Guide to Houses in Multiple Occupation

Self Contained Flats

City of Westminster

Introduction

General Information

The Housing Act 2004 places a duty on the council to inspect and improve houses in multiple occupation (HMO). Officers from the 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)

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 also served, 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.

For a fuller explanation of HHSRS contact the Service, details of which are on Page 12.

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 licensing 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.

HMOs comprising self contained flats

Application of this standard

This standard applies to houses wholly or partly converted into self-contained flats. The individual units are self-contained, where amenities i.e. WCs, washing and cooking facilities

are exclusive to the occupiers of the flat. The occupiers form a single household. Flats comprise more than one room accessed off a lobby or entrance hallway that is exclusive to the unit.

Standard applicable to individual flats within an HMO

Table 1

Number of bedrooms	Maximum number of people
1	2
2	4
3	6
4	7
Other room provision	
Lounge/living area (not permitted as a sleeping room)	

Table 1 states the maximum number of occupiers, irrespective of age, who may sleep in any sleeping room when taking into account the number of sleeping rooms available.

Room sizes for flats occupied by a single household

Table 2

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
Lounge	Adequate for number of occupiers (Min 10 m^2 for 1 bed flat)	0

Table 2 states the maximum number of occupiers, irrespective of age, who may sleep in a bedroom depending on its size.

In calculating the maximum number of occupiers for any flat, both Table 1 and Table 2 need to be applied. For example, where there is 1 bedroom within the letting, the maximum number is 2 (using Table 1), but for 2 occupiers to sleep in that bedroom it must be at least 10.22m^2 in size.

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 bed room.
- 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 x 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).
- Except for cohabiting couples, 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:

- 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 1,000mm x 500 mm) (or alternatively a dual sink) 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 5.5m^2 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.

Sanitary Facilities

WC Facilities

Each flat shall be provided with:

- A WC properly linked to the main drainage system in its own compartment or within a bathroom for exclusive use of occupiers of the flat.

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 300mm high) shall be provided to the wash hand basin.
- An appropriate door which is lockable and ensures privacy for the user.

Bath/Shower facilities

Each flat shall be provided with:

- A minimum of one bath (minimum dimensions 1600mm x 700mm) or shower (minimum dimensions 800mm x 800mm) in an suitable bath/shower room with constant and adequate supply of hot and cold water, and properly connected to the drainage system for exclusive use of occupiers of the flat.

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).

Space heating and hot water

An adequate means of space heating must be provided in all rooms, including the bathroom, taking into account affordability, insulation, ease of use and performance.

Where space heating and hot water are provided centrally under the landlord's control, these services should be made available at all times. There must also be the ability to control the level of heating within the flat.

Living room area

A single family self-contained flat should have a lounge adequate for the occupiers of the flat. Minimum size of 10 sq. M for a one bedroom single household 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 Motice 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 re-inforcers (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.

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 (e.g., 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 first floor dwellings that lead directly to a flat roof require restrictors to be fitted.

Means of escape in case of fire

A flat, whether in a house in multiple occupation or purpose build block, 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 HMOs-the Regulatory Reform (Fire Safety) Order 2005 [the FSO]-this is enforced by the fire & rescue authority. A key part of the FSO is the requirement for a fire risk assessment to be carried out, this has been the case since 2005. Before proceeding to design a scheme of fire safety works you should consult the fire risk assessment for the house or block.

It is strongly recommended that you discuss your proposals for providing an adequate means of fire safety within your property with the Residential Environmental Health Service before contractors are engaged or works carried out; our contact details are on page 12.

Common Areas Fire Safety

Provision of a Protected Escape Route

The protected escape route leads from the flat letting to the street exit through the building, and normally includes staircases, passageways, landings and protected lobbies. Protection is provided by fire doors and partitions with varying degrees of fire resistance. The building regulations benchmark provision is 60 minutes fire resistance for partitions & floors. Purpose build blocks will have been designed to this standard. However, in most existing conversion flat buildings this will not be possible and lesser fire resistance of 30 minutes will be accepted with appropriate automatic fire detection. A partition constructed of lath and plaster, in sound condition, with appropriate automatic fire detection will be deemed to satisfy this requirement. The protected escape route must be kept clear of rubbish, furniture and other stored items.

Stairway Protection

Ideally more than one escape stairway should be provided, although this can rarely be achieved in existing houses; houses with more than four stories are subject to additional provisions and restrictions.

Note that a storey is any floor above and including the ground floor.

Six storey (or more) buildings require more than one escape stairway, the additional stairway may be external. As an alternative a single escape stairway would be acceptable if provided with a secondary upwards means of escape from within the single stairway and lobby protection to the stairway.

Five storey buildings require lobby protection to the single stairway. This may be waived if a secondary upwards means of escape is provided from within the stairway (as for a six storey building above).

Lobby protection is for smoke control purposes, to prevent smoke from a dwelling fire entering the escape stairway. Protected lobbies provide an additional fire resisting self-closing door between the dwelling and the stairway; the lobby partitions must be 30 minute fire resisting.

Stairway partitions, including floors separating stairways from dwellings, must provide at least 30 minutes fire resistance. If it is desired to regard a basement flat as a separate residential premises (and not requiring a linked fire alarm) the flat must not be linked to the ground floor hallway and the separating ceiling/floor partition must meet the Building Regulations 60 minute fire resistance requirement.

Commercial areas of the building should not share the residential escape stairway. The separating partitions, including ceiling/floors where appropriate, should be imperforate and provide 60 minutes fire resistance.

If the separating partitions do not meet these requirements the extension of the common areas fire detection system into the commercial parts of the building is likely to be required. Any door opening from a commercial area onto the residential stairway must provide 60 minutes fire resistance; lobby protection may be required in some cases and is generally

preferable. When considering the provision of lobby protection regard should be had to the fire risk & fire loading of the commercial area together with the practicality of installation.

Fire resistant doors are required to all doors opening onto the protected route. The fire doors must provide at least 30 minutes fire resistance under BS 476 test conditions and must be provided with intumescent fire seals and cold smoke seals. Fire doors must be fitted with an effective self-closing device (except storage cupboards, which should be locked shut).

Any lock fitted to a door used as a means of escape (including the street door) 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. Where such doors are fitted with electronic access controls and/or locks please see Local Government Association 'Fire Safety in Purpose-built Blocks of Flats' guide for recommendations.

Automatic Fire Detection (AFD) System

Provision of any form of AFD system requires specialist advice to design and install the system correctly.

In general terms, for conversion flats, [when combined with the dwelling AFD provision] the installation of a 'mixed grade' system, in accordance with BS 5839 Part 6 will be required.

This type of system is designed to provide the earliest possible warning of a fire within a dwelling [letting] or the common parts whilst minimising instances of false/nuisance alarms affecting more than one dwelling.

In practice, a typical conversion flat property will require: -

- A grade A system providing smoke detection to the protected escape route and to any cupboards in the stairway, together with manual call points. Smoke detectors and call points are normally installed at each landing level. Note that smoke detectors in the stairway should be of the optical type and that multi-sensor detectors that include optical smoke detection are acceptable.
- Installation of heat detectors in individual flat entrance hallways as part of the grade A system
- All detectors that are part of the grade A system are to be wired in circuit so that detection of smoke or heat will automatically activate the alarm throughout the house.
- The system must be regularly inspected and maintained by a competent person as specified in BS 5839.

A typical purpose build block will not require any fire detection system in the common parts, and will operate a 'stay put' fire safety strategy.

Emergency Lighting

Emergency lighting which comes on if mains electricity fails must be fitted to illuminate the protected route and some internal staircases, and must be in compliance with BS 5266. Emergency lighting must also be provided to any external escape route or stairway.

Fire Exit Signs

In most average risk residential buildings fire exit signs will not be required. A possible exception is when there is a choice of direction to exit the building in the event of a fire, and when the escape route is not a normal route from the building. This particularly applies when there is a secondary escape route such as an external staircase or another internal staircase. Signs may have to be illuminated (this is not required where they are adequately lit by emergency lighting).

Signs must comply with BS 5499 and the Health and Safety (Safety Signs & Signals) Regulations 1996.

Fire Fighting Equipment

The provision of emergency fire fighting equipment forms part of the fire risk assessment for the common areas of the house and in most cases provision will not be required. Where present, fire fighting equipment must be selected, installed, and maintained in accordance with BS 5306. The provision of common parts extinguishers will generally only be required in plant rooms, boiler rooms or places of work and are intended for use by trained operatives only.

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.

Automatic Fire Detection (AFD) System

The linked Grade A heat detector provided as part of the common areas system in a conversion flat building will provide no protection against a fire originating within the flat dwelling itself. For this reason, a separate Grade D1 mains powered (with tamper proof battery backup) AFD system must be provided in each flat, whether a conversion or purpose build unit. The system should provide Category LD2 coverage, with smoke alarms to the entrance hallway and any internal stairway, 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. Note that a multi-sensor smoke alarm incorporating optical smoke detection is acceptable

If the flat internal layout is not ideal additional detection (smoke alarm) will be required to the living room. In addition, 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 and 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 suitable for use on electrical fires should be sited in the kitchen or hallway. Dry powder is not recommended for use in the home therefore a 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.

Listed Buildings

Fire protection works within listed buildings requires more specialist consideration and building techniques and you are strongly advised to contact the Listed Building section of the Planning Department before commencement of any works. Contact telephone number 020 7641 2513.

Planning Consent

Compliance with these standards does not confer planning approval for any particular use; contact the Planning Department for further advice. Contact telephone number 020 7641 2513.

Management of HMOs containing self contained flats

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply to buildings fully converted into self-contained flats. For properties partially converted into self-contained flats, the The Management of Houses in Multiple Occupation (England) Regulations 2006 will apply.

Failure by a HMO manager to comply with the regulations may result in prosecution or a Civil Penalty of up to £30,000 for each regulation breach.

The Manager must keep in repair, clean condition and proper working order:

- Baths, sinks, toilets, water tanks, taps, pipes and drains – everything to do with water supply and drainage.
- Everything in the common parts stairs etc.– especially banisters and handrails and the entrance door, steps and porch. The decorations and carpets must also be in good repair.
- Electricity and gas supply and the lighting, heating and water heating.
- Kitchens and bathrooms in common use and everything in them.
- The tenants accommodation including heating, hot water and the bathroom.
- Windows and ventilation systems (the extract fans).

  The means of escape, AFD system and other fire precautions.
- The front and rear yards, outbuildings, fences etc. In common use. The garden has to be in reasonable condition.

The Manager must also:

- Make proper arrangements for storage and disposal of rubbish.
- Display the Managers name, address and telephone number.

Furniture and furnishings (Fire Safety Regulations 1998, amended 1989 and 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

Address:

Westminster City Council
Public Protection & Licensing
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Tel: 020 7641 6161

Email: HMO@westminster.gov.uk

Web: https://www.westminster.gov.uk/houses-multiple-occupation