



**Wigan**♥  
**Council**

# Houses in Multiple Occupation (HMO) Licensing

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Standards For HMO

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# **Standards For Houses in Multiple Occupation (HMO)**

## **1. Introduction**

This handbook is intended to offer guidance to landlords on the physical standards that are required for Houses in multiple occupation (HMO) within the Borough. This includes minimum room sizes, bathroom and kitchen facilities and fire safety provision. This applies to all properties that qualify as three individuals constituting two or more separate households' main residences, making a property a HMO residence.

Where works are required to ensure that a HMO meets the standards detailed within this document, the landlord should in the first instance, discuss this with the Housing Standards Team.

Landlords should also satisfy themselves that where necessary, where any works are to be carried to the house, the licence holder must ensure the appropriate consent from Building Control at Wigan Council is obtained prior to works commencing.

### **1.1 Housing Act 2004**

The Housing Act 2004 has had a significant impact on the private rented sector (PRS) and most notably, HMOs.

### **1.2 Definition of a HMO**

The definition of a HMO is found in Part 7 of the Housing Act 2004.

**To be defined as a HMO, a building, or part thereof, must fall within one of the following categories:**

- A building or flat in which three people from two or more households share a basic amenity, such as bathroom, toilet or cooking facilities: this is known as the 'standard test' or the 'self-contained flat test'.
- A building that has been converted and does not entirely comprise of self-contained flats: this is known as the 'converted building test'.
- A building that is declared a HMO by the local authority.
- A converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied: this is known as a section 257 HMO.

## **These Section 254 HMO tests are explained in detail below:**

### **1. Standard test for HMOs**

A building is a HMO under the standard test if the:

- Occupants share one or more of the basic amenities (defined as a toilet, personal washing facilities and cooking facilities) or the accommodation lacks one or more of these amenities.
- Building does not entirely consist of self-contained flats (it may, however, comprise some self-contained units)
- Building is occupied by at least three people who constitute more than one household.
- Building is the occupants' main residence (or should be treated as such)
- Occupation constitutes the only use of the accommodation, and
- Rents are payable, or some other form of consideration, for at least one person's occupation.

#### ***This test applies to the most common type of HMO.***

It applies to shared houses (shared by more than one household such as students) and purpose-built bedsit accommodation. It may also apply to a hostel if the accommodation does not entirely comprise of self-contained units.

### **2. Self-contained flat test** - The criteria to meet the self-contained flat test are the same as the standard test, except that they apply to an individual flat that is in multiple occupation.

A unit of accommodation is self-contained if it is a separate set of premises, and all three basic amenities are available for the exclusive use of its occupants.

If a building comprises both self-contained and non-self-contained accommodation and there is some sharing of facilities, then the standard test applies.

### **3. Converted building test**

#### **The converted building test is met where:**

- A building or part of a building consists of living accommodation and has been converted, where one or more of the units of accommodation have been created since the building was originally constructed.
- It contains at least one unit of accommodation that is not a self-contained flat (there may be some self-contained flats).
- The accommodation is occupied by three or more persons who do not form a single household.

- The accommodation is the occupants' main or only residence (or should be treated as such).
- Occupation as living accommodation constitutes the only use of that accommodation.
- Rents are payable.
- This test would apply, for example, in the case of a house converted to bedsits, where bathrooms and/or toilets are shared. This test would apply, for example, in the case of a house converted to bedsits, where bathrooms and/or toilets are

### **1.3 Mandatory HMO licensing**

A HMO is subject to Mandatory HMO Licensing if it contains five or more occupants comprising two or more households.

### **1.4 Housing Health and Safety Rating System (HHSRS)**

The local authority assesses unsatisfactory housing conditions through a risk-based system called the HHSRS.

The system considers 29 different hazards. Where an inspecting officer considers that a hazard exists within a dwelling, a scoring system is used to determine the severity of the hazard. The action taken to remedy the hazard will depend on its severity and could include service of improvement notices, prohibition orders or undertaking emergency remedial action.

A proposed Section 239 Power of Entry Notice under the Housing Act 2004 serves as a mandatory warning to all interested parties of a residence, allowing an officer from a local authority to perform an inspection under the Housing Act 2004 utilising HHSRS.

HMO properties that meet the physical standards detailed within this document will satisfy HHSRS requirements for the relevant HHSRS hazard; however, it should be noted that HHSRS applies to all dwellings and the scope of HHSRS is broader than the standards detailed within this guide.

**Further information regarding the HHSRS can be found:**

<https://assets.publishing.service.gov.uk/media/5a799834ed915d0422069a0a/150940.pdf>

All HMOs are subject to management regulations. These are a set of statutory requirements that HMO managers must comply with, regardless of whether the HMO needs a licence or not. Failure to comply with the regulations may result in prosecution or a civil penalty up to £30,000 for each breach of regulations.

In determining general standards for licensable HMOs, the local authority must also have regard to “The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006”.

This document gives the standards reasonably expected in a typical HMO. The specific requirements may change following an inspection of the property or advice from an Officer.

## 2.1 Minimum room sizes for accommodation

Table 1 - Minimum Floor Area of Sleeping Accommodation.

<b>Table 1 – Minimum Floor Area of Sleeping Accommodation</b>			
<b>Bedroom Usage</b>	<b>Number of Persons</b>		
	<b>1 (under 10 years)</b>	<b>1</b>	<b>2</b>
<b>Sleeping Only</b> (additional kitchen and living area <u>must</u> be provided)	4.64 m <sup>2</sup>	6.51 m <sup>2</sup>	10.22 m <sup>2</sup>
<b>“Mixed use” – Sleeping and Living Space</b> (additional kitchen area <u>must</u> be provided)	-	9.00 m <sup>2</sup>	14.00 m <sup>2</sup>
<b>“Mixed use” – Sleeping, Living and Cooking</b> Single room unit comprising bedroom, living and kitchen space	-	13.00 m <sup>2</sup>	18.00 m <sup>2</sup>



## 2.2 Minimum sizes of other shared rooms where the Kitchen, Dining Room and Living rooms are all separate

Table 2 - Minimum Floor Area for Kitchens and Shared Living Accommodation

Table 2 – Minimum Floor Area for Kitchens and Shared Living Accommodation				
Room Usage	Number of Persons			
	1 – 5	6 – 10	11-15	16+
<b>Kitchen Only</b> Shared kitchens are high-use areas. An additional fully equipped kitchen shall be provided for every 10 people, or part thereof.	7.0 m <sup>2</sup>	10.00 m <sup>2</sup>	13.5 m <sup>2</sup>	16.5 m <sup>2</sup>
<b>Living Room / Dining Room Only</b> A shared living room is acceptable as a dining room and vice versa, provided minimum space requirements are met. Adequate space should be available for the majority of occupants to sit and eat a meal alongside other activities, such as sitting watching TV etc.	11.00 m <sup>2</sup>	16.5 m <sup>2</sup>	21.00 m <sup>2</sup>	24.00 m <sup>2</sup>
<b>Combined – Kitchen and Lounge or Diner Room</b> Kitchens used as a combined kitchen-lounge or kitchen-diner must have sufficient space for the majority of the intended number of users to sit and eat a meal without impinging on the work area of the kitchen.	11.00 m <sup>2</sup>	19.5 m <sup>2</sup>	24.00 m <sup>2</sup>	29.00 m <sup>2</sup>

If there is no communal Living Room (i.e. Living room which is in addition to the Kitchen, Dining or Kitchen/Dining room) each bedroom must be a minimum of 9 m<sup>2</sup>. For bedrooms at the minimum 6.51 m<sup>2</sup> and below 9 m<sup>2</sup>, there is a requirement for a separate Living room plus Kitchen, Dining or Kitchen/Dining space that meets the minimum room sizes as prescribed above. Where bedrooms fall below 9m<sup>2</sup>, the extra living space required must be found within a communal room within the dwelling.

## **2.3 Measurement of the area of the room**

To ensure the floor area of a room is of an adequate size it must be measured in the following manner:

- (i) Where a room has a sloping roof or ceiling, and this reduces the height of the room to less than 1.5m this area should not be included when calculating the floor space.
- (ii) Subject to any exclusion under (i) measurement of the floor area should include any floor space formed by a bay window extension, or any area at floor level, which is occupied by fixed cupboards.
- (iii) Subject to any exclusion under (i) measurement of the floor area should exclude any floor space formed by a projecting chimney breast.
- (iv) All measurements of the floor area should be made at floor level, and subject to (i) and (ii), shall extend to the back of all projected skirting.
- (v) Subject to any exclusion under (i) where the space immediately behind the door is no wider than the door itself, this will be considered an unusable space and will be excluded from the measurement of the floor area of the room. If this space is considerably wider than the door itself, e.g. wide enough to place a wardrobe without a reduction of the circulation space, this space can be included.

## **3. Amenity standards**

### **General requirements**

All facilities for hygiene should be located within proper rooms or compartments. External water closets will not be acceptable in regard to the amenity ratio requirements.

All bath/shower rooms and any separate water closet (WC) compartments should have a suitable layout and be of a sufficient size to include adequate drying and changing space. Wall finishes and flooring should be readily cleansable, the flooring well-fitted and non-absorbent, and a suitable lock provided to the door of each bath or shower room and WC. There should be no glazing to the door.

All such rooms must be adequately heated, ventilated and have suitable and adequate means of artificial lighting.

All facilities provided for personal hygiene must be of a suitable size, design and must be readily cleansable.

All baths, showers and wash hand basins (WHB) should be properly connected to a soil drainage system and should be provided with adequate and constantly available hot and cold water supplied via suitable fittings.

Kitchens must be of a suitable size with a safe, cleansable, and efficient layout. All facilities and equipment must be fit for purpose. Wall finishes and flooring should be readily cleansable, the flooring well-fitted and non-absorbent.

All gas and electrical meters (and boilers) must be in a communal area or a room that is accessible at all times. In properties above or below commercial premises, the HMO must have a separate supply for gas and electric. A shared supply and meters are not acceptable.

### **3.1 Requirements when facilities are shared usage**

#### **Bathroom facilities & personal hygiene**

- Where there are four or less occupiers sharing bathing and toilet facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom)
- Where there are 5 or more occupiers sharing bathing and toilet facilities there must be
  - i) one separate toilet with WHB with appropriate splash back for every five sharing occupiers; and
  - ii) at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

Amenity ratio will be 1:5, however for every 5<sup>th</sup> person the WC must be separate from the bath or shower room. Separate WC must have a WHB with appropriate splash back contained within the unit. Where there are 4 or less occupants sharing, there must be at least one bathroom with a bath/shower and a toilet with WHB.

The below table provides examples of how the requirement may be met:

*Table 3 - The below table provides examples of requirements when facilities are shared.*

<b>Number of persons sharing</b>	<b>Shower or Bath</b>	<b>WHB and WC</b>	<b>WHB and WC must be separate from existing bath or shower room</b>
<b>5</b>	1	0	1
<b>6-9</b>	2	2	
<b>10</b>	2	1	1
<b>11-14</b>	3	3	
<b>15</b>	3	2	1
<b>16-19</b>	4	4	
<b>20</b>	4	3	1

### **3.2 Personal Washing Facilities**

- Where there is exclusive use of facilities for personal hygiene, there must be a bath or shower, a WC and a WHB.
- No unit of accommodation shall be more than one floor distance from a WC.
- All baths, showers and wash hand basins in a HMO must be equipped with taps providing an adequate supply of cold and constant hot water
- All bathrooms must be suitably and adequately heated and ventilated.
- All toilets and wash hand basins must be fit for purpose.
- Baths and showers must have appropriate splashback.
- Showers must have impervious surround – either a cubicle or tiled walls and a screen
- The walls and floor covering of any bathroom or shower room must be non-absorbent and capable of being readily cleansed.
- A suitable lock must be provided to all bath/shower rooms and WC.
- WC's must have a WHB contained within the same unit.
- All baths, showers, WC and WHB should be properly connected to a soil drainage system.

### **3.3 Kitchen facilities**

Adequate kitchen facilities should be provided to allow the storage, preparation and cooking of food in a safe and hygienic manner.

#### **General requirements for all kitchens**

You must provide adequate facilities for storage and disposal of refuse and outline your tenant's responsibilities.

All kitchens must have adequate ventilation and artificial lighting.

Four double electric power sockets suitably positioned at least 150mm above the work surface is required, plus one per each additional major appliance (i.e. fridge and a washing machine).

If kitchens do not have a suitable dining area, you must provide this facility within one floor distance of the kitchen.

In no circumstances shall kitchen facilities be installed within a staircase enclosure.

All kitchens regardless of let style, must be fitted with a 30-minute protection fire door, which has intumescent strips and cold smoke seals to both sides and the top of the door or door frame, and a self-closing device.

Hostels – Where meals are provided then the premises must be registered as a commercial food premises with the Environmental Health team and comply with the Food Safety (General Food Hygiene) Regulations 1995. In the event that not all meals are provided then a separate kitchen/s must be available incorporating the standards outlined in the table above.

Each kitchen should be equipped with the following equipment, which should be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities.

### 3.4 Requirements when facilities are shared use

Table 4 - Requirements when facilities are shared use

Appliance / Equipment	Information / Minimum requirements
<b>Sinks</b>	<ul style="list-style-type: none"> <li>• Provided at a ratio of 1 sink for every 5 people sharing the kitchen (a dishwasher will be acceptable as a second sink)</li> <li>• Appropriate splash back.</li> <li>• Provide constant hot and cold water.</li> <li>• Suitable draining area.</li> </ul>
<b>Cookers</b>	<ul style="list-style-type: none"> <li>• A standard cooker, with minimum of 4 rings, shall be provided at a ratio of 1 for every 5 people sharing the kitchen (or part thereof).</li> <li>• A 27-litre microwave with oven and grill will be acceptable as a second cooker.</li> </ul>
<b>Worktop</b>	<ul style="list-style-type: none"> <li>• Suitably sized smooth impervious work surface.</li> <li>• A suitable work surface must be provided a minimum of 500mm deep and a minimum length of 1100mm for the first person plus 500mm per additional person.</li> </ul>
<b>Storage</b>	<ul style="list-style-type: none"> <li>• Dry goods storage cupboard other than a sink base unit per occupier in the shared kitchen.</li> <li>• Food cupboards shall be a minimum of 1x 500mm wide base unit or wall cupboard per person.</li> </ul>
<b>Refrigerators</b>	<ul style="list-style-type: none"> <li>• Refrigerator(s) with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers).</li> <li>• Fridge space shall be a minimum 30 litres of space per person in addition to the freezer compartment. Where practicable, each occupier shall be provided with their own fridge shelf.</li> </ul>
<b>Ventilation</b>	<ul style="list-style-type: none"> <li>• Intermittent mechanical ventilation which ventilates to the outside air at a minimum extraction rate of 60 litres per second. Alternate methods of meeting requirement F(1)1 of Building Regulations 2010 - Approved Document F may be accepted.</li> </ul>
<b>Sockets</b>	<ul style="list-style-type: none"> <li>• Four double electric power sockets suitably positioned at least 150mm above the work surface is required, plus one per each additional major appliance (i.e. fridge and a washing machine).</li> </ul>
<b>Waste</b>	<ul style="list-style-type: none"> <li>• Appropriate storage for internal waste.</li> </ul>

### 3.5 Requirements when facilities are exclusive use

Table 5 - Requirements when facilities are exclusive use

Appliance / Equipment	Information / Minimum requirements
<b>Sinks</b>	<ul style="list-style-type: none"> <li>• Provide constant hot and cold water.</li> <li>• Suitable draining area.</li> <li>• Appropriate splash back.</li> </ul>
<b>Cookers</b>	<ul style="list-style-type: none"> <li>• 4 ring fixed hob.</li> <li>• Oven and separate grill.</li> </ul> <p><b>{OR}</b></p> <ul style="list-style-type: none"> <li>• 2 ring fixed hob.</li> <li>• Oven and grill combined.</li> <li>• Microwave.</li> </ul>
<b>Worktop</b>	<ul style="list-style-type: none"> <li>• Suitably sized smooth impervious work surface.</li> <li>• A suitable work surface must be provided a minimum of 500mm deep and a minimum length of 1100mm.</li> </ul>
<b>Storage</b>	<ul style="list-style-type: none"> <li>• Dry goods storage cupboard other than a sink base unit.</li> <li>• Food cupboards shall be a minimum of one 500mm wide base unit or wall cupboard.</li> </ul>
<b>Refrigerators</b>	<ul style="list-style-type: none"> <li>• Refrigerator with a freezer compartment.</li> </ul>
<b>Ventilation</b>	<ul style="list-style-type: none"> <li>• Intermittent mechanical ventilation which ventilates to the outside air at a minimum extraction rate of 60 litres per second. Alternate methods of meeting requirement F(1)1 of Building Regulations 2010 - Approved Document F may be accepted.</li> </ul>
<b>Sockets</b>	<ul style="list-style-type: none"> <li>• Two double electric power sockets suitably positioned at least 150mm above the work surface is required, plus one per each additional major appliance (i.e. fridge and a washing machine).</li> </ul>
<b>Waste</b>	<ul style="list-style-type: none"> <li>• Appropriate storage for internal waste.</li> </ul>

## 4. Space heating and insulation

A satisfactory heating system and thermal insulation must be provided to avoid excess cold.

The heating system must be:

- A fixed installation which is controllable and accessible by all tenants.
- Serviced/inspected in accordance with manufacturer's instructions.
- Properly and professionally installed.
- Capable of heating all habitable parts of the building and/or individual rooms.

When the external temperature is  $-1^{\circ}\text{C}$  the dwelling should be able to achieve and maintain the following:

- Reception rooms:  $21^{\circ}\text{C}$
- Kitchens large enough to also accommodate dining space:  $21^{\circ}\text{C}$
- Bedrooms:  $18^{\circ}\text{C}$
- Bathrooms:  $22^{\circ}\text{C}$
- Hallways:  $19^{\circ}\text{C}$

Liquid Petroleum Gas (LPG) and paraffin heaters are not acceptable under any circumstances.

**Download the Chartered Institute of Environmental Health guidance on preventing excess cold in dwellings: [cieh-excess-cold-enforcement-guidance.pdf](#)**



## 5. Fire Safety Precautions

Download the Local Authorities Coordinator of Regulatory Services (LACORS) fire safety guidance leaflet from the Chartered Institute of Environmental Health website: [guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf](https://www.cieh.org/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf) (cieh.org)

### **Shared House HMO**

For the purposes of this guidance, shared houses are described as HMOs where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. Each occupant normally has their own bedroom, but they share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. All the tenants will have exclusive legal possession and control of all parts of the house, including all the bedrooms. There is normally a significant degree of social interaction between the occupants, and they will, in the main, have rented out the house as one group. There is a **single joint tenancy agreement**. In summary, the group will possess many of the characteristics of a single-family household, although the property is still technically a HMO as the occupants are not all related.

### **Bedsit type HMO**

These are HMOs which have been converted into a number of separate non-self-contained bedsit lettings or floor-by-floor lets. Typically there will be individual cooking facilities within each bedsit, but alternatively there may be shared cooking facilities or a mixture of the two. Toilets and bathing/washing facilities will mostly be shared. Each bedsit or letting will be let to separate individuals who will live independently, with little or no communal living between tenants. **Each letting will have its own individual tenancy agreement** and there will usually be a lock on each individual letting door.

	Building Height: 1-2 Storeys	Building Height: 3 – 4 Storeys
<b>Automatic Fire Detection</b>	<p>Grade D: LD2 Detection System, comprising:</p> <ul style="list-style-type: none"> <li>• Interlinked mains-powered heat detector with tamper-proof battery-back up supply in communal kitchen(s).</li> <li>• Interlinked mains-powered smoke detectors with tamper-proof battery-back up supply in each hallway, landing, lounge and all bedrooms.</li> </ul> <p>Where a kitchen is located within a unit of accommodation to that room provide:</p> <ul style="list-style-type: none"> <li>• Grade D mains-powered heat detector with tamper-proof battery-back up supply, inter-linked into the building's main fire alarm system; and</li> <li>• Grade D mains-powered stand-a-lone smoke alarm with tamper-proof battery-back up supply.</li> </ul>	<p>Grade A: LD2 Detection System, comprising:</p> <ul style="list-style-type: none"> <li>• Interlinked heat detector in communal kitchen(s).</li> <li>• Interlinked smoke detectors in each hallway, landing, lounge and all bedrooms.</li> <li>• Manual call points adjacent to final exits and on each landing</li> </ul> <p>Where a kitchen is located within a unit of accommodation to that room provide:</p> <ul style="list-style-type: none"> <li>• Grade D mains-powered heat detector with tamper-proof battery-back up supply, inter-linked into the building's main fire alarm system; and</li> <li>• Grade D mains-powered stand-a-lone smoke alarm with tamper-proof battery-back up supply.</li> </ul>
<b>Protected Route</b>	30-minute protected route. Escape route should not pass through risk rooms (i.e. kitchen, lounge or dining room). Walls floors and ceilings to be of sound, conventional construction. All final exit doors shall have door locks of a type that allows emergency exit without the use of a key or code.	
<b>Fire Doors</b>	<p>FD30S rated door sets (tested to BS EN 1634-1: 2014) on all exits onto the protected route, installed and maintained in accordance with BS 8214:2016. Fire doors shall be installed by a competent person with the necessary knowledge, qualifications, training and experience to be able to implement fire safety measures.</p> <ul style="list-style-type: none"> <li>• Door leaf to be hung on three grade 11 or 13 steel hinges with flush steel screws. (Hinges to offer 30 minutes fire resistance when tested to BS 476 Part 22, 1987/BS EN 1634-1: 2014). An intumescent gasket shall be installed between the hinge and door frame.</li> <li>• The door shall be close fitting. Gaps between the door leaf and door frame shall be between 2mm and 4mm in width. The gap between the door leaf and floor surface shall be a maximum of 3mm. Doors to be installed in accordance with manufacturer's instructions.</li> <li>• Incorporate an intumescent heat seal and cold smoke seal to the top and both sides of the door or frame.</li> <li>• Be fitted with a self-closing device that complies with BS EN 1154: 1997 (e.g. an overhead hydraulically operated closing device) which allows the door to close fully within the frame when left unattended. Perco chains, gate springs and rising butt hinges are not acceptable.</li> <li>• Any lock(s) provided shall be of a type that allows emergency exit from the room without the use of a key or code.</li> </ul>	
<b>Fire Fighting Equipment</b>	<ul style="list-style-type: none"> <li>• Multi-purpose fire extinguisher shall only be provided if deemed necessary in the Fire Risk Assessment. Extinguishers must be tested and maintained on an annual basis in accordance with BS 5306-3 and with the manufacturer's instructions.</li> <li>• Fire blanket tested to BS EN 1869:2019 to be provided in each shared kitchen (and bedroom where cooking facilities are provided). Fire blankets to be mounted on the wall approximately 1.5m high and closer to the room exit than the cooking facility.</li> </ul>	
<b>Emergency Lighting</b>	Emergency escape lighting required if route is long or complex or no effective borrowed light. Conventional artificial light required. Any emergency escape lighting present must be serviced and maintained in accordance with BS 5266-8: 2004 (BS EN 50172: 2004).	
<b>Signage</b>	Signage to fire doors and along the escape route if route is complex.	

Table 6 - Fire Safety Precautions

## **6. Gas Safety (Installation and Use) Regulations 1998**

You are legally responsible for ensuring that gas appliances are safe and well maintained by a Gas Safe registered engineer. The Gas Safety (Installation & Use) Regulations 1998 require you to:

- a) Ensure each gas appliance is serviced annually by a Gas Safe registered engineer and you must always have a current Gas Safety Certificate.
- b) Keep records for a minimum of two years of all inspection dates, any defects and details of action taken to remedy any defects.
- c) Provide copies of gas safety certificates to existing tenants within 28 days of the safety check being completed.
- d) New tenants must be given a copy of the record before they move in
- e) Copies of the above records must be available to authorised officers upon request

## **7. Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022**

Install working Carbon Monoxide detection in line with guidance stated in Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for landlords and tenants.

## **8. Minimum Energy Efficiency Standards (MEES)**

Since 1st April 2020 all domestic private rented properties must have an Energy Performance Certificate (EPC) of at least band E. An EPC rating of a property is not all that's required - adequate heating and insulation must also be provided.

Landlords with properties that have an EPC rating of F or G cannot create or renew a tenancy until the property is improved. Non-compliance with Minimum Energy Efficiency Standards (MEES) can lead to a penalty of up to £5,000. If you are the owner of a property with an EPC rating of F or G which has an exemption, you are required to register the following information onto the PRS Exemptions Register: The Energy Performance Certificate that was valid at the time that the property was let to the current tenants.

All HMOs are required to submit a copy of their EPC rating as part of their new or renewal licence application.

For further information, please visit:

<https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance#registering-an-exemption>

## **9. Evidence requirements for a mandatory HMO licence.**

A Mandatory HMO Licence includes a number of conditions that the licence holder will have to adhere to. The licence conditions include a number of requirements and a number of these require the licence holder to produce to a number of documents to Wigan Councils' Housing Standards Team, and these include:

- A Fire Detection and Alarm System Certificate (in accordance with BS 5839-6) obtained in respect of the house within the last 12 months. This must be submitted on an annual basis.
- A Fire Risk Assessment completed by a competent and suitably qualified person.
- A Gas Safety Certificate for all gas appliances located within the property in accordance with Gas safety (installation and use) regulations 1998. This certificate must be conducted by a Gas Safety registered engineer and serviced annually. To which the licence holder must always have a current Gas Safety Certificate
- An Electrical Installation Condition Report for the whole of the electrical installation in accordance with current IEE wiring regulations. The report must be provided by a suitably trained, experienced and competent person i.e. NICEIC or ECA member, prior to the licence being issued and/or renewed. The Electrical Safety Standards place a duty on Landlords to ensure that the electrical installation in the property is inspected and tested at regular intervals, of no more than 5 years, by a qualified person.
- If the property is provided on a furnished basis including electrical appliances, the Licence Holder must produce a portable appliance test (PAT) certificate.
- Emergency lighting periodic inspection and testing certificate. Emergency lighting testing must be performed to ensure that the lights in the dwelling function effectively and safely. They are essential for health and safety and should illuminate fire escape routes. All HMO properties must have an emergency lighting test performed if it has been installed within the property and should be serviced annually in accordance with BS 5266-1
- Fire extinguisher maintenance certificate. Fire extinguishers should comply with BS EN 3-7 and be maintained in accordance with BS 5306-3. If fire extinguishers are located within the property, an annual service is required in accordance with BS 5036-3. To which the licence holder must always have a current copy of.
- The Energy Performance Certificate (EPC)
- A copy of an official tenancy agreement that has been used.
- A Building Regulation Certificate is requested if you need building regulations approval to check when undergoing work which has to be structurally safe, provides proper access and facilities, and meets certain energy efficiency standards. This is only necessary if applicable.

- HMO floorplan, demonstrating the present layout and how the rooms are utilised; it may be created by hand and does not have to be drawn to scale; nonetheless, it must be clear, readable, and generally proportional. The layout must demonstrate the difference in floor levels, location of stairs and must incorporate all current fire safety procedures at the property, such as a fire blanket, heat and smoke detectors, fire doors, fire escape windows, and a carbon monoxide detector. Additionally providing the sizes of the rooms (m<sup>2</sup>), excluding hallways, WCs, and baths, as well as the uses of each room, such as labelling kitchen, bedroom, and WC. Bedrooms must be labelled with a reference number.
- DBS certification for the licence holder and managing agency/proposed manager instructed on behalf of the licence holder along with a form of photo identification (passport/driving licence) for both responsible persons.

## **10. Anti-social behaviour**

Anti-social behavior (ASB) covers a wide range of problems and includes any behavior that is capable of causing nuisance or annoyance to an individual(s) or the wider community. This type of behavior can include:

- Harassment and intimidating behavior
- Hate crime, for example racist or homophobic abuse.
- Behavior that creates alarm and fear.
- Noisy neighbors and loud parties.
- Problems associated with people supplying, dealing or using drugs.
- People acting in a manner which is likely to cause distress or nuisance to others, due to the consumption of alcohol.
- Vandalism, graffiti and other deliberate damage to property.
- Rubbish or litter lying around, abandoned cars etc.

Landlords have a duty to take reasonable steps to ensure that tenants and their visitors are not causing problems within the boundaries of the property through anti-social behavior. Your responsibilities are outlined within the licence conditions.

The licence holder should give the tenant(s) a written warning and contact other agencies, such as the Police, for advice and help to stop the problems. Following that course of action if there are still no improvements, or if the tenant(s) behavior is so serious that there would be little point in invoking the previous steps, then landlord should take enforcement action, including possession proceedings.

## 11. Further Information

Please Note: All electrical work is to comply with BS 7671: 2018 (18<sup>th</sup> Edition of the IET Wiring Regulations) and be completed by an authorised competent person registered under the self-certification scheme to comply with Part P of the Building Regulations.

All gas work should be completed by an approved gas safe registered engineer, and a valid gas safety certificate provided.

In addition to evidence requirements the Licence Holder must ensure that he is familiar and compliant with the requirements of the HMO Management Regulations:

**Download The Management of Houses in Multiple Occupation (England) Regulations 2006, Statutory Instrument No. 372 : [Microsoft Word - uksi\\_20060372\\_en.doc \(legislation.gov.uk\)](#)**

**Download The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 : [Microsoft Word - uksi\\_20071903\\_en.doc \(legislation.gov.uk\)](#)**

**For further information or questions regarding the standards, please contact us using the following details:**

- **Email:** [HMO@wigan.gov.uk](mailto:HMO@wigan.gov.uk)
- **Telephone:** 01942 489204
- **Address:** Wigan Council, Housing Strategy, Regulation and Improvement, PO Box 100, Wigan, WN1 3DS

## 12. Accessible Formats

For copies of this policy in alternative or accessible formats, please contact the email address [HMO@wigan.gov.uk](mailto:HMO@wigan.gov.uk) or call on **01942 489204**.