occupied by three or more people from two or more households; and
- Contains shared (or lacks) facility such as a kitchen, bathroom or toilet

The exception to this definition is self-contained flats that do not comply with the Building Regulations of 1991 (*i.e. they were converted before these regulations were in force or after without obtaining the necessary approvals*). Despite the fact that there is likely to be no sharing of basic amenities in this type of property, they are classed as HMOs for the purposes of the HA2004.

Typical examples of a HMO are:

- Single room bedsits – may have exclusive use of, or may share, personal washing, WC and kitchen facilities.
- Flatlets – multi-room lettings sharing some personal washing, WC and kitchen facilities.
- Non – self-contained conversions.
- Buildings converted into 2 or more self-contained flats where the conversion did not comply with Part B of the Building Regulations 1991 (*Fire protection facilities and means of escape*)

Please see Appendix 1 for further examples

Temporary accommodation

These properties will be specifically used for the provision of temporary accommodation under Section 188 & 193 of the HA1996 with a maximum occupation of 6 weeks. They may be of a mixed use comprising permanent and temporary residence. Occupants will have no other permanent place of residence and no more than 5 persons are to occupy a single room.

Exemptions

The following are exempt from the HMO definition:

- Building occupied by only two people who do not form a single household;
- Buildings managed by specified educational establishments, Local Housing Authorities, Registered Social Landlords, Police, Fire, Health Authority or regulated by other legislation such as some residential care homes etc.
- Buildings occupied by religious communities;
- Buildings predominantly owner occupied, including residential landlords where the owner occupier (*and family members*) occupies the building (*or flat*) with no more than 2 other persons;

- Buildings converted into self-contained flats, where the conversion meets 1991 Building Regulations.

What is a single household?

A single household includes members of the same family either by blood, marriage, including same sex partnerships or other recognised means such as adoption or fostering. As an example, four friends sharing a student dwelling will be classed as four individual households and therefore a HMO. For further information please see The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006 No.373)

Mandatory Licensing for HMO's

A property will need a mandatory HMO licence if it:

- contains 5 or more people in two or more households; and
- contains shared (or lacks) facility such as a kitchen, bathroom or toilet.

There are national minimum standards for licensed HMO's set out in SI 2006 No373 amended by The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (SI 2007 No.1903) which must be complied with, in addition there are national minimum room sizes set out in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 (SI 2018 No.616) which must be complied with. A Housing Health and Safety Rating (*HHSRS*) assessment (as described in Part 2) will be carried out within the 5 years of an HMO Licence being issued.

Planning Permission and Building Regulation Approval

These standards have been adopted without prejudice to other legislation applicable to HMO's and residential accommodation generally. Change of use, alterations or extensions carried out to a building in order to comply with these standards will continue to require any necessary Planning Permission and/or Building Regulation approval.

Contact Details

Enquiries about HMO's can be made to:
Community Safety, Housing Standards, Torbay Council, Town Hall, Torquay, TQ1 3DR

Tel: 01803 208025 **Fax:** 01803 208854 **Email:** Housing.Private.Sec@torbay.gov.uk

Part 2 – Housing, Health & Safety Rating System (HHSRS)

Inspections are carried out to assess the condition of a property in accordance with the Housing Health and Safety Rating System (*England*) Regulations 2005 & the Housing Health and Safety Rating System (HHSRS) Operating Guidance, this will be followed by a risk-based assessment which identifies Category 1 or serious Category 2 hazards. Inspecting officers will consider all 29 potential hazards and may use powers under Parts 1 and 2 (*HHSRS enforcement and HMO licensing*) of the HA2004 and associated legislation as appropriate to protect the health, safety and welfare of occupiers, such as requiring a landlord to carry out improvements to the property. Local authorities have powers to prohibit the use of the whole or part of a dwelling or restrict the number of permitted occupants. Where an occupier is at immediate risk, the authority can take emergency action.

If a property owner feels an assessment is wrong, they can discuss matters with the inspector and will be able to challenge an enforcement decision through the First-tier Tribunal (Property Chamber).

The Ministry of Housing, Communities & Local Government give guidance regarding the Housing Health and Safety Rating System. The How to Let Guide and Guidance for Landlords and Property Related Professionals are available online via the website: www.gov.uk

There are 29 hazards which can be assessed, these are listed below:

| A. Physiological requirements | B. Psychological requirements | C. Protection against infection | D. Protection against accidents |
|---|-------------------------------|---|--|
| 1. Damp and mould growth. | 11. Crowding and space | 15. Domestic hygiene, pests and refuse | 19. Falls associated with baths etc. |
| 2. Excess cold | 12. Entry by intruders | 16. Food safety | 20. Falling on level surfaces etc. |
| 3. Excess heat | 13. Lighting | 17. Personal hygiene, sanitation and drainage | 21. Falling on stairs etc. |
| 4. Asbestos and Manufactured Mineral Fibres (MMF) | 14. Noise | 18. Water supply | 22. Falling between levels |
| 5. Biocides | | | 23. Electrical hazards |
| 6. Carbon monoxide and fuel combustion products | | | 24. Fire |
| 7. Lead | | | 25. Flames, hot surfaces etc. |
| 8. Radiation | | | 26. Collision and entrapment |
| 9. Un-combusted fuel gas | | | 27. Explosions |
| 10. Volatile organic compounds | | | 28. Position and operability of amenities etc. |
| | | | 29. Structural collapse and falling elements |

Part 3 – General Management

The person having control of the house must ensure the following:

- The manager must be capable of inspecting the accommodation and arranging for any necessary works to be carried out.
- All services, furnishings, fixtures and fittings are maintained in good, sound, and clean condition.
- The structure is kept in good order
- All communal areas of the interior are regularly cleaned and redecorated as necessary
- All yards, boundary walls, fences, gardens and outbuildings are maintained in a safe and tidy condition
- Satisfactory arrangements for the disposal of refuse and litter have been made (*see Appendix 3*)
- At the commencement of all tenancies the lettings are clean, in a satisfactory state of repair and decoration, and comply in all respects with these standards.
- All staircases and multiple steps should be provided with suitable handrails
- All tenants should fulfil their tenancy obligations

These requirements are set out in the The Management of Houses in Multiple Occupation (*England*) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation Regulations (*England*) 2007 which place specific duties on the manager of an HMO. Failure to comply with the regulations is a criminal offence.

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to any HMO in England other than a converted block of flats to which section 257 of the Act applies. The regulations can be accessed via the following web address;

<http://www.legislation.gov.uk/uksi/2006/372/contents/made>

The Licensing and Management of Houses in Multiple Occupation Regulations (*England*) 2007 apply to any HMO in England which is described by section 257 of the Housing Act 2004. The regulations can be accessed via the following web address;

<http://www.legislation.gov.uk/uksi/2007/1903/contents/made>

Part 4 – Standards Applicable to all HMOs

| | |
|---|---|
| The following standards should be followed in order to demonstrate compliance with the HMO management regulations, to reduce the likelihood of Category 1 or 2 hazards (see HHSRS above) developing and to comply with supplementary regulations described below; | |
| Gas supply | If you provide any gas appliances you must have an annual inspection carried out by a competent person (<i>an engineer registered with GAS SAFE as being competent to undertake such testing.</i>) You must keep copies of the original current certificate for inspection and should provide all tenants with a copy. |
| Electrical Installation | All electrical installations must be inspected periodically and a test carried out to BS7671 by a competent person (<i>e.g. an engineer recognised by NICEIC or ECA or equivalent as being competent to undertake such testing</i>). The certificate (Electrical Installation Condition Report) will state when the next inspection is required and when the certificate expires. You should keep an original current certificate available for inspection every 5 years. |
| Artificial Lighting | Adequate artificial lighting shall be provided in all areas sufficient for: <ul style="list-style-type: none"> (a) the safe use of the accommodation (<i>including external and common areas</i>) (b) the maintenance of its cleanliness and the carrying out of normal domestic activities. |
| | Time switches will only be allowed to operate lighting in common landings, passages and staircases if they are programmed to stay on long enough to allow for a person to safely climb stairs and enter accommodation. Such switches to be operable on each level. |
| | There should be suitably located light switches that when operated allow the safe passage of residents and visitors within the building. |
| Electrical Appliances | If you provide any portable electrical appliances over 1 year old (<i>e.g. fridges, freezer, microwave, kettle, etc.</i>) these should be inspected annually by a competent person (<i>e.g. an engineer recognised by NICEIC or ECA as being competent to undertake such testing</i>). This type of test is commonly referred to as PAT testing. |
| Furniture | If you provide any furniture to which the Furniture and Furnishings (<i>Fire</i>) (<i>Safety</i>) Regulations 1988 apply (<i>e.g. beds, sofa's, curtains</i>) it must comply with the regulations. |
| Natural Lighting | Where practicable every habitable room should be provided a clear glazed window and/or a door with clear glazing, opening directly to the external air and having a glass area equal to at least 1/10 th of the floor area |
| | All glazing to windows in bathrooms and WC's shall be obscured where considered necessary by the Council. |
| Ventilation | Where practicable all habitable rooms should be ventilated direct to the external air by a window, the openable area of which shall be equivalent to at least 1/20 th of the floor area. |
| | All kitchens, bathrooms, WC's should comply with the above standard, but where this is not practicable mechanical ventilation meeting current Building Regulations shall be provided. |

| | |
|-------------------------------------|--|
| Electricity, gas and water supplies | The supplies of electricity, gas (<i>where provided</i>) and water to each letting shall be sufficient to carry out normal domestic activities. Where landlord's sub-meters 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: <ul style="list-style-type: none"> • These services shall be available at all times, and sufficient for the needs of the users in the function being carried out. |
| Water Supply | Each property should be provided with piped cold water of potable quality supplied at an adequate pressure. To maintain water quality any storage tank supplying water shall be suitably covered. Each occupier to be able to access the above. |
| Refuse Storage | See waste guidance document (<i>Appendix 3</i>). |
| Minimum Standards of Security | The standards listed below are those currently identified by Secured by Design under the 'Police Preferred Specification' scheme. Additional standards will be added if and when appropriate. |
| | <p>Door and lock standards: BS 3621, 2007</p> <ul style="list-style-type: none"> • The minimum standard for locks on external or entrance doors to be acceptable to the Association of British Insurers (<i>ABI</i>) and the police service. The effectiveness of the lock also depends on the quality of the door, frame and other hardware which is not tested by this standard and which may fail before the lock. Locks must be of a type that do not require a key to open them from the inside. Any glazing in or adjacent to the door must be robust e.g. laminated glass. |
| | <p>Window standards: BS 7950, 1997 specification for enhanced security performance of casements, tilt/turn windows for domestic applications. BS 7950 must be supported by performance standards relevant to the materials used:</p> <ul style="list-style-type: none"> • BS 4873, 2005 Specification for aluminium windows. • BS 7412, 2007 Specification for plastic windows made from PVC-U extruded hollow profiles. • BS 644-1, 2003 Wood windows. Specification for factory assembled windows - various types. • BWF:TWAS Timber window accreditation scheme. • BS 6510, 2005 Specification for steel windows, sills, window boards & doors. <p>LPS 1270 Burglary resistance of security glazing and glazing films. Based on LPS 1175, this standard enables specifiers to select glazing films that offer resistance to manual attack equivalent to the building products in which the glass or film is to be used.</p> |

Part 5 – Fire Safety

When deciding whether it is appropriate for the local housing authority to issue an HMO licence consideration will be given to SI 2006 No373. Schedule 3 (5) of these regulations states; ‘*Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary*’.

The following duties and provisions will be taken into account when deciding whether Paragraph 5 has been met:

1. Owners/managers have a duty to carry out a fire risk assessment under the Regulatory Reform (*Fire Safety*) Order 2005. This must be written down if there are 5 or more persons employed by the company or any form of licence or certification applies to the use of the premises. The significant findings of the fire risk assessment must be recorded.
2. The level of fire precautions required will depend on the type of accommodation and the risk it presents. For instance temporary accommodation for homeless persons will generally be considered higher than normal risk due to the type of occupation. A house share where the occupiers live as a family will generally be considered a lower risk.
3. It is expected that all units of accommodation and communal areas shall be fitted with appropriate automatic fire detection, emergency escape route lighting, firefighting equipment (*portable*) and fire precaution equipment as identified by a comprehensive fire risk assessment.
4. All properties will be expected to meet the appropriate standards for structural resistance to the spread of smoke and fire. Typically a HMO will require a full 30 minute protected escape route to an ultimate place of safety. This escape route should not be obstructed by stored items or be vulnerable to a fire starting upon it due to the presence of ignition sources (*electrical items etc.*) or combustible items (*paints and solvents etc.*).
5. All kitchens must have a suitably sited fire blanket, adequate provision of fire doors and an appropriate automatic fire detection.
6. Inspecting officers reviewing fire safety will ask to see annual service and maintenance certificates for fire safety installations. They should be in accordance with the following British Standards:
 - Automatic fire detection and warning systems: BS 5839: part 1 or Part 6 (*as appropriate*)
 - Emergency escape lighting: BS 5266-8: 2004 (*BS EN 50172: 2004*)
 - Fire Extinguishers where provided: BS 5306-3 and with the manufacturer’s recommendations.
7. The standards expected (*as set out above*) are generally those recommended in the “Housing - Fire Safety - Guidance on fire safety provisions for certain types of existing housing” published by LACORS (*July 2008*). You are advised to consider the document to ensure that you are providing adequate protection for occupiers. The document can be accessed via the www.gov.uk website.
8. The Regulatory Reform (*Fire Safety*) Order 2005 also applies to the common parts of HMO’s. This is enforced by the Fire & Rescue Authority (Devon and Somerset Fire and Rescue Service). Where considered appropriate, and following consultation with the Fire & Rescue Authority, the Council may require additional precautions.

9. The Fire and Rescue Authority are the lead enforcement authority for commercial premises such as hotels and B&B accommodation. For such properties the appropriate guidance is the Home Office: Sleeping Accommodation Guide.
10. Where hotels and B&B accommodation are used for residential purposes such as homeless person's placements or a change in occupation out of the key tourism season, the premises may become a House in Multiple Occupation (*HMO*). In such circumstances the property may require a licence and Torbay Council will be the lead authority.

Fire detection and testing

The "Housing - Fire Safety - Guidance on fire safety provisions for certain types of existing housing" published by LACORS (*July 2008*) as mentioned on Page 6 describes in detail the different types of fire detection system and gives guidance in which circumstances each type is most appropriate.

In HMO's the most prevalent grades of fire detection systems are Grades A & D. 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 tests for fire detection and alarm (*BS5839*) and emergency lighting (*BS5266*). In practice, a reputable alarm installation company will be able to carry out these tests and provide an annual 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.

Part 6 - Amenities

The information in this part provides guidance on the facilities that should be provided in an HMO as described by section 254 Housing Act 2004.

These standards represent the authority’s expectation for all HMO’s. Whilst these are not directly enforceable, they will be used to decide whether a licence will be issued and if so for how many persons the licence can be issued for.

Shared Personal Washing & WC Facilities

| Occupiers | Up to 5 | 6-7 | 8-10 | 11-15 |
|-------------------------|--|---|---|---|
| WC | 1 | 2 | 2 | 3 |
| Bath or shower | 1 | 2 | 2 | 3 |
| | <i>If there is only 1 WC it must be separate from the bathroom</i> | <i>WC’s can be contained within the bathrooms</i> | <i>At least 1 WC must be separate from the bathroom</i> | <i>At least 2 WC’s must be separate from the bathroom</i> |
| Wash Hand Basins | A wash hand basin must be provided within every separate WC. Each WHB to be provided with adequate supply of cold and constant hot water. | | | |
| | In licensable HMOs 1 WHB is to be provided within each unit where it is reasonably practicable. It will be the responsibility of the landlord to demonstrate that is not reasonably practicable for WHB to be provided in each room. Regard should be had to the age and character of the HMO, the size and layout of each room and its existing provision for WHBs toilets and bathrooms. | | | |

No personal washing facility should be more than one floor distant from the users of those facilities.

Shared Kitchen Facilities

| | |
|--------------------------------|---|
| Cooker | A cooker is an oven and grill with 4 ring hob |
| Up to 5 occupants | 1 cooker |
| 6-7 occupants | 1 cooker and 1 microwave oven with grill |
| 8-10 occupants | 2 cookers |
| Sink and drainer | 1 per 5 occupiers/unit |
| Electrical power points | 4 single sockets or 2 double sockets per 5 occupiers/unit. The above excludes sockets for a cooker, refrigerator and washing machine. |
| Worktops | 2m x 0.6m per 5 occupiers |
| Cupboards | Double wall unit or single base unit (0.16m ³) for each occupier/unit. Storage in communal areas should be lockable. |
| Refrigerated storage | Standard sized fridge (73-120 litre) with adequate freezer compartment per occupier/unit. Individual |

| | |
|--|--|
| | fridges can be sited in the bedroom if the room is large enough. |
| | If no freezer compartment in the fridge, separate freezers should be provided. Storage in communal areas should be lockable. |

Kitchens Facilities (not shared)

| | |
|--|---|
| | |
| 1 person bedsit with exclusive use of kitchen facilities | 2 ring hob, oven or grill or 2 ring hob and combined microwave oven with grill |
| 2 person bedsit with exclusive use of kitchen facilities | 3 or 4 ring hob and oven or grill |
| Sink and drainer | 1 per unit |
| Electrical power points | 4 single sockets or 2 double sockets per unit. The above excludes sockets for a cooker, refrigerator and washing machine. |
| Worktops | 1m x 0.6m per 2 occupiers |
| Cupboards | Double base unit or 1.5 single wall units per 2 occupiers |
| Refrigerated storage | Fridge with adequate freezer compartment |

Note: If a kitchen facility is more than one floor distant from the users of that facility, a communal living space or dining space must be available on the same floor or not more than one floor away from the kitchen. An extractor fan must be provided. Cooking facilities must be available. Kitchens must have a 30 minute self-closing fire door set with cold smoke seals and intumescent strips. A fire blanket must be supplied but not sited immediately adjacent to or over the cooker.

Part 7 – Space Standards

These standards represent the authority’s expectation for all HMO’s. In licensable HMOs they will be used to decide how many persons a licence will be issued for.

Room sizes are subject to each room being of a shape and a floor to ceiling height that provides adequate useable living space. Only the floor area where the ceiling height is more than 1.5m or higher will be counted. The following information sets out the minimum room sizes required by Torbay Council. For the national minimum room sizes, see Appendix 2, the national minimum room sizes will apply to temporary accommodation:

| | No. of occupiers | Size |
|--|------------------|------------------|
| Bedsit room with separate shared kitchen | 1 | 8m ² |
| | 2 | 14m ² |
| Bedsit room with cooking facilities | 1 | 13m ² |
| | 2 | 19m ² |
| Shared kitchen | Up to 5 | 7m ² |
| | 6-10 | 10m ² |
| | 11-15 | 17m ² |

The table below presumes the accommodation is being occupied by a single household unless otherwise specified.

If 3 or more persons in 2 or more households share a flat, it may be an HMO in its own right. In this instance you will need to contact Torbay Council to discuss whether this arrangement is appropriate and what facilities should be in place.

| | Room | Size |
|-----------------------------------|---|--|
| Two roomed unit for one person | <u>Either</u> Living/kitchen and Separate bedroom | 11m ² 6.51m ² |
| | <u>Or</u> Kitchen and Separate living room/ bedroom | 4.5m ² 11m ² |
| Three roomed unit for one person | Kitchen and Separate living room and Separate bedroom | 4.5m ² 9m ² 6.51m ² |
| Two roomed unit for two persons | <u>Either</u> Living/kitchen and Separate bedroom | 14m ² 10.22m ² |
| | <u>Or</u> Kitchen and Separate living room/bedroom | 6.5m ² 14m ² |
| Three roomed unit for two persons | <u>Either</u> Separate kitchen/living room and 2 bedrooms | 15m ² Refer to Appendix 2 |

| | | |
|--|---|--|
| If more than 1 household in occupation | <u>Or</u> Separate kitchen Separate living room Separate bedroom | 6.5m ² 12m ² 10.22m ² |
| | 2 Bedroom/living rooms Separate kitchen | 11m ² 7m ² |

Part 8 – Space Heating

When deciding whether it is appropriate for the local housing authority to issue an HMO licence consideration will be given to SI 2006 No373. Schedule 3 (1) of these regulations states; *'Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.'*

We will refer to Torbay Council's Excess Cold policy and other appropriate guidance such as Chartered Institute of Environmental Health (CIEH) excess cold enforcement guidance in order to determine whether Schedule 3 (1) has been met.

Appendix 1 – Examples of HMOs

| Houses | |
|--|--|
| A house occupied by 5 students (<i>2 of whom are living together</i>), who share a kitchen and bathroom. | Licensable because there are 5 occupiers in 4 households sharing basic amenities. |
| Two bedroom bungalow shared by 2 couples. | Not licensable because there are only 4 occupants. |
| A house owned and occupied by a couple with 2 children and a lodger, who shares the kitchen, living room and bathroom with the family. | Not licensable because although there are 5 people, where a landlord lives in the property his/her family unit counts as only 1 person. |
| Converted houses | |
| Multi-storey house, with a self-contained basement flat occupied by the landlord and partner. Upper floors comprising 3 self-contained studio flats and 1 non self-contained (<i>kitchen on landing, but not shared</i>). | Licensable because there are at least 5 persons occupying the building in four separate households (<i>landlord and family count as 1</i>). If all flats had been self-contained the property would not be in scope. |
| House converted into 2 non self-contained flats occupied by 2 couples and their 2 children. Each couple has a separate tenancy agreement. The families share amenities. One of the couples is the cousin of one of the other couple. | Not licensable because it is occupied by a single household by way of an extended family. |
| Multi-storey house converted into self-contained flats owned by separate leaseholders with long leases. | Individual flats may be in scope but only if they are occupied by 5 or more people from 2 separate households. |
| Flats above shops | |
| A purpose built fish and chip shop with residential accommodation above which the owner lets out as 5 bedsits, with shared use of kitchen and bathroom. | Licensable because it is occupied by at least 5 people in at least 5 households, who share basic amenities. |
| Self-contained flat above 24 hour kebab shop. At least 6 occupiers sharing 3 bedrooms plus living room. All employed in the business and none pay rent. | Licensable because there are 6 occupiers sharing facilities. The fact that rent isn't paid is not relevant because their occupation of the property is linked to their employment. |
| A 3 storey purpose built block of flats above a parade of shops comprising 10 self-contained flats. Five of those flats have been let out by their owners and 3 are in multiple occupation, all with at least 5 persons living in 2 or more separate households. | Not licensable because mandatory licensing does not apply to purpose built blocks with 3 or more self-contained flats. |
| Purpose built blocks | |
| A purpose built development of 30 units, designed for singles and couples, comprising self-contained flats and studio flats and a number of non-self-contained studio flats which have access communal kitchen/diner facilities. | Licensable because although the development is purpose built, there is some sharing of facilities between different households. Purpose built blocks are only excluded where all flats are self-contained. |
| A flat on the sixth floor owned by a long leaseholder and let to 5 sharers in a 10 storey tower block of 30 flats. | Not licensable because mandatory licensing does not apply to purpose built blocks with 3 or more self-contained flats. |

Appendix 2 – Space Standards

- a. Rooms must have a minimum floor to ceiling height of at least 2.1m over not less than 75% of the room area. Any floor area where the ceiling height is less than 1.5m should be disregarded.
- b. The space standards specified in this guide for temporary accommodation are low, reflecting the temporary nature of the accommodation. No further reduction in the room size by including floor space which does not contribute practically towards the useable space will be considered.
- c. The floor area taken up by a solid chimney breast should be discounted.
- d. Built in storage space (*cupboards, wardrobes etc.*) should be counted as this would occupy the room's main floor space if it were not present.
- e. En-suite's should not be included in the minimum size required
- f. Single rooms should have a minimum width of 1.8m. Rooms for two or more persons should have a minimum width of 2.3 m.

Table 2: Sleeping rooms not containing cooking facilities

| Floor Area of Sleeping Room | Maximum Number of Persons |
|---|---------------------------|
| Less than 6.51 m ² | Nil |
| Not less than 6.51 m ² | 1 |
| Not less than 10.2 m ² | 2 |
| Not less than 14.9 m ² | 3 |
| Not less than 19.6 m ² | 4 |
| Not less than 24.2 m ² | 5 |
| No more than 5 persons should be required to occupy any room | |

Table 3: Sleeping rooms containing cooking facilities

| Floor Area of Sleeping Room | Maximum Number of Persons |
|---|---------------------------|
| Less than 10.2 m ² | Nil |
| Not less than 10.2 m ² | 1 |
| Not less than 13.9 m ² | 2 |
| Not less than 18.6 m ² | 3 |
| Not less than 23.2 m ² | 4 |
| Not less than 27.9 m ² | 5 |
| No more than 5 persons should be required to occupy any room | |

Appendix 3 – Waste Guidance

1. The Licence holder shall comply with the Council's scheme which relates to the storage and disposal of household waste. The licence holder shall ensure so far as is reasonably practicable that the occupiers make arrangements for the collection of waste in accordance with these provisions and, when the property is unoccupied, or the occupiers fail to do so the licence holder adhere to these provisions themselves.
2. The licence holder shall at the beginning of a tenancy, provide written information to the occupiers of the property indicating:
 - a) which day refuse collections will take place;
 - b) what type of bins to use for household and recycling waste;
 - c) details of the Council's bulky waste collection service;
 - d) details of the Council's missed bin collection service;
 - e) the occupiers responsibility to put recycling boxes, food bin and wheeled bin or seagull proof bag at the boundary of the property so easily accessible from the highway by 6am on the collection day;
 - f) that occupiers should make arrangements for any extra rubbish that cannot fit in the bins to be collected within 48 hours and/or disposed of as soon as is reasonably practicable and ensure that such rubbish, where possible, is stored within the boundary of the property until collection/disposal. Occupiers should ensure the receptacle is kept locked at all times to prevent access by seagulls and/or vermin and members of the public to potentially unsafe waste.
3. The licence holder shall ensure that suitable and adequate provision for refuse storage and collection is provided at the house. This shall include a closable bin(s) kept in good working order and of suitable capacity as specified by the Council.
4. The licence holder shall ensure that commercial and/or trade rubbish/waste is not disposed of in the domestic household bins. Any trade rubbish/waste shall be disposed of as soon as is reasonably practicable and ensure that such rubbish/waste, where practicable, is stored within the boundary of the property. The licence holder shall make adequate arrangements for the collection and disposal of commercial waste and must use a licenced waste carrier.
5. Residents will need to separate their food waste and recycling from their residual waste. For further details of how waste should be separated please see www.torbay.gov.uk/recycling/what-goes-in-my-bin
6. Torbay Council will supply one set of waste and recycling containers per council tax account as per the Environmental Protection Act 1990, and provide a comprehensive and frequent waste collection for these containers.