

# Wigan Council: Houses in Multiple Occupation (HMO) Guidance, Space & Amenity Standards

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# Wigan Council: Standards for Houses in Multiple Occupation

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## 1. What is a House in Multiple Occupation?

The Housing Act 2004 introduced a new definition of a House in Multiple Occupation (HMO).

For a building, or part of a building, to form a HMO it must fall within one of the tests set out in Section 254 of the Housing Act 2004. For simplicity, we have summarised below the types of property that would be considered to be a HMO.

- An entire house (or flat) which is let to three, or more people, who form 2, or more households, and who share a basic amenity e.g. a bathroom, toilet or cooking facilities.
- A house which has been converted entirely into bedsits, or other non-self contained accommodation, and is let to three, or more, people who form 2, or more, households and who share a basic amenity e.g. a bathroom, toilet or cooking facilities.
- A converted house which contained one, or more flats, which are not wholly self-contained (i.e. the flat does not contain within it a kitchen, bathroom or toilet) and which is occupied by three or more tenants who form 2 or more households.
- A building which is converted entirely into self-contained flats and the standard of the conversion does not meet the standards of the 1991 Building Regulations, and more than one third of the flats are let on short-term tenancies.

As a general rule for a building to be a HMO it must be used as the tenant's only or main residence, or they are treated as so occupying it (i.e. properties let to students and migrant workers will be treated as their only or main residence and the same applies to properties used as domestic refuges); and rents must be payable, or some other consideration is to be provided, in respect of one of the tenants.

## 2. Licensing of Houses in Multiple Occupation

### Which HMOs must be Licenced?

Mandatory HMO licensing applies to all HMOs which are occupied by five or more persons who together do not all form a single household.

### How do I apply for a HMO Licence?

For Licensable HMOs in Wigan you should obtain an application from Wigan Council.

### Who should apply?

Normally the landlord(s) should apply for the licence, but the council will also accept an application from any person (e.g. a Managing Agent).

The applicant is required to notify all of the following “relevant persons” that they have submitted an application:

- The landlord (unless they are the applicant).
- Any other owner(s) of the premises to which the application relates.
- Any Leaseholder(s) of any part of the premises to which the application relates (unless they are the applicant) other than a tenant under a lease with an unexpired term of three years or less.
- Any mortgagee.
- The proposed licence holder (unless they are the applicant).
- The proposed managing agent, if any (unless the agent is the applicant); and
- Any person who has agreed to be bound by any conditions in a licence, if granted.

The applicant will be required to certify that they have notified the relevant persons and will be asked to provide the council with their contact details.

### Who will be the HMO Licence Holder?

The council must be satisfied that the proposed licence holder is the most appropriate person to hold the licence. This is the ‘person having control’ of the property and who receives the rack rent whether on his own account or an agent or trustee of another person.

This may often be the landlord, or their managing agent to whom the rent is paid and who has authority, from the owner, to effectively manage the property. They will be the person who can authorise, organize and pay for works or essential repairs. They must be reasonably available for tenants to contact in case of problems and have the means to resolve issues arising. They will also be liable for any breaches of the licence.

If the proposed licence holder is not considered suitable to hold the licence (e.g. because they are not fit and proper, or the management arrangements are inadequate) the council can agree that the licence be held by someone more appropriate, such as a managing agent.

### Will I have to pay a fee for a licence and how much does it cost?

You will be required to pay a licence fee and you should look at the council’s website for more information on the current fee.

## **What will the council take into account in deciding whether or not to grant a licence for an HMO?**

The council must look at the following factors:

- The suitability of the HMO for the number of occupiers.
- The suitability of the facilities within the HMO, such as toilets, bathrooms and cooking facilities.
- The suitability of the landlord and/or the managing agent to manage the HMO (This is called the “fit and proper” test and is mainly concerned with whether the landlord or manager has any relevant convictions or has acted in a way that would indicate they are unsuitable to manage this type of residential accommodation.); and
- The general suitability of managing arrangements.

## **Are HMO Licences transferable?**

No, licences are not transferable.

When the licence holder of an HMO either sells the HMO or ceases to be the most appropriate person to hold the licence, the new manager will need to apply for a new licence. In addition, persons controlling or managing several HMOs must have a separate licence for each building.

### 3. Housing Conditions Applicable to all HMOs

#### Housing Health And Safety Rating System

The Housing Act 2004 introduced The Housing Health and Safety Rating System (HHSRS). It is used to identify and assess if hazards in residential accommodation could be a risk to an occupants health or safety.

As a standard the council would expect the HMO to be free from serious hazards.

The HHSRS consists of 29 different hazards including:

1. Damp and mould growth
2. Excess Cold
3. Excess Heat
4. Asbestos and Manufacture Mineral Fibres – MMF
5. Biocides
6. Carbon monoxide and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds
11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise
15. Domestic hygiene, pests and refuse
16. Food Safety
17. Personal hygiene, sanitation and drainage
18. Water supply for domestic purposes
19. Falls associated with baths etc.
20. Falls on the level
21. Falls associated with stairs and steps
22. Falls between levels
23. Electrical hazards
24. Fire
25. Hot surfaces and materials
26. Collision and entrapment
27. Explosions
28. Ergonomics
29. Structural collapse and falling elements

Further guidance for Landlord and Property Related Professionals on HHSRS can be obtained from; [www.communities.gov.uk/documents/housing/pdf/150940.pdf](http://www.communities.gov.uk/documents/housing/pdf/150940.pdf)

## 4. Standards Applicable to all HMOs

### Natural and artificial lighting

Natural Lighting: All habitable rooms should have adequate natural light, provided via a window(s). It is advisable that the glazed area is equivalent to at least  $\frac{1}{10}$ <sup>th</sup> of the room's floor area. Where practicable, all staircases, landings, passages, kitchens, bathrooms and toilets should also be provided with natural light via a window. Windows to bathrooms and toilets should be glazed with obscured glass.

Artificial Lighting: All rooms and circulations areas within the property should have provision for electric lighting and should be controlled from suitably located light switches. Lighting on stairs should be capable of being switched on and off from both upstairs and downstairs.

### Ventilation

All habitable rooms should have adequate ventilation provided directly to external air by an openable window. It is advisable that the openable area is equivalent to at least  $\frac{1}{20}$ <sup>th</sup> of the room's floor area.

In kitchens, bathrooms and toilets if there is no natural ventilation then forced mechanical ventilation should be provided to allow an adequate number of air changes per hour.

### Space heating

The premises and each unit of accommodation should be provided with an adequate fixed heating system capable of maintaining reasonable temperatures to all parts of premises. Heating appliances dependent upon liquid fuel or liquid fuel gas under pressure are not acceptable.

### Water supply

An adequate supply of cold drinking water under adequate mains pressure should be available at each kitchen sink provided.

### Bathrooms, shower rooms and sanitary conveniences

Baths, showers, wash hand basins must reasonably sized compartments and constructed to maintain privacy. They must be equipped with taps providing an adequate supply of cold and constant hot water.

All bathrooms/shower rooms must be adequately heated and ventilated.

All bathrooms and toilets must be suitably located in, or in relation to, the living accommodation in the HMO. 'Suitably located bathrooms' means that they are not more than two floors distant in relation to the sleeping accommodation. 'Suitably located toilet' facilities shall be not more than one floor distant from living and sleeping accommodation.

### Refuse

Sufficient refuse and recycling receptacles must be provided for tenants use.

## **Kitchen facilities**

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

### **Shared Kitchen Facilities:**

- Sink and draining board with an adequate supply of cold and constant hot water to each sink. Where practicable sinks shall be provided at a ratio of 1 sink for every 3 people sharing the kitchen (or part thereof).
- Sufficient and suitably located electrical sockets.
- Storage cupboards for the storage of food, kitchen and cooking utensils.
- Refrigerator(s) with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers).
- Impervious worktops for food preparation.
- A standard cooker, with minimum of 4 rings, shall be provided at a ratio of 1 for every 3 people sharing the kitchen (or part thereof). A microwave cooker will be acceptable as a second cooker.
- Appliances dependent on liquid fuel or liquid fuel gas under pressure are not acceptable.
- Appropriate storage for internal waste.

### **kitchen facilities for the exclusive use of an individual household (i.e. Bedsits):**

- Sink with an adequate supply of cold and constant hot water to each sink.
- A cooker, with a minimum of 2 rings.
- Sufficient and suitably located electrical sockets.
- A cupboard for the storage of kitchen utensils and crockery.
- A refrigerator.
- Impervious worktops for food preparation.
- A cooker, with minimum of 2 rings.

## **Antisocial Behaviour**

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

- Harassment and intimidating behaviour.
- Hate crime, for example racist or homophobic abuse.
- Behaviour that creates alarm and fear.
- Noisy neighbours 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 behaviour.

Where anti-social behaviour has been established a reasonable first step, in less serious cases, would be to ask the occupier to refrain from the conduct and warn him/her of the potential consequence of not doing so. If, after that approach, the problems persist then

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) behaviour is so serious that there would be little point in invoking the previous steps, then landlord should take enforcement action, including possession proceedings.

## General

All works must be completed in accordance with;

- Gas Safety [installation & use] Regulations 1998.
- IEE (Institute of Electrical Engineers) Wiring Regulations.
- Furniture and Furnishings (Fire) (Safety) Regulations 1993.

The council takes a serious view of the disconnection of electricity, gas or water services.

Where appropriate the council may utilise Section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to take legal possession of rent, or recover costs direct from owners, to pay outstanding utility accounts. In addition the council may also prosecute owners and/or agents for causing or allowing a disconnection.

If you wish to deviate from any of the above standards you must discuss this with the council.

The council encourages quality accommodation and adopts a flexible approach to discussions with landlords. If you are able to provide an alternative solution that works for your property and is within the legislative framework this will be considered.

## 5. Space Standards

Rooms must comply with the space standards set out below.

The standards apply whatever the occupants age. The floor area occupied by en-suite facilities or where the ceiling height is less than 1.5m will not be included in the floor space calculation. It assumes the room will be a reasonable height and free of potential injurious obstructions.

### Individual Bedroom Size (where separate kitchen facilities)

Single Bedroom Accommodation	
For sleeping only (a separate living space must be provided in the property)	6.5 m <sup>2</sup>
For sleeping and living	9.0 m <sup>2</sup>
Double Bedroom Accommodation	
For sleeping only (a separate living space must be provided in the property)	11.0 m <sup>2</sup>
For sleeping and living	14.0 m <sup>2</sup>
<b>Note:</b> two persons shall comprise a single household (i.e. married couple) and no more than two people should occupy a suitable bedroom.	

Room sizes for the following communal rooms are given as a guide only. Other room sizes may be acceptable if the council can be satisfied that the size, design and layout of the room will still allow the occupants to prepare, cook and serve food in a safe and hygienic manner.

Communal Rooms	
Kitchen Only	
1-5 persons	7.0m <sup>2</sup>
6-10 persons	10.0m <sup>2</sup>
Kitchen / Diner	
1-5 Persons	11.0 m <sup>2</sup>
6-10 Persons	19.5 m <sup>2</sup>
Living Room / Diner	
1-5 Persons	11.0 m <sup>2</sup>
6-10 Persons	16.5 m <sup>2</sup>

### Combined Bedroom Sizes (i.e. kitchen also in the room e.g. bedsit)

Single Bedroom Accommodation	
For sleeping, living & cooking	13.0 m <sup>2</sup>
Double Bedroom Accommodation	
For sleeping, living & cooking	18.0 m <sup>2</sup>
<b>Note:</b> two persons shall comprise a single household (i.e. married couple) and no more than two people should occupy a suitable bedsit.	

## 6. Amenity Standards

### Shared washing facilities

There must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing for the number of persons sharing those facilities.

The number of amenities provided will affect the number of occupants that can reside in the property.

The following ratios must be in place:

Washing Facilities per person sharing	Baths / Showers	WC & Hand wash basin	Separate WC & Hand wash basin
1-4 people	1	1	-
5 people	1	-	1
6-10 people	2		2*
11-15 people	3		3*

\* **Note:** Some WCs can be combined within a bathroom/shower-room. However, at least 1 separate WC & hand wash basin must be available and contained in a separate cubicle.

### Wash hand basins to individual bedrooms

In licensable HMOs a wash hand basin is required within each unit of accommodation.

## 7. Fire Precautionary Measures

The council enforces fire safety, in HMOs and existing residential buildings, using the Housing Health and Safety Rating System (HHSRS) and has regard to the current fire safety guidance produced by LACORS “Housing - Fire Safety, Guidance on fire safety provisions for certain types of existing housing”. The council also works closely with Greater Manchester Fire and Rescue Service.

The LACORS Fire Guide should be read in full and can be downloaded via:

[http://www.cieh.org/library/Knowledge/Housing/National\\_fire\\_safety\\_guidance\\_08.pdf](http://www.cieh.org/library/Knowledge/Housing/National_fire_safety_guidance_08.pdf)

Landlords of HMOs must also ensure that a fire risk assessment is made of the common areas, by a competent person. This is a legal requirement, enforced by the Fire Authority, under the Regulatory Reform (Fire Safety) Order 2005. More information is available via:

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation>

Based on the LACORS Fire Guide we have summarised the fire safety requirements required in HMOs, depending on the building’s height.

**Any deviation from the LACORS Fire Guide must be discussed and agreed with the council.**

	<b>Building Height: 1-2 Storeys</b>	<b>Building Height: 3 – 4 Storeys</b>
<b>Automatic Fire Detection</b>	<p>Grade D : 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> </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 heat detector, inter-linked into the building’s main fire alarm system; and</li> <li>• Grade D stand-a-lone smoke alarm.</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 heat detector, inter-linked into the building’s main fire alarm system; and</li> <li>• Grade D stand-a-lone smoke alarm.</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>30-minute fire resisting door sets on all exits onto the protected route, installed and maintained in accordance with BS8214:1990.</p> <ul style="list-style-type: none"> <li>• Door leaf hung on three 100 mm steel hinges with steel screws. (Hinges to comply with BS 476 Part 22, 1987/BS EN1634-1: 2000). The door shall be close fitting.</li> <li>• Incorporate an intumescent heat seal and cold smoke brush 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 EN1154: 1997, (e.g. an overhead hydraulically operated closing device). 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 recommended on each floor in the common parts; and</li> <li>• Fire blanket to be provided in each shared kitchen (and bedroom where cooking facilities are provided).</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.	
<b>Signage</b>	Signage to fire doors and along the escape route if route is complex.	

## 8. Certification

### Gas Safety (Installation and Use) Regulations 1998

The Gas Safety (Installation and Use) Regulations 1998 require all landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. As a landlord, you have a duty to ensure:

- Gas fittings (appliances, pipework) and flues are maintained in a safe condition;
- All installation, maintenance and safety checks are carried out by a Gas Safe registered Installer;
- Every 12 months carry out a safety check on each gas appliance/flue. This check is to be done by a Gas Safe registered Installer;
- A record of each safety check is kept for two years;
- A copy of the current safety check record is issued to each existing tenant within 28 days of the check being completed, or to any new tenant before they move in (in certain cases the record can be displayed).

### Electrical Safety

The electrical installation in the property should be installed and maintained in accordance with a recognised standard, such as the current edition of the Institute of Electrical Engineers (IEE) Wiring Regulations. Certification should be provided to confirm that the installation is safe.

Every 5 years the electric installation should be retested and certified; or each time any alterations or extensions to the system are made.

All work to the electrical installation should be carried out and certified by a NICEIC (National Inspection Council for Electrical Installation Contracting) member or approved body or competent person. All electrical work must be carried out in accordance with Part P of the Building Regulations.

### Fire Safety

Fire alarms should be tested and maintained in accordance with BS5839. They should be tested regularly and inspected at least once a year to ensure the system responds to smoke. The annual test is usually carried out by a specialist alarm engineer under a maintenance contract. The results of all tests and inspections should be recorded in the log book with an inspection and test certificate issued.

Fire extinguishers should be checked periodically to make sure they are in place and available to use. Extinguishers should be tested and maintained on an annual basis in accordance with BS 5306-3 and with the manufacturer's instructions.

Emergency escape lighting should be tested and maintained on an annual basis in accordance with BS 5266-8 (BS EN 50172). Testing to be done by a competent person, usually a lighting engineer under a maintenance contract. The results of the test should be recorded in the log book with a periodic inspection and test certificate issued.

### Furniture Safety

All furniture provided with the accommodation must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).