



City of Westminster

Guide to Houses in Multiple Occupation Flats in Multiple Occupation (FMO's)



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GENERAL INFORMATION

The Housing Act 2004 places a duty on the Council to inspect and improve Houses in Multiple Occupation (HMO). Residential Environmental Health Officers inspect HMOs on a regular basis and respond to housing condition complaints.

What is a HMO?

The full definition of a HMO is found in sections 254 to 260 of the Housing Act 2004. In broad terms a HMO can be described as follows:

An HMO is a building or part of building (flat) which is:

- Occupied by more than one household (which is defined as occupiers of the same family and includes spouses, co-habitees, same sex couples and any blood relative). Where:
- At least one of the households shares or lacks access to a basic amenity (These include bedsit type properties, houses partly converted into self-contained flats and bedsits, hostels, accommodation above shops and shared houses and flats) or
- The building is fully converted into self-contained flats or studios and the conversion work does **not** fully comply with the building standard of the 1991 Building Regulations AND less than 2/3rd of the flats are occupied by long leaseholders.

(Basic amenities means a WC, personal washing facilities and cooking facilities)

A Flat in Multiple Occupation with 5 or more tenants may require licensing and general management conditions will apply. This could be a flat share or a flat containing individual bedsits. Flats situated in purpose built blocks do not require a licence if there are 3 or more flats in the block.

We aim to:

- Provide information and advice in plain language about the legislation we apply to HMOs.
- Discuss general issues and specific problems with anyone experiencing difficulties.
- Provide a courteous, efficient and helpful service.
- Actively seek the views of those that receive our services and use this information to develop our service.

Officers will contact landlords to discuss the condition and requirements for their HMO property. A clear list of what is needed to be done to comply with legislation and standards applicable to HMOs will be provided.

A Statutory Notice is often served if problems are identified and this requires specified works to be undertaken within a defined time period; this type of Notice will also provide details of how to appeal to a Residential Property Tribunal.

If a Statutory Notice is not complied with the council may prosecute, issue a Civil Penalty and may organise for the work to be done and recharge the cost, plus fees, to the owner of the property.

HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings, and is a method used to inspect properties in Westminster. A HMO can comprise of a number of separate dwellings, for example every bedsit room or self-contained flat within a HMO is a dwelling.

The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. HHSRS is a risk assessment process and is comprehensive in its coverage of key health and safety risks in dwellings. In very broad terms, the Rating System works by assessing the risk associated with certain home hazards and if the likelihood of harm is significant the Council may take action to ensure that the risk is removed or reduced.

HMO LICENSING

Certain categories of HMO must be licensed by the Council. Licensing aims to improve conditions and management within HMOs by ensuring:

- Conditions within a HMO comply with the Council's HMO standards.
- Landlords and/or their agents can be considered as 'fit and proper' persons as defined in the Housing Act 2004.
- Management arrangements for the HMO are appropriate.

Information concerning HMO licencing and how to apply online can be found at: <https://www.westminster.gov.uk/houses-multiple-occupation>

HOW TO USE THE HMO GUIDES

Residential Environmental Health has produced 4 guides for each of the following types of HMO:

- HMOs comprising bedsits/studio rooms.
- HMOs comprising self-contained flats.
- Flats in multiple occupation (FMOs) where flats are multiply occupied by more than one household.
- Hostel/staff accommodation.

Some properties will have a mix of accommodation and more than one of the guides will apply.

STANDARDS APPLICABLE TO FLATS IN MULTIPLE OCCUPATION (FMOS)

APPLICATION OF THIS STANDARD

This standard applies to a shared flat that is occupied by more than one household (which is defined as occupiers of the same family and includes spouses, co-habitees, same sex couples and any blood relative). Any kind of 'flat share' arrangement, whether under one tenancy agreement or a number of agreements is a flat in multiple occupation.

This standard also applies to a shared flat within a purpose built block of flats.

ROOM SIZES AND OCCUPATION

The minimum room sizes for sleeping rooms

Use of room	Minimum Floor Area	Maximum number of people for sleeping
Single Bedroom	6.51 m ²	1
Double/Twin Bedroom	10.22 m ²	2

Shared social space

The provision of shared social space, such as a lounge or kitchen/diner, will affect the quality of the accommodation and is considered to be the ideal. Provision of shared social space will be taken into account when assessing the suitability of bedroom room sizes in situations where the flat does **NOT** require a HMO licence.

Guidance on taking measurements

Only practical useable living space must be measured. This space

- Does not include any area taken up by bathroom facilities within the bedroom.
- Does not include the chimney breast and small alcoves.
- Does not include the floor area where the ceiling height is less than 1.9 metres, or in addition, in attic rooms, any floor area in the eaves of the room where the soffit height is less than 1.5 metres.
- Does not include any fire lobby or bathroom lobby.

In calculating practical living space, the following can be taken into account:

- Half the area taken provided by a bay window can be included.
- Entrance lobbies/corridors within bedrooms. Where the room door opens into a lobby/corridor that is less than 1.2 metres wide, the entire lobby/corridor should be discounted. Where the lobby/corridor is between 1.2 and 1.8 metres, some of the area may be counted (this reflects the fact that wider corridors are able to make a contribution to the storage capacity and spaciousness of bedrooms. The allowable area is calculated by deducting 1.2 metres from the width and multiplying this by the length of the corridor. For example, if a corridor into a room is 1.5 metres wide by 2.5 metres deep, the useable area of the corridor would be $(1.5 - 1.2 =) 0.3 \times 2.5$ metres. No deduction should be made where doors open into corridors/lobbies of more than 1.8 metres width.

Occupation

- No more than two persons may sleep in one bedroom. (A person includes a child).
- Only persons under age 10 of the opposite sex may sleep in the same bedroom.

FACILITIES FOR THE STORAGE, PREPARATION AND COOKING OF FOOD.

Each flat shall be provided with its own food preparation/cooking/storage facilities for the exclusive use of the occupiers of the flat as follows, up to a maximum of 5 persons:

(Note: Where any flat is occupied by more than 5 persons please contact Residential Environmental Health for further advice on required facilities for the preparation, cooking and storage of food ; contact details are on the last page).

The facilities shall include

- An oven, grill, and at least 4 hobs. Cookers must not be sited adjacent to exit doors.
- A tiled surface as a cooker splash back; a lift-up cover to the appliance would be a suitable alternative.
- A suitable sink and integral drainer (minimum size 1000mm x 500mm) set on a base unit. The sink is to be provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300 mm high) shall be provided to the sink and drainer.
- A fixed worktop, in addition to the drainer - minimum size 1000mm x 600mm, and provided with a tiled splashback (minimum 300mm high).
- Storage cupboards, total minimum capacity 0.8 cubic metres (30 cubic feet). The storage space below the sink unit cannot be used for food storage.
- A fridge of minimum size 6.0 cubic ft with adequate additional freezer space.
- 4 (13 amp) electric sockets in the food preparation area. At least 2 of these sockets to be above worktop level.

The food preparation/cooking/storage area must comply with the following:

- Floor covering must be hard wearing and washable.
- There must be adequate mechanical ventilation, where practicable.
- Any mechanical ventilation provided to the kitchen area should be via an extract cooker-hood vented to the external air.
- There must be artificial lighting sufficient to carry out normal activities within a kitchen area.
- The kitchen must be adequate in size, and in any case must not be less than 5.5m² and be so arranged to allow safe access and use.
- Kitchen facilities must be suitably located to allow the occupants to adequately store, prepare and cook their food. • Kitchens must not be installed in any hallway, corridor or lobby.

WC AND BATH/SHOWER FACILITIES

4 or less occupiers sharing bathroom/WC facilities:

WC

A WC, **either in its own compartment or within a bathroom** and not being more than one floor distant from each user, should be provided at a ratio of not less than **one WC per four occupiers**, irrespective of age.

Bath/shower

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in a suitable bathroom, not being more than one floor distant from each user, should be provided at a ratio of not less than **one bath or shower per four occupiers**, irrespective of age.

5 or more occupiers sharing bathroom/WC facilities:

WC

A **separate WC in its own compartment must be provided**, not being more than one floor distant from each user, and provided at a ratio of not less than **one WC per five occupiers**, irrespective of age.

(Note: Any WC within a bathroom will not be included for counting purposes as there must be a separate WC compartment)

Bath/shower

A bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in an suitable bath/shower room, not being more than one floor distant from each user, should be provided at a ratio of not less than one bath or shower per five persons, irrespective of age.

Each WC (whether within its own compartment or within a bathroom) must have:

- Adequate ventilation and artificial lighting.
- Adequate size and layout.
- A suitable wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 300 mm high) shall be provided to the wash hand basin.
- An appropriate door which is lockable and ensures privacy for the user.

Each shower room/bathroom must be provided with the following:

- A tiled splashback (minimum 450mm high) to the bath.
- If an over bath shower is provided then the adjacent walls should be fully tiled.
- A fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle.
- Adequate heating, ventilation and artificial lighting.
- A suitable and washable floor covering, sealed at its edges.
- An appropriate door which is lockable and ensures privacy for the user.
- Adequate size and layout with adequate space for drying and dressing.
- Each bath or shower room (excluding shower enclosures) must have a wash hand basin, minimum size 500mm x 600mm, with hot and cold water and a tiled splashback (minimum 300mm high).

WASH HAND BASINS WITHIN BEDROOMS where 5 or more occupiers occupy the HMO

Wash hand basins are required in rooms under The Licensing and Management of Houses in Multiple Occupation Regulations 2006 in licenced properties consisting of 5 or more persons. Where WHB's are not present, the overall amenity provision, provision of shared facilities and whether a kitchenette is already provided within the room will be taken into account.

SPACE HEATING AND HOT WATER

- An adequate means of space heating must be provided in all rooms including bathrooms, taking into account affordability, insulation, ease of use and performance.
- Where space heating and hot water are provided centrally by the landlord, these services should be made available at all times. There must also be the ability to control the level of heating within each room within the flat.

SECURITY

It is necessary that consideration is given to the security of the property and appropriate measures are taken to prevent 'Entry by Intruders' hazards.

Communal Exterior Doors

- Exterior doors to the front and rear should be able to close fully and be capable of resisting bodily pressure and the possibility of slipping the door lock.
- Exterior doors must be fitted with a self-closer with enough force and momentum to ensure that the door closes securely.
- The door and surrounding frame should be of a solid construction.
- Any lock fitted should comply with BS 8621 (2007) for keyless egress.
- Solenoid based, bolt action locks are acceptable and preferred, as they comply with means of escape requirements. They also offer the advantage of requiring less maintenance.
- Where the front door lock is within arm's reach of the letterbox, then either a letterbox cowl or a bottomless cage should be fitted.
- Consideration of the glazing for and surrounding the door should be given. Single glazed panels should be either protected with metal grilles or replaced with laminated glazing or security film.

Flat Entrance Doors

- The door and surrounding frame should be of a solid construction.
- They require an Auto-Deadlocking Nightlatch complying with BS 8621 (2007).
- They require a Mortice lock with thumb turn cylinder complying with BS 8621 (2007), in order to aid escape in the event of a fire.
- The door needs to be fitted with hinge bolts and frame reinforces (eg, London Bar) to resist bodily pressure.
- Door chains and viewers are required.
- Where there are letterboxes to individual flats a letterbox cowl or bottomless cage is required if the lock is within arm's reach of the letterbox.

Bedroom Entrance Doors

Where locks are provided to individual bedrooms they should consist of a Mortice lock with thumb turn cylinder complying with BS 8621 (2007), in order to aid escape in the event of a fire.

Windows

- All windows should have key operated locks with the exception of windows which are complying with fire regulations as part of a means of escape.
- Where windows don't have a lock in order to comply with fire regulations (eg, green button handle locks), then they must be either double glazed units or laminated glazing or fitted with a security film or have a metal grill. The window will also require a security latch.
- Windows for basement, ground floor or 1st floor dwellings that lead directly to a flat roof require restrictors to be fitted.

MEANS OF ESCAPE IN CASE OF FIRE

A flat in multiple occupation (FMO), either in a building converted into flats or a purpose-built block of flats, must be provided with an adequate means of escape in case of fire, fire detection and emergency fire fighting equipment. The actual level of provision will be determined by a risk assessment process having regard to the structure & use of the property and appropriate benchmark guidance documents. Please note that separate fire safety legislation applies to the common areas of the building containing the flat-the Regulatory Reform (Fire Safety) Order 2005 [the FSO]-this is enforced by the Fire Authority. A key part of the FSO is the requirement for a Fire Risk Assessment to be carried out. Before proceeding to design a scheme of fire safety works for your flat you should consult the Fire Risk Assessment for the building.

The level of provision will vary depending on the design and construction of the building and whether it meets current building regulation standards.

In many cases the responsibility for common areas fire safety will lie with the building/block freeholder and managing agent; the FMO owner and manager must co-operate and liaise with them to ensure that an adequate level of overall fire safety is provided for their tenants. In a converted property, it will normally be a requirement for Grade A automatic fire detection in the common parts that will be interlinked into each flat with a heat detector. Common parts fire safety provisions in converted (Section 257) buildings can be found in Westminster's guide to Bedsit and Studios or [LACORS fire safety guidance](#).

For purpose built blocks of flats, landlords should consult with the building freeholder or management to familiarise themselves with the fire safety strategy, which will often be a stay put policy. The flat entrance door will often be the flat owner's responsibility and must be maintained as a fire resisting doorset. The government has produced a guidance document [Fire Safety in purpose-built blocks of flats](#)

Dwelling Fire Safety

Dwelling Layout and Design

The layout and design of the flat must provide a protected escape route from the bedrooms to the flat exit door. In most cases this is by means of a protected entrance hallway comprising fire resisting partitions and internal fire doors. Internal fire doors must provide at least 20 minutes fire resistance. Ideally the layout should be such that the bedroom doors are positioned closer to the exit door than the doors to the risk rooms (kitchen & living room). In no case should an inner room [one entered only via another room] be used for sleeping purposes unless provided with an alternative means of escape.

Flats with a floor more than 4.5M above ground level require additional design considerations. Various design options exist:-

- 1) Limit travel distance within the flat (commonly applied to studios),
- 2) Make the entrance hallway a protected entrance hallway (fire resisting structure),
or
- 3) Provide an alternative exit from all habitable rooms. Where these design options cannot be achieved compensatory additional measures, by extended detection, or by provision of a fire suppression system, will be required.

Where such a flat is a maisonette these requirements cover both entrance and all other levels in the flat. Design options are:-

- 1) Provide an alternative exit from each habitable room that is not on the entrance level,
- 2) Provide a single alternative exit from each level, other than the entrance level, and provide a protected landing and hallway,
- 3) Provide a protected route and install additional automatic detection,
- 4) Provide a protected route and install an automatic fire suppression system.

Please note that 'historic' alternative exits, such as linking balconies and pass doors between flats are no longer acceptable, but should be retained where they exist.

Any lock fitted to a door used as a means of escape [including the bedroom and flat entrance doors] must not require a key to open it from the inside when locked, in order to allow escape in the event of a fire. The provision of a 'thumb turn' release on the inside will be required.

Automatic Fire Detection (AFD) System

Grade D mains powered [with battery backup] AFD system must be provided in each FMO flat. The system should provide Category LD2 coverage, with smoke alarms to the entrance hallway, any internal stairway, and shared living room, together with a heat alarm to the kitchen. All alarms within each flat must be interlinked. Fitting of an optical type smoke alarm in the entrance hallway and any internal stairway is advised.

If the flat is located at second floor level or above [4.5M above ground level] additional detection (smoke alarm) will be required to the letting rooms. In addition [irrespective of floor level] if the structural fire separation to adjoining flats is poor (typically lath & plaster partitions/ceilings) detection will be required to all rooms in the flat, excepting bathrooms & WCs.

Additional detection, or fire suppression systems, will be required if an alternative means of escape is not provided when the storey height requires it.

Care should be taken to ensure that the test/hush buttons of the alarms can be safely operated from floor level-this may be a problem where the alarm is fitted on a high ceiling. The ability to access alarm control buttons is essential, and fitting of remote test/hush controls at low level may be required.

Fire fighting equipment

In the event of a fire residents should evacuate to a place of safety and not to put themselves at risk or delay their evacuation to fight a fire. There will be some circumstances where residents are capable of using either fire blankets or multi-purpose fire extinguishers in the very early stages of a fire and, providing they do not put themselves or others at risk, prevent a fire from developing. The following provisions should be provided within the dwelling:

- A fire blanket, to comply with BS 6575, must be provided in the kitchen
- A 1 litre multi-purpose extinguisher should be sited in the kitchen or hallway. Dry powder extinguishers are not recommended for use in the home therefore a water or foam extinguisher, tested for limited electrical use should be provided in accordance with BS 5306.

Carbon Monoxide

Any room used as sleeping accommodation where there is a gas or solid fuel appliance should be provided with a fixed, mains powered carbon monoxide alarm installed in accordance with BS EN 50292:2013.

It is good practice to provide an alarm in all residential accommodation as the source may be located in an adjacent property.

HMO MANAGEMENT

The Management of HMOs Regulations 2006 apply to FMO's and detail full responsibilities of managers and occupiers. Failure by a manager to comply with the regulations may result in prosecution or Civil Penalty.

Responsibilities of the manager

The manager must ensure that:

- The manager's name, address and any telephone contact number is made available to each household in the HMO and these details must be clearly displayed in a prominent position in the HMO.
- Each letting is in a clean condition at the beginning of any rental period and that the internal structure, fixtures/fittings/appliances, windows and mechanical ventilation are maintained in good repair and clean working order.
- All common parts i.e. staircases, passageways, corridors, halls, lobbies, entrances, balconies and steps are maintained in good and clean decorative repair, in a safe and working condition and kept reasonably clear from obstruction.

- Outbuildings, boundary walls, yards and fences are maintained in repair, clean condition and good order. The garden must be kept in a safe and tidy condition.
- The water supply is constant and not unreasonably interrupted and that the drainage system serving the HMO is maintained in good, clean and working condition.
- Annual gas safety tests are carried out on all gas appliances within the HMO by a Gas Safe registered engineer, and evidence is supplied to support this if requested by the Council.
- The electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing, and evidence is supplied to support this if requested by the Council.
- The gas or electricity supply, used by any occupier within the HMO, is not unreasonably interrupted.
- All means of escape from fire, any automatic fire detection system and fire fighting equipment are maintained in good working order and are kept free from obstruction.
- All reasonable steps are taken to protect the occupiers of the FMO from injury, ensuring structural safety within the FMO, and that windows set close to or at floor level are suitably safeguarded.
- The manager must ensure that sufficient bins or other suitable receptacles are provided for the storage of refuse and litter pending their disposal.

Responsibilities of occupiers

Every occupier must ensure that:

- Reasonable access is provided into their letting in order for the manager to undertake any work required under the Management Regulations.
- Reasonable care is taken to avoid damage to any items which the manager has responsibility to supply, maintain or repair under the Management Regulations.
- Store and dispose of litter in accordance with the arrangements made by the manager under the Management Regulations.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

OTHER MANAGEMENT ISSUES

Furniture and Furnishings (Fire Safety) Regulations 1998 (amended 1989 & 1993)

- Furniture and furnishings supplied in conjunction with the accommodation must comply with specified levels of fire resistance.

Gas Safety (Installation and Use) Regulations 1998 (amended 2018)

- Gas safety inspections and tests must be completed by a Gas Safe registered gas installer/engineer annually. Certificates are required in relation to ALL gas appliances and the gas installation.
- All servicing and repairs are to be carried out by Gas Safe approved contractors.
- Records of annual safety inspections and tests must be made available to the Council for inspection, with a copy supplied to the tenant.

SERVICE CONTACT DETAILS

**Westminster City Council
Public Protection & Licencing
Westminster City Hall
64 Victoria Street
London SW1E 6QP Tel 020 7641 6161**

Email : reh@westminster.gov.uk

Web : <http://www.westminster.gov.uk/services/housing/private/>