Houses in Multiple Occupation (HMO) Policy (under housing legislation)

The Houses in Multiple Occupation (HMO) Policy sets out the housing standards a House in Multiple Occupation (HMO) is required to meet, the licensing requirements for HMOs and the Council's enforcement approach.

2026

DARTFORD BOROUGH COUNCIL

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1. INTRODUCTION

1.1. This policy sets out the housing standards a House in Multiple Occupation (HMO) is required to meet, the licensing requirements for HMOs and the Council's enforcement approach under the Housing Act 2004 should there be non-compliance with the required standards.

1.2. HMOs are a priority for the Council to investigate under the Housing Act due to the increased risk of health and safety issues, particularly relating to fire safety. The Council will investigate any information received relating to the condition or management of an HMO.

1.3. HMOs are defined differently under housing and planning regulations. **This Policy focuses on HMOs as defined under housing legislation.**

2. STRATEGIC CONTEXT

2.1. This Policy and its delivery is intended to be compatible with the following Council strategies, policies and documents:

- Private Sector Housing Enforcement and Licensing Policy
- Private Sector Housing Renewal Strategy 2022-2025
- Housing Strategy 2025-2028
- Dartford Local Plan 2024-2037
- Corporate Plan 2024-2027
- Equality and Diversity Document Framework

2.2. This Policy and its delivery is intended to be compatible with the following legislation, regulation and guidance:

- Housing Act 2004
- Housing and Planning Act 2016
- Regulatory Reform (Fire Safety) Order 2005
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of HMOs (Additional Provisions) (England) Regulations 2007
- Houses in Multiple Occupation and residential property licensing reform: Guidance for Local Housing Authorities
- The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018
- The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018

3. DEFINITION OF A HOUSE IN MULTIPLE OCCUPATION (under the Housing Act 2004)

3.1. A House in Multiple Occupation (HMO) is defined under the Housing Act 2004 (Section 254) as a building or a part of a building if it meets one of the following tests —

A – The standard test
Any building in which two or more households share basic amenities. For example, toilets, kitchens, and bathrooms.

B – The self-contained flat test
Any flat in which two or more households share basic amenities. For example, toilets, kitchens, and bathrooms.

C – The converted building test
Any converted building comprised of one or more units of accommodation that are not self-contained.

D – Certain converted blocks of flats
Any converted building comprised of self-contained flats that does not meet the 1991 Building Regulation Standards, and less than two-thirds of the self-contained flats are owner-occupied. These buildings are known as Section 257 HMOs.

A building or part of a building is also defined as an HMO if an HMO declaration is in force under section 255 of the Housing Act 2004.

Most HMOs generally fall under “the standard test”.

3.2. These buildings will constitute a House in Multiple Occupation if it:

- Is occupied by more than one household
- Is occupied as their only or main residence or treated as so occupying it
- Rents are payable (or other consideration)
- Where more than one household shares – or lacks – an amenity, such as a bathroom, toilet or cooking facilities
- Is occupied by more than one household and which is a converted building, but not entirely self-contained flats (whether or not some amenities are shared or lacking)

3.3. An HMO can be formed if an owner occupier has more than two lodgers.

3.4. A household is either a single person or members of the same family who live together. A family includes people who are:

- Married or living together, including people in same-sex relationships
- Relatives or half-relatives, for example, grandparents, aunts, uncles, siblings
- Step-parents and step-children
- Foster child or foster parent

3.5. Domestic staff such as au pairs, nannies or carers are also included in a household if they are living rent-free in accommodation provided by the person they work for.

3.6. Annex 2 provides a checklist to assist in verifying whether a property is defined as an HMO as there are some exceptions to this definition.

4. STANDARDS AND MANAGEMENT IN AN HMO

4.1. All HMOs, regardless of whether they are licensable, will be required to meet the Council's adopted Amenity Standards, have certain fire detection and prevention measures, and be free from Category One Hazards under the Housing Health and Safety Rating System (HHSRS). Each property is assessed on an individual risk basis.

4.2. When a new previously unknown HMO is identified as being set up or already in occupation, the Council will assess its ability to meet the standards required. Unless there is evidence of serious defects in existence, a risk assessment will be completed to establish when an inspection of the property will be carried out. In cases where an immediate inspection does not take place, a letter will be sent to the landlord advising of their responsibilities and standards required in an HMO. It will confirm that an inspection will take place to ensure that all relevant standards are being met and if non-compliant, formal enforcement action may follow.

4.3. Once the inspection has taken place, the Council may conduct periodic 'desktop' reviews of an HMO by requesting submission of required certification such as annual Gas Safety Certification, fire detection servicing documents and electrical condition reports. Any non-compliance of such requests will be dealt in accordance with the Private Sector Housing Enforcement Policy, HMO Licensing Policy and relevant legislation.

4.4. Licensed HMOs will be inspected at least once every 5 years from the date of application, and the Council will carry out an annual desktop review to ensure compliance with licence conditions.

4.5. Managers or owners of HMOs are expected to keep their properties in good repair at all times and comply with the requirements of Statutory Instrument 372

– The Management of Houses in Multiple Occupation, including but not limited to:

- Common parts (corridors, staircases, and any shared kitchens and bathrooms and windows
- Heating, cooking, washing and toilet facilities
- That gas, water and electricity supplies are maintained in a safe and fully functioning condition
- All living accommodation
- That fire alarms and other fire precautions are maintained in full working order
- That fire escapes are kept free from obstruction
- That suitable refuse bins are provided and maintained
- That a notice is displayed in the house showing the name, address and phone number of the manager or agent

4.6. There are separate Management Regulations for Section 257 HMOs (see clause 3.1 for definition). These regulations place duties on a person managing a Section 257 HMO and can be found in the Council's Landlords' Guide to the Management of Section 257 Houses in Multiple Occupation.

4.7. Amenity Standards

Amenity standards relate to issues such as bedroom sizes, kitchen size and provision of appliances and facilities such as cookers, sinks, storage, worktop, number of bathrooms and toilets required, based on level of occupation. The Amenity Standards document, as set out in Annex 1.6, which has been adopted by the Council outlines the requirements HMOs must meet. These are the current amenity standards which are regularly reviewed.

4.8. Fire Safety

HMOs are known to pose a greater risk to occupants in terms of fire safety than those in single family occupation and are required to satisfy relevant Housing Act legislation. Most HMOs will require fire doors and a mains wired interlinked fire detection system and some will also need an emergency lighting system. Guidance can be found in the LACORS fire safety guidance document.

Some HMOs will also need to comply with regulations under the Regulatory Reform (Fire Safety) Order 2005. These will usually be houses let as bedsits, hostels and blocks of flats.

5. LICENSING REQUIREMENTS

5.1. The Housing Act 2004 introduced a mandatory licensing scheme in England which is operated by the Council. HMOs that require a licence under this

scheme are those with 5 or more persons in more than one household which share or lack amenities. Licences last for 5 years. Full details are contained in Annex 1: Policy Guide to Mandatory Licensing of Houses in Multiple Occupation in Dartford.

5.2. HMOs which qualify under the licensing scheme must have a licence to operate which covers the following:

- The condition of the property
- Management conditions
- Amenities
- Occupation restrictions
- Required works and deadlines

5.3. Operating a licensable HMO without a licence is a criminal offence. The landlord of the HMO could be liable for prosecution by the Council or a Civil Penalty from the Council for breaching this.

5.4. The Council must ensure that the Licence Holder (and associates) are Fit and Proper Persons to manage the HMO. This means those responsible for operating the licence and managing the HMO are of sufficient integrity and good character to be involved in the management of the HMO and as such they do not pose a risk to the health, safety or welfare of the persons occupying and visiting the HMO. The Fit and Proper person criteria is included in section 12 of Annex 1 of this Policy.

5.5. Section 63 Paragraph (3) of the Housing Act 2004 states that the authority may require the HMO Licence application to be accompanied by a fee fixed by the authority. Paragraph (7) of this section allows local housing authorities, when fixing fees, to take into account all costs incurred in carrying out their function to grant licences for certain HMOs and, costs incurred by them in carrying out their functions under Chapter 1 of Part 4 in relation to HMOs. The licence fee is payable per licensable property, to Dartford Borough Council, once every five years (or on change of Landlord/Agent/owner if sooner). Refunds/partial refunds during the licensing process (i.e. before the licence is issued) will only be given in exceptional circumstances and at the discretion of the Assistant Director – Housing, as the fees are calculated to cover the Council's costs, which may have already been incurred. The Council will not issue any refund if an application is refused, if there has been a Prohibition Notice served on the property or the Council revoke (take away) your licence. The Council's fees are not connected to the length of a licence; if the licence is cancelled before it expires or there is a change in ownership, the Council cannot provide a refund for any unused time.

5.6. Additional and Selective Licensing

5.7. In addition to mandatory HMO licensing, the Housing Act 2004 gave local authorities further powers to tackle poor property conditions in the private rented sector. This included additional licensing; allowing local authorities to introduce licensing for a wider range of HMOs and Selective Licensing, which allows local authorities to implement licensing of all private rented properties, in order to address issues such as poor housing quality, high levels of deprivation, and significant and persistent problems caused by anti-social behaviour (ASB).

5.8. In December 2024, the Government removed the requirement introduced in 2015 which required local authorities to seek confirmation from the Secretary of State where Selective Licensing Schemes would cover more than 20% of their geographical area or more than 20% of privately rented homes.

5.9. In order to implement a selective or additional licencing scheme in Dartford, the Council must demonstrate a robust evidence base to support any proposals.

5.10. This would involve the commissioning of studies to both:

- Assess the private rented stock in the area and assess housing stressors related to key tenures and;
- Assess the feasibility of implementing a discretionary licensing scheme

5.11. The financial costs associated with carrying out scoping and feasibility studies and the implementation and delivery of a selective/additional licensing scheme are expected to be substantial.

5.12. At present, there are no plans to introduce additional or selective licensing in Dartford. However, the situation will be kept under review.

5.13. Management Orders

5.14. If an existing property is in use as a licensable HMO but there is no reasonable prospect of granting a licence, the Council will introduce a Management Order. The Council also has a duty to make an Order where the health and safety conditions (as described in Section 104 of the Housing Act 2004) are met.

5.15. Management Orders effectively mean that the Council (or its Agent) will take over the running of the property as if it were the landlord, including collecting rents, forming tenancies, carrying out repairs and other management matters. Duties can vary between different orders; however, the owner retains certain rights depending on the type of order including receipt of surplus rental income. Relevant costs are recoverable by the Council.

5.16. Interim Management Orders

5.17. The Council will make an Interim Management Order (IMO) if it is anticipated that the HMO will be licensed in the near future or because the Council has revoked the licence. An IMO lasts no longer than 12 months and the expiry date of the IMO will be determined by the Council when it is made.

6. HOUSING ENFORCEMENT APPROACH

6.1. The Council's Private Sector Housing team are responsible for enforcement of matters relating to HMOs under housing legislation. Whilst formal enforcement action is a necessary and important part of the enforcement process, the decision to enforce is not taken lightly. The Council's Private Sector Housing Enforcement and Licensing Policy (section 5) sets out the general principles of enforcement action which may be taken.

6.2. The Council has a range of powers under the Housing Act 2004 Part 1 Housing Health & Safety Rating System, if an HMO is non-compliant including:

- Serving an improvement notice requiring remedial works
- Making a prohibition order, which prohibits the use of the whole or part of a dwelling or restricts the number of permitted occupants
- Taking emergency action
- Serving a hazard awareness notice
- Making a demolition order (only for category 1 hazards)
- Declaring a clearance area (only for category 1 hazards)

6.3. The Council may also request that short-term interim measures are taken by the appropriate person to improve health and safety at the premises. Types of works may include the installation of battery-operated smoke/heat detectors, clearance of escape routes or provision of a 30-minute fire door on a kitchen. Circumstances where these measures may be requested include when the HMO occupancy is likely to cease within a short period (such as 28 days) or whilst a planning application is being considered for a change of use of the premises.

6.4. Overcrowding Notices outlined in Chapter 3 of the Housing Act 2004 relate to non-licensable HMOs. The local housing authority may serve an overcrowding notice on one or more relevant persons if, having regard to the rooms available, it considers that an excessive number of persons is being, or is likely to be, accommodated in the HMO concerned.

6.5. If a Notice is complied with, no further action will be necessary, and it will be revoked. However, if a served Notice relating to the Housing Act Part 1 HHSRS

is not complied with, the Council will consider the following options (in line with the Private Sector Housing Enforcement and Licensing Policy):

- Prosecution
- Carry out the works in default
- Carry out the works in default and prosecute
- Consider whether a formal caution is appropriate
- Consider a Civil or Financial Penalty (see section 7 of the Private Sector Housing Enforcement and Licensing Policy)
- Rent Repayment Order

6.6. Breaches of HMO Management Regulations and Section 257 HMO Management Regulations can result in prosecution or a Civil Penalty.

6.7. The Council may impose a Civil Penalty, as an alternative to prosecution, up to a maximum of £30,000 in respect of the following offences:

- Failure to comply with an Improvement Notice (Housing Act 2004)
- Failure to licence or other licensing offences relating to HMOs (Housing Act 2004), which applies to both mandatory and additional HMO Licensing Schemes
- Failure to comply with an Overcrowding Notice (Housing Act 2004)
- Failure to comply with a regulation in respect of an HMO (Housing Act 2004) including HMO Management Regulations.
- Breaching a Banning Order (Housing and Planning Act 2016)

6.8. Banning Orders, as described in section 15(1) of the Housing and Planning Act 2016, provides for local authorities to apply for a Banning Order against a person who has been convicted of a Banning Order offence.

A Banning Order is an Order by the First-Tier Tribunal Property Chamber (Residential Property) which bans a landlord from:

- Letting housing in England
- Engaging in English letting agency work
- Engaging in English property management work or
- Doing two or more of those things

A landlord subject to a Banning Order is unable to hold a licence for an HMO and their property may be subject to a Management Order.

Banning Orders relating to breaches in HMO requirements include:

- Failing to comply with an Improvement Notice or Prohibition Order
- Supplying false or misleading information

- Offences in relation to licensing of Houses in Multiple Occupation
- Contravention of an overcrowding notice
- Failure to comply with management regulations in respect of Houses in Multiple Occupation.

The Private Sector Housing Enforcement and Licensing Policy) contains further details in Annex 6 & 6.1.

6.9. The Rogue Landlord Database records landlords and agents that are subject to a Banning Order or have committed a Banning Order offence. Only local authorities can make entries to the database. Under the Housing and Planning Act 2016, local authorities have a mandatory duty to make an entry on the database where a landlord or property agent has received a Banning Order. They have the discretion to make entries where a landlord or property agent has been convicted of a Banning Order offence or has received two or more Civil Penalties within a 12-month period (see the Private Sector Housing Enforcement and Licensing Policy) section 9 for more detail).

6.10. A Rent Repayment Order (RRO) is an order requiring a landlord who has committed certain offences to repay rent. A rent repayment order can require a landlord to repay up to 12 months' of:

- Rent payments to the tenant
- Universal credit housing costs element or housing benefit to a local authority

Occupiers and local authorities can apply to the First-tier Tribunal for a rent repayment order.

The landlord does not need to have been convicted, but the Tribunal must be satisfied beyond reasonable doubt that the landlord has committed a relevant offence. Beyond reasonable doubt is the criminal standard of proof.

The offences for which a rent repayment order can be made are set out in section 40(3) of the Housing and Planning Act 2016 and include:

- Failure to comply with an Improvement notice
- Failure to comply with a Prohibition order
- Having control of, or managing, an unlicensed HMO
- Breach of a banning order

(More detail can be found in the Private Sector Housing Enforcement and Licensing Policy) under section 10.)

7. HMOs AND OTHER LEGISLATION
Town and Country Planning and HMOs

7.1. HMOs are defined differently under housing and planning regulations. Planning legislation and housing legislation do not interfere with each other and there may be cases where use of a property is defined as an HMO under the Housing Act but not under planning law.

7.2. The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories, known as 'Use Classes'. Changes of use can occur within the same Use Class or from one Use Class to another. Single dwellinghouses fall under Use Class C3 and small HMOs (between 3 and 6 people) generally fall within Use Class C4. Larger HMOs fall outside of the defined Use Classes and are therefore considered to be sui generis (class of its own).

7.3. Generally, changes between uses within the same Use Class do not constitute 'development' under planning legislation and therefore do not require planning permission. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) also grants permitted development rights allowing the change of use from one Use Class to another, subject to conditions, limitations or a prior approval process.

7.4. In Dartford, under the above Act, until 9th December 2025, planning permission was not required to change use from a C3 dwellinghouse to a C4 HMO. However, planning permission is now required for all such changes of use across the whole area of Dartford north of the A2. This is as a result of an immediate Article 4 Direction made by the Council. Details of the extent of the area, a copy of the Direction and other important information can be found here: New planning rules for houses of multiple occupation in Dartford – Dartford Borough Council

7.5. South of the A2, the Council has given notice that a non-immediate Article 4 Direction will come into effect on 10th December 2026 removing the right to change from a C3 dwellinghouse to a C4 HMO. Until such time as it comes into effect, in the area to the south of the A2, planning permission is not required for a change from a C3 dwellinghouse to a C4 HMO (noting that large HMOs with more than 6 people will still require planning permission). As above, details of the extent of the area, a copy of the non-immediate Direction and other important information can be found here: New planning rules for houses of multiple occupation in Dartford – Dartford Borough Council

7.6. For large HMOs (HMOs with over 6 people), planning permission is always required and this rule is not affected by the above mentioned Article 4 Directions.

The Council's Planning Service has a Pre-Application Planning Advice Service that may be accessed for advice before a planning application is made or if advice is needed as to whether planning permission is required.

7.7. **Building Regulations**

7.8. Some works to convert the property to a safe and suitable HMO may require Building Regulations approval. All necessary consents must be obtained before commencing works.

7.9. Applications for Building Regulations approval can be made to the Council's Building Control Team. The team can be contacted via email at building.control@dartford.gov.uk or by telephoning 01322 343434. Further information is available on the Council's website.

7.10. The Council's Building Control team works with both the Council's Housing and Planning departments to ensure a joined-up approach to development. However, Building Control cannot offer advice on properties where an application for Building Regulations has been made to a Registered Building Control Approver.

8. REPORTING A SUSPECTED HMO TO HOUSING

8.1. Suspected HMOs can be reported in the following ways:

- Online: via an online form on the Dartford Borough Council website
- Email: hmo@dartford.gov.uk
- Telephone: 01322 343152

Any report of an HMO received by Housing will also be passed onto the Council's Planning Enforcement team. However, a separate request to investigate a breach of planning control can be made via: Report a possible Breach of Planning law

9. DATA PROTECTION

9.1. The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.

9.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions. The Council's Data Protection Policy sets out how it will protect special category and criminal convictions personal data. The Council's Private Sector Housing Privacy Notice sets out circumstances

where the Council will process personal information and the lawful bases for doing so.

10. EQUALITY AND DIVERSITY

10.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.

10.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

10.3. A Customer Access Review has been undertaken to assess the impact the policy will have on affected persons with protected characteristics. The review concluded there were no known circumstances of a negative equality impact.

11. REVIEW

11.1. This Policy will be reviewed every three years, or in the event of major legislative or operational change, or when necessary in accordance with other Council policy changes that may impact on this Policy.

ANNEX 1 – POLICY GUIDE TO MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION IN DARTFORD

This document contains the policy and procedural information for the Licensing of Houses in Multiple Occupation (HMOs) in the borough of Dartford in accordance with Housing Act 2004 Part 2. All applications will be dealt with in accordance with the Act, Government guidance and this policy.

1. Purpose and aims of licensing

1.1. The private rented sector has a valuable role to play in meeting demand and offering choice and flexibility in the housing market. However, historically, there have been concerns regarding the condition, safety and reputation of the sector.

1.2. It is against this backdrop that licensing seeks to ensure that:

- Landlords or their agents are fit and proper persons
- Standards of tenancy relations management and property management employed by a landlord or agent are adequate
- Councils have measures available to ensure that landlords are encouraged to cooperate with licensing
- Properties of landlords who are unwilling to or unable to meet the required criteria, are managed by Councils
- Vulnerable tenants, in HMOs, are protected

2. Application of the scheme

2.1. A full definition of what constitutes an HMO is contained in sections 254 and 258 of the Housing Act 2004 (see **Annex 1.1**). This scheme applies to **all** HMOs that meet the following criteria:

- is occupied by five or more persons
- is occupied by persons living in two or more separate households; and meets:

a. The standard test under section 254(2) of the Act; any building in which two or more families/individuals share basic amenities
b. The self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or
c. The converted building test under section 254(4) of the Act. any converted building which comprises of one or more units of accommodation that are not self-contained

2.2. The scheme will apply to the whole of the borough of Dartford currently administered by Dartford Borough Council ('the Council').

3. HMO declarations

3.1. Where it is unclear whether households are occupying the building as their only or main residence, the Council can declare the building to be

an HMO to remove any doubt.

3.2. The Council must serve a Notice under Section 255 on the landlord or manager of the property within 7 days of deciding to make the declaration stating:

- The date of the Council's decision to serve the Notice
- The date on which the Notice will come into force (which must be not less than 28 days from the date the Notice is served)
- The recipients right to appeal to the First-Tier Tribunal (Property Chamber) (FFT) within 28 days of the Council's decision

3.3. If no appeal is made within 28 days, the Notice comes into force on the day stated on the Notice. If an appeal is made in time, the Notice does not come into force until the appeal procedure has been completed.

4. Revocation of HMO declaration

4.1. An HMO declaration can be revoked if:

4.2. The Council determines the declaration no longer applies OR

The relevant person applies to have declaration revoked and it is granted by the Council.

4.3. If an application to revoke an HMO declaration is refused the Council must without delay serve a Notice on the applicant informing them of the:

a. Decision
b. The reasons for it and the date made and,
c. The right to appeal to the First-Tier Tribunal Property Chamber (Residential Property) within 28 days of date of decision.

5. Exemptions

5.1. Certain buildings cannot be defined as HMOs, irrespective of whether they meet the definitions above:

- If it is occupied by only two people
- If it is occupied by the owner (and their family if any) and one or two lodgers
- If it is occupied by a religious community
- If the occupiers have their main residence elsewhere
- If no one in the property is required to pay rent
- If the owner or manager is a public body
- If the owner or manager is an educational institution
- A building of self-contained flats if two thirds or more of the flats are owner-occupied
- If the property is part of a guest house or hotel (unless an 'HMO

declaration' is made)
(Further details are listed in **Annex 1.2**)

5.2. The Housing Act 2004 gives the Council a general duty to take all reasonable steps to ensure that those whose properties fall within a licensing scheme apply for a licence. Every property subject to the mandatory licensing must be licensed unless:

- A Temporary Exemption Notice is in force (see **Annex 1.3**), or
- An Interim or Final Management Order is in force (see section 6.33 of the Private Sector Housing Enforcement and Licensing Policy)

6. Processing a licence/renewal application

6.1. A person having control of, or managing a licensable HMO must apply for a licence.

6.2. For the purposes of the application, the proposed licence holder will be:

a. the applicant, or
b. some other person, if both he/she and the applicant agree

6.3. The proposed licence holder must complete, sign and return, with all relevant information, an application form as supplied by the Council.

7. Valid applications (new licences)

7.1. An application will **not** be accepted as valid or be processed until the following is received:

a. A fully completed application form
b. All required supporting documentation
c. Current i.e. within last 12 months Gas Safety Certificate
d. Current (i.e. within last 5 years) Electrical Installation Condition Report completed by a competent person such as NAPIT,ELECSA, NICEIC contractor
e. Fire Detection systems – for systems less than 12 months old – the design, installation and commissioning certificates for the system
f. Or if older than 12 months, the most recent servicing/maintenance certification for the system
g. Emergency lighting – for systems less than 12 months old , the installation certificate
h. For systems older than 12 months, the most recent servicing/maintenance certification
i. Copy of a Tenancy Agreement
j. Proof of address of the applicant
k. Annotated floor plan showing rooms sizes and fire safety measures
l. Proof of payment of licence fee is provided

8. Licensing process

8.1. The Council aims to process an application within 12 weeks of a valid

application being received. Occasionally, the Council requests a landlord's agreement for an extension to this processing time. Each application will be processed in accordance with the Licensing Application Flowchart found in **Annex 1.4**.

9. **Property inspection**

9.1. The Council will assess when an HHSRS inspection of the HMO is required using a risk assessment matrix based on information already held and provided within the licence application (see **Annex 1.5**).

9.2. Those assessed as posing a high risk to occupiers will be inspected as soon as possible during the licensing application process. All licensed HMOs will be inspected during their licence period. Any Category 1 Hazards will be dealt with as outlined in the Private Sector Housing Enforcement & Licensing Policy.

9.3. An annual desktop review/risk assessment may be undertaken. The Council will prioritise works according to the level of risk. The Council cannot attach conditions to the licence on the expectation of the works being carried out. Where applicable, the owner will be informed by a variation to the initial licence of works required and timescales for completion in accordance with these aforementioned policies/legislation.

10. **Standards**

10.1. HMOs should be free of any Category 1 Hazards, meet the standards outlined in the Council's Amenity Standards (see **Annex 1.6**) and comply with legislation and statutory guidance issued.

10.2. A licence shall be granted for a period of five years unless special circumstances are identified where it is appropriate for a licence to be issued for a shorter amount of time, or refused.

10.3. On or before expiry of the licence, the licence holder must apply to renew the licence. Where a licence has been issued for a period less than five years, no additional monies will be payable until the expiration of a five year period from the date of the first instance, except on change of a licence holder where an administration charge would apply.

10.4. On **renewal**, the licence holder will complete an application form detailing any changes, in respect of the HMO, using a Licence Renewal Application Form; a fee is payable.

10.5. During any period of the licence, the licence holder shall notify the Council of any changes to any particulars relating to the house and/or the licence.

10.6. The licence holder or an interested party may request in writing for the licence to be revoked or varied at any time.

10.7. The Council may also revoke or vary a licence at any time.

11. Refusal to grant a licence

11.1. The Council may refuse to grant a licence if it is not satisfied that the house is reasonably suitable for occupation by the maximum number of households or persons specified in the application for the licence, and the house cannot be made suitable by the imposition of conditions in the licence and/or it fails to provide adequate amenities in accordance with the Council's Amenity Standards Guidance in **Annex 1.6**.

11.2. The Council may refuse a licence if:

- The proposed licence holder is not a fit and proper person (see below)
- The proposed licence holder is not the most appropriate person to hold the licence
- The proposed manager of the house is not a fit and proper person
- The proposed management arrangements for the house are not satisfactory

12. Fit and proper person criteria

12.1. The Council must consider evidence relating to whether the proposed licence holder or the manager is a fit and proper person. They must also consider any evidence regarding any person associated or formally (previously) associated with the proposed licence holder or manager, whether on a personal, work or other basis if this is relevant.

12.2. The Council will consider offences regarding:

- Fraud, or other dishonesty
- Violence
- Drugs
- Sexual Offences Act Schedule 3

(See **Annex 1.7** for details of spent offences)

12.3. The Council will also consider any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.

12.4. The Council will consider if there has been a contravention of any provision of housing or landlord and tenant law. In particular, within the last five years, whilst in control of any property that:

- Has been subject to a control order
- Has been subject to proceedings by a local authority
- Has had to have works in default carried out by any local authority
- Has been subject to a Management Order under the Housing Act 2004

- Has been refused a licence or breached conditions of a licence
- Is subject to a Banning Order – Housing and Planning Act 2016
- Is listed on the Rogue Landlord Database – Housing and Planning Act 2016

12.5. The final decision as to whether an applicant is unfit will be made by the Assistant Director – Housing.

13. Management Orders

13.1. Where there is no prospect of an HMO being licensed, the Act requires that the Council use its Interim Management Order powers. This enables the Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. In appropriate cases, this can be extended via a Final Management Order to five years, with the Council also having the power to grant tenancies. Financial Management Orders may be applied beyond the five year period.

14. Licence fee

14.1. Section 63 (3) of the Act states that the Council may require the application to be accompanied by a fee fixed by the Council.

14.2. Paragraph (7) of this section allows the Council when fixing fees under this section, **to take into account all costs incurred in carrying out their function to grant licences for certain HMO's.**

14.3. The fees for licensing and re-licensing are calculated using a matrix, which includes Officer time, as well as administrative costs. The Council will require an application for a licence to be accompanied by a fee. Licence fees are reviewed annually and published on the Council's website.

15. Conditions of the licence

15.1. Each licence must contain as a minimum the following standard conditions:

- The licence holder must supply, for the Councils inspection, a valid current Gas Safety Certificate, obtained in regard to the property which is renewed annually
- The licence holder must keep electrical appliances and furniture made available by the landlord in the house in a safe condition and to submit, on demand, a declaration of their safety
- The licence holder must ensure that smoke alarms are correctly positioned and installed in the house, and to keep them in proper working order. They will submit, on demand, a declaration of their condition and location in the property
- To supply to the occupants a written statement of the terms on which they occupy it

15.2. **Minimum sleeping room sizes:**

a) 6.51 m2 for one person over 10 years of age

b) 10.22 m2 for two persons over 10 years of age
c) 4.64 m2 for one child under the age of 10 years

15.3. The license holder must comply with any scheme which is provided by the Council to the license holder and which relates to the storage and disposal of household waste at the HMO pending collection.

15.4. The Council has the power to include further conditions as necessary that regulate the management, use and occupation of the house and the condition and contents of the house. These conditions will be specific to the circumstances found in each individual HMO.

16. **Breach of conditions**

16.1. Where a person managing or having control of an HMO permits another person to occupy the house and this results in the house being occupied by more households or persons than is authorised by the licence, the person in control or managing will be liable on summary conviction to a fine up to level 5 on the standard scale or a Civil Penalty (see Civil Penalty Procedure at Annex 4 of Private Sector Housing Enforcement and Licensing Policy).

16.2. A person managing or having control of an HMO that is required to be licensed under this scheme, will be committing an offence if he/she does not licence the HMO, and will be liable, on summary conviction, to a fine up to level 5 on the standard scale or a Civil Penalty.

16.3. The licence holder or a person, on whom restrictions or obligations under a licence have been imposed, will have committed an offence if he/she fails to comply with any of the conditions on the licence and will be liable on summary conviction to a fine up to level 5 on the standard scale or a Civil Penalty.

17. **Ending the licence**

17.1. There are a number of ways in which the licence can be ended. However, if the licensed property ceases to require a licence (because it no longer falls within the mandatory, discretionary or selective licensing regimes), the licence continues in force.

This is important because the conditions applicable to the licence will continue and will have to be adhered to by the licence holder. The licence can only end in one of the following ways:

- **Passage of time** - The licence expires on the date stated within it, unless a new licence is granted following a fresh application
- **Death of the licence holder** - The licence ceases to be in force upon the death of the licence holder. However, for a period of 3 months from the date of the licence holder's death, the property is to be treated as if, on the date of death, a Temporary Exemption

Notice (TEN) had been served (see **Temporary Exemption Notices** at **Annex 1.3**). This ensures that, although the licence is no longer in force, there is no immediate threat of enforcement proceedings

- During the initial 3 months, the personal representatives of the licence holder can request the service of a further TEN, to take effect as the first period of exemption comes to an end. If the Council refuses to serve a further TEN, they must comply with the notice provisions explaining their reasons (see **Annex 1.3** for further details)
- **Sale of the property** - If the property is sold and the licence holder is no longer the landlord or manager of the property, the licence is no longer effective (since licences are non-transferable). The new owner will need to make arrangements to apply for a new licence or a Temporary Exemption Notice (see **Annex 1.3**), as the case may be

18. **Revocation**

18.1. The Council may revoke a licence (i.e. bring it to an end before it expires by passage of time) in the following circumstances:

a. With the agreement of the licence holder
b. There has been serious or repeated breaches of a licence condition
c. The licence holder is no longer a fit and proper person to hold the licence
   e.g. in receipt of a Banning Order
d. The management of the property is no longer being carried out by persons who are fit and proper persons to be involved in its management
e. In respect of a property subject to selective licensing, a HMO license has been granted (allowing for the selective licence to be revoked)
f. The property ceases to fall within the mandatory, discretionary or selective licensing regimes and the Council considers, were a new application to be made for a licence, the structure of the property is such that a new licence would not be granted

18.2. A licence is non-transferable and applies to the named licence holder at the given address only. If the property is sold or transferred or the licence holder changes, a new application will be necessary and fees will be charged in accordance with Officer time spent processing this**.**

19. **Rights of appeal**

19.1. Where the Council has refused an application for a licence the applicant, or any relevant person, may appeal to the First-Tier Tribunal Property Chamber (Residential Property) against the decision within 28 days of the date specified in the appropriate notice.

19.2. Where the Council has granted a licence the applicant, or any relevant person, may appeal to the First-Tier Tribunal Property Chamber (Residential Property) against the decision or the conditions that apply, within 28 days of the date specified in the appropriate notice.

19.3. Where the Council has made a decision to either vary or revoke a licence, or has refused to vary or revoke a licence, the licence holder, or any relevant person, may appeal to the First-Tier Tribunal Property Chamber (Residential Property) against the decision within 28 days of the date specified in the appropriate notice.

19.4. The First-Tier Tribunal Property Chamber (Residential Property) may allow an appeal outside of these periods if it is satisfied there is a good reason.

19.5. Contact details: First-Tier Tribunal (Property Chamber) Residential Property, Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hampshire, PO9 2AL
Telephone No: 01243 779394

20. Unlicensed HMOs

20.1. Unlicensed HMOs may be identified during pro-active investigations by the Council or brought to the attention of the Council. Where such premises are identified, formal action such as Civil Penalty/legal proceedings/Rent Repayment Order may be considered and the landlord will be invited to make representations. They will also be encouraged to make a licence application as soon as possible. Licences will only be issued following receipt of a valid application and to 'fit and proper' persons.

20.2. Landlords who fail to reapply for a licence in properties that require a renewal of their licence or fail to provide the required information or the appropriate fee within 28 days may also be investigated for failing to licence a licensable property.

20.3. All practical steps will be taken to assist the owner of the property to satisfy the licensing requirements.

The Council or tenant may make an application for a Rent Repayment Order (see Section 10 of the Private Sector Housing Enforcement & Licensing Policy) to the First-Tier Tribunal (Property Chamber (Residential Property), where a landlord has failed to license a property requiring a licence under the Housing Act 2004

ANNEX 1.1

Housing Act 2004 Section 254

Meaning of "house in multiple occupation"

ANNEX 1.2

Housing Act 2004 SCHEDULE 14 Section 254

Buildings, which are not HMOs for purposes of this Act (Excluding Part 1)

Housing Act 2004 Section 258

HMOs; persons not forming a single household

ANNEX 1.3

TEMPORARY EXEMPTION NOTICES

1.1. The Council may, if it thinks fit, serve a Temporary Exemption Notice (TEN) where a person who is required to be licensed notifies the Council that they propose to take steps to secure that the property is no longer required to be licensed. The TEN is served on that person. A TEN may also be used on death of a licensee/sale of a property.

1.2. The TEN exempts that property from being licensed for a period of 3 months (from the date the Notice is served). In exceptional circumstances, the Council may serve a second TEN, that lasts for a further 3 months and that takes effect when the first TEN ends. No further TEN can be served after the expiry of the second TEN.

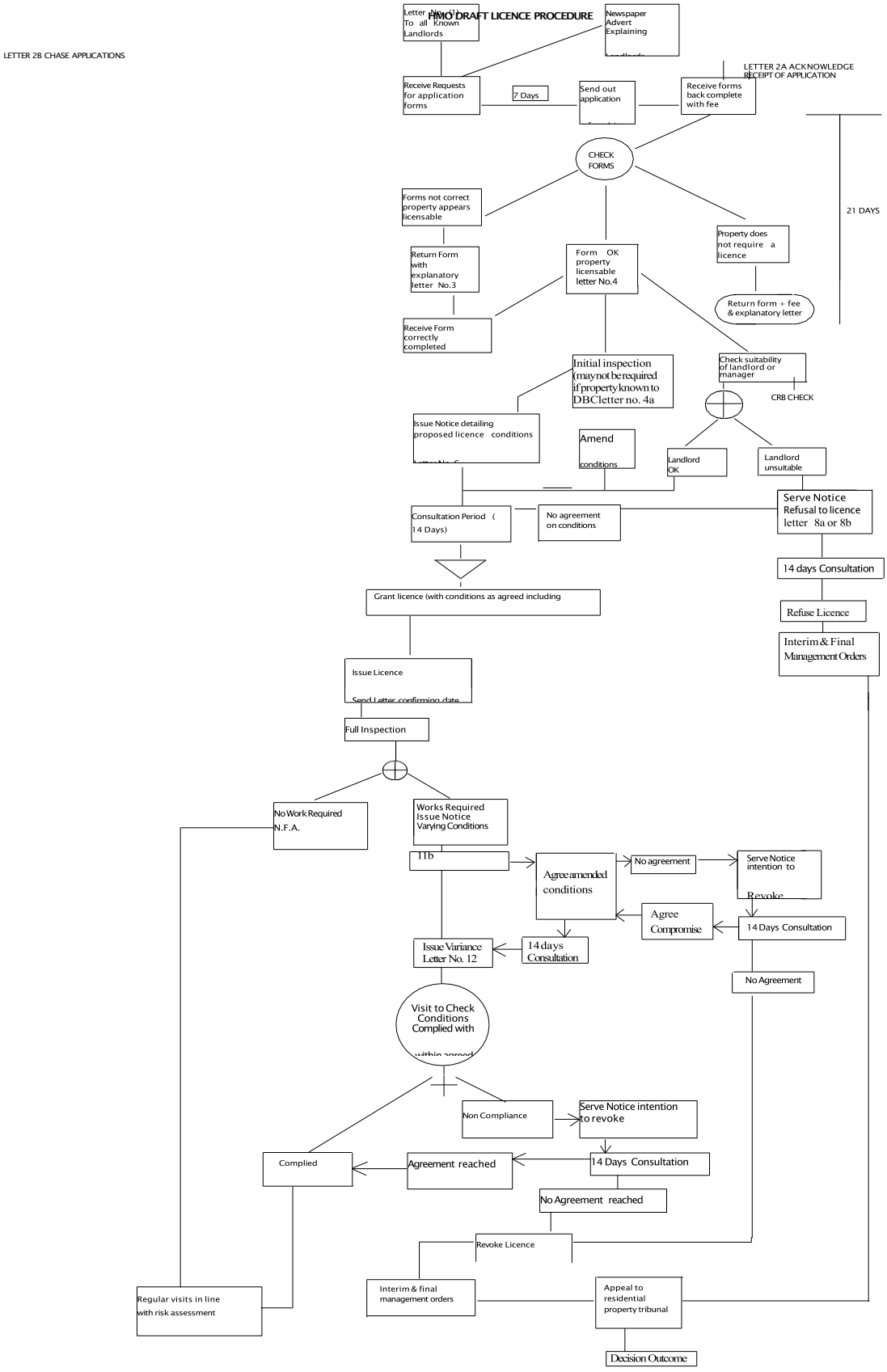
1.3. If the Council decide not to serve a TEN, they must serve on the person requesting the TEN a Notice informing them of:

a. Their decision
b. The reasons for it and the date on which it was made
c. The right to appeal against that decision to the First-Tier Tribunal FFT (Property Chamber)
d. The time limit for appealing (28 days from the date the decision was made)

1.4. Where a TEN is not served, it is a defence to any enforcement proceedings for failing to hold a licence that the time limit for appealing is still running or, as the case may be, an appeal is being pursued.

ANNEX 1.4

HMO LICENCE PROCEDURE



ANNEX 1.5
RISK ASSESSMENT FORM

Dartford Borough Council

H.H.S.R.S. RISK ASSESSMENT FORM

HMO & SINGLE HOUSEHOLD PROPERTIES

PROPERTY DETAILS

Address Details	**Total Points =**
	481 + Points Year 1 405 - 480 Points Year 2 330 - 404 Points Year 3 230 - 329 Points Year 4 0 - 229 Points Year 5
Date of Assessment :	
OFFICER :	**YEAR VISIT REQUIRED:**

CRITERIA	**CONDITIONS**	**SCORING**
1) Planning / Building Control Consent	No	30 Points
	Yes/not required	0 Points
2) Storey Heights	4+	100 Points
	3	60 Points
	2	20 Points
	1	10 Points
3) Hazard Category	1	100 Points
	2	20 Points
4) Number of Occupants	8+	100 Points
	7	80 Points
	6	70 Points
	5	60 Points
	4	40 Points
	3	30 Points
	2	20 Points
	1	0 Points
5) Property Type	HMO No Resident Landlord	60 Points
	HMO with Resident Landlord	40 Points
	Self Contained Flats	10 Points
	Single Occupation	5 Points

6) Means of Escape (Fire Doors) Smoke Seals & Intumescent Strips	None	60 Points
	Partial	30 Points
	Complies	0 Points

7) Other Fire Precautions (Fire Alarms etc)	None	60 Points
	Partial	30 Points
	Complies	0 Points

8) Provision of Amenities	Unsatisfactory	40 Points
	Partial	20 Points
	Satisfactory	0 Points

9) Sharing of Amenities	All Shared	40 Points
	Partial	20 Points
	Exclusive	0 Points

10) Date of last HHSRS Inspection	5+ years	50 Points
	4 years	40 Points
	3 years	30 Points
	2 years	20 Points
	1 year	10 Points
	Less than one year	0 Points

11) Additional Risks		
At the discretion of PSH Officer in Consultation with Senior PSH Officer Example: Portable gas /paraffin heaters, petrol storage, residential occupation above commercial premises, history of poor management/non compliance.	High Risk	100 Points
	Medium Risk	50 Points
	Minor Risk	20 Points
	None	0 Points

Total	

CURRENT GUIDANCE TO HMO AMENITY STANDARDS

Guidance to HMO Amenity Standards

canterbury city council

TONBRIDGE & MALLING BOROUGH COUNCIL

DOVER DISTRICT COUNCIL

DARTFORD BOROUGH COUNCIL

Swale BOROUGH COUNCIL

Folkestone & Hythe District Council

Kent local authorities working in partnership with Kent Fire and Rescue Service

INTRODUCTION

HMO STANDARDS FOR SHARED HOUSES/FLATS, SELF CONTAINED FLATS, HOSTELS AND BEDSITS

This guidance is intended to assist in the provision of accommodation in Houses in Multiple Occupation which contributes to a safe and healthy environment for the occupants and any visitors.

On inspection, a risk assessment may determine that it is necessary to take other measures to ensure that the housing standards are satisfactory for each individual unit of living accommodation or that variation from these standards is appropriate.

HMO STANDARDS FOR SHARED HOUSES/FLATS, SELF CONTAINED FLATS, HOSTELS AND BEDSITS On inspection, a risk assessment may determine that it is necessary to take other measures to ensure that the housing standards are satisfactory for each individual unit of living accommodation or that variation from these standards is appropriate.		
1. Personal washing and toilet facilities		
1.1 **Location, size and condition**	**All accomm**	**All facilities should be located in rooms of an adequate size and layout no more than 1 floor away from any bedroom. All facilities must be accessible from internal communal areas (unless provided as en-suite facilities for the exclusive use of that occupant).** **All baths or showers, toilets and wash hand basins (WHB) should be of an adequate size and be provided with an adequate water supply, necessary fittings, drainage and be in a satisfactory condition to enable thorough cleaning. Constant hot water at a suitable temperature to be provided to bath/showers and wash hand basins. Each WHB and bath/shower is to be provided with an appropriate splash back.** **Wall and floor surfaces should be reasonably smooth, impervious and capable of being readily cleansed.**
1.2 **Personal washing and toilet facilities in relation to number of persons** **Please note a bathroom refers to a room containing a bath or shower, wash hand basin and toilet**	**All accomm 1 - 4 persons**	**Where practicable, wash hand basins to be provided in each unit of accommodation and within each shared bathroom and compartment containing a WC.** **At least 1 bathroom**

	5 persons	**Where practicable, wash hand basins to be provided in each unit of accommodation and within each shared bathroom and compartment containing a WC.** **At least** **1 bathroom AND** **1 separate WC with WHB (but the WC can be contained within a second bathroom)**
	6 - 10 persons	**Where reasonably practicable, there must be** **1 WHB with appropriate splash back in each sleeping room plus** **At least** **2 bathrooms AND** **1 separate WC with WHB (the WC can be contained within a third bathroom)**
	11 – 15 persons	**Where reasonably practicable, there must be** **1 WHB required in each sleeping room plus** **At least** **3 bathrooms AND** **1 separate WC with WHB (the WC can be contained within a fourth bathroom)**
1.3 Ventilation	**All accomm**	**Bathrooms to have mechanical ventilation extracting 15 litres/second to the outside air in addition to any window(s).** **Each WC in a separate compartment is required to have an openable window equivalent to 1/20th (5%) of the floor area or mechanical ventilation extracting at 6 litres/second to the outside air.** **Ventilation should not be obstructed.**
2. Kitchens		
2.1 Location, size and condition	**All accomm**	**There must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those**

		sharing the facilities to store, prepare and cook food. **All facilities must be available at all times and be internally accessed from all bedrooms and bedsitting rooms. Each sink is to be provided with an appropriate splash back.** **If hostels have a commercial kitchen where access is not available at all times and breakfast and a further main meal is provided every day, a reduced standard may be agreed, contact the Local Housing Authority to determine.**
2.2 **Sinks**	**Shared Use**	**A sink with constant hot and cold water and a draining board per 5 occupants (a dishwasher will be acceptable as a second sink).**
	Exclusive Use	**A sink with constant hot and cold water and a draining board.**
2.3 **Cookers**	**Shared Use**	**A cooker with a 4-ring hob, an oven and a grill per 5 occupants (a 27-litre microwave with an oven and grill will be acceptable as a second cooker).**
	Exclusive Use	**A cooker with a 4-ring hob, an oven and a grill for a 2 person unit of accommodation or a 2-ring hob, an oven and a grill will be acceptable in units of accommodation occupied by 1 individual.** **Kitchen facilities provided in a bedsit should be sited away from the entrance door.**
2.4 **Electrical sockets**	**All accomm**	**A minimum of two double electrical sockets are required at worktop height plus one per major appliance (i.e. a cooker, microwave, refrigerator/freezer, washing machine etc.).**
2.5 **Worktops**	**All accomm**	**Fixed worktop (s) with a smooth impervious surface for food preparation, minimum size** **600mm x 1000mm (1-3 persons)** **600mm x 2000mm (4-6 persons** **600mm x 3000mm (7-10 persons)** **600mm x 4000mm (11-15 persons)**
2.6 **Storage**	**Shared Use**	**A 0.3m3 dry goods storage cupboard other than a sink base unit per occupant either in each occupant's room or in a shared kitchen.**

	Exclusive Use	**A 0.3m3 dry goods storage cupboard other than a sink base unit per occupancy either within the bedsit or in a shared kitchen.**
2.7 Refrigerators	**Shared Use**	**Two worktop height refrigerators with freezer compartments, or 1 worktop height fridge and 1 worktop height freezer or equivalent per 5 occupiers.**
	Exclusive Use	**A worktop height refrigerator with a freezer compartment.**
2.8 Refuse	**All accomm**	**Suitable and sufficient provision for household waste and recycling disposal both within the unit of accommodation and outside in accordance with the Council's waste disposal arrangements.**
2.9 Ventilation	**All accomm**	**In addition to any windows, mechanical ventilation extracting 60 litres/second to the outside air or 30 litres/second if sited within 300mm of the centre line of the hob.**
3. Heating		
3.1 Fixed heating	**All accomm**	**A fixed, controllable and affordable form of heating must be provided in all rooms, including common areas of the dwelling. Heating should be available at all times and be under the control of the occupiers.** **Heating appliances should be capable of maintaining a temperature of 21°C with an outside temperature of -1°C in each unit of living accommodation.**
4. Gas and Electric		
4.1 Electrical Installation	**All accomm**	**Electrical Installation to be tested at least every 5 years by a competent electrical engineer and to be in a satisfactory condition with no Code 1 or Code 2 hazards.** Guide for landlords: electrical safety standards in the private rented sector - GOV.UK **Gas and electricity meters and associated isolating switches, valves and consumer units should be located within communal parts of the HMO so as to be accessible to all occupiers at all times.**

4.2 **Electrical Equipment**	**All accomm**	**All portable electrical equipment to be subject to an EET Test (Electrical Equipment Testing - formerly PAT Testing). Battery-operated and cordless equipment does not need to be EET tested however the chargers for items which are plugged in would. Brand new equipment does not need a test but should be supplied in a safe, working order; a visual check is recommended to verify the item is not damaged.**
4.3 **Gas**	**All accomm**	**All gas appliances to be tested by a suitably qualified Gas Safe registered contractor on an annual basis and a copy of the certificate provided to the tenants. All gas appliances to be in satisfactory condition.** **Gas and electricity meters and associated isolating switches, valves and consumer units should be located within communal parts of the HMO so as to be accessible to all occupiers at all times.** **Any room converted to use as sleeping accommodation shall not contain the following types of gas appliances:** **1. A gas fire, gas space heater or a gas water heater (including a gas boiler) over 14 kilowatts gross heat input unless it is room sealed.** **2. A gas fire, gas space heater, or a gas water heater (including a gas boiler) of 14 kilowatts gross heat input or less or any instantaneous water heater unless it is room sealed or has an atmosphere-sensing device.**
4.4 **Carbon monoxide alarms**	**All accomm**	**Carbon monoxide alarms must be installed in any room containing a fixed combustion appliance (except gas cookers). This means a fixed apparatus where fuel of any type is burned to generate heat.** **Landlords should follow the individual manufacturer's instructions when installing the alarms. However, in general, carbon monoxide alarms should be positioned at head height, either on a wall or shelf, approximately 1-3 metres away from a potential source of carbon monoxide.**
5. Fixtures and Furniture		

5.1 **Fixtures**	**All accomm**	**Any room used for sleeping must have an adequately sized window opening directly to external air.**
5.2 **Furniture**	**All accomm**	**All furniture should comply with current regulations – 'The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended)'**
	Communal areas, including combined kitchen dining/ living rooms	**Rooms to be internally accessible and suitable furniture to be provided in accordance with the room's intended use.**
6. Fire precautions		
Provide fire precaution facilities and equipment to reduce fire risk and to ensure the safety of people in the premises as far as is practicable in accordance with the LACORS (Local Authorities Coordinators of Regulatory Services) publication "Housing – Fire Safety, Guidance on fire safety provisions for certain types of existing housing".		
6.1 **Fire Risk Assessment**	**Premises comprising of common Parts**	**Where parts of premises are shared in common by residents or they are available to paying guests, the premises will require a fire risk assessment to meet the requirements of the Regulatory Reform (Fire Safety) Order 2005 (the Order). This should be available for inspection by Kent Fire and Rescue Service Inspectors (KFRS) who enforce the provisions of the Order.** **The Order does not apply to areas of single private domestic use.** **Guidance is available online or in hard copy, the relevant guide is Fire safety risk assessment: sleeping accommodation.** **https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation**
6.2 **Fire detection**	**All accomm**	**Fire detection to comply with the current relevant British Standard in consultation with the Local Housing Authority.** **An automatic fire detection and alarm system will be required and the type of system installed should be in accordance with the recommendations of BS 5839: Part 6 and reflect the level of risk, layout and the number of storeys in the building.**

6.3 **Emergency lighting**	**All accomm**	**In consultation with the Local Housing Authority, an emergency lighting system complying with BS 5266 to be provided in large buildings with long escape routes, in buildings with a complex layout, in buildings with no natural or borrowed lighting along the escape route, or in buildings with vulnerable occupiers.**
6.4 **Fire blankets**	**All accomm**	**A fire blanket conforming to BS EN 1869 in each kitchen area to be installed in accordance with the manufacturer's instructions.**
6.5 **Fire doors**	**All accomm**	**All fire doors specified by the Local Housing Authority to meet the following requirements, conform to BS 476 Part 22 (FD30 type) or to BS EN 1634-1.** **The specification, installation and maintenance of fire doors should comply with BS 8214.** **Each fire door to be hung on three 100mm mild steel butt hinges, and provided with an approved intumescent strip incorporating a cold smoke seal to the top edge, lock and hinge sides of the door. *(Alternatively, the intumescent strip and cold smoke seal may be inserted into* the *identical position of the door frame/lining)*.** **Each fire door must be provided with an approved self-closing device to ensure that the door closes positively within the frame.** **All doors are to be well fitted within the frame. Any gap between the top edge, lock and hinge sides of the door and the frame must not exceed 4mm.** **All fire doors required for escape purposes must be fitted with furniture, including hinges having a melting point of not less than 800°C. Those fitted with key operable locks must be capable of being operated from the inside in the direction of escape without the use of a key.**

6.6 **Escape Windows**	**All accomm**	**Where windows are provided for emergency escape purposes, they should have an unobstructed openable area that is at least 0.33m² and have a minimum 450mm height and 450mm width. The bottom of the openable area should not be more than 1,100mm above the floor.** **Escape windows should meet the following criteria: serve rooms whose floor level is no more than 4.5m from the ground; every room served by the escape window has access to it without entering another habitable room; if it is necessary to pass through the common escape route to reach the escape window, consideration should be had to the travel distance involved. (Where the common escape route is not a protected route, unusually long travel distances may be unacceptable and other fire precautions may be necessary); occupiers are able-bodied individuals with no specific high-risk characteristics and who can reasonably be expected to exit via the window unaided; there is no basement well or other encumbrance beneath the window such as railings or a conservatory; the escape window is openable from the inside without the use of a removable key; the ground below is level and free of obstructions; and the window or door should lead to a place of ultimate safety, clear of the building. However, if there is no practical way of avoiding escape into a courtyard or back garden from where there is no exit, it should be at least as deep as the building is high.**
6.7 **Fire Separation**	**All areas**	**All separating structures (walls, floors, ceilings, staircases etc.) between separate units, lettings, common parts and kitchens etc. should be constructed to meet an appropriate fire-resisting standard to the approval of the Local Housing Authority in consultation with KFRS.** **This will be a minimum of 30-minute fire resistance and in some circumstances may be required to provide 60-minute fire resistance.** **Loft hatches are to achieve at least 30-minute fire resistance.** **Storage cupboards should not be located in protected routes unless they are fire-resisting. Spandrels and doors to understairs cupboards located in escape routes should be fire-resisting.** **Generally, the fire separation between**

		the basement and the ground floor (including the staircase soffit and spandrel) should be 30-minutes fire-resisting, and a 30-minute fire-resisting door should be fitted at the head of the basement stairs. **All visible holes and voids compromising the fire separation are to be filled with appropriate fire resisting material.**
6.8 **Extinguishers**	**All accomm**	**Subject to your Local Housing Authority requirements and your own fire risk assessment, the following may be required:-** **a) a simple multi-purpose fire extinguisher in each shared kitchen;** **b) a simple multi-purpose extinguisher on each floor in the common parts.** **NB. Dry powder extinguishers are generally not recommended for indoor use, particularly in small rooms or confined spaces.** **If you choose to provide an extinguisher, training must be provided to all occupants and at the start of each new tenancy.** **All extinguishers provided should comply with BS EN 3 and be serviced on an annual basis by a qualified person.**
6.9 **Automatic Water Suppression Systems**	**All accomm**	**The installation of a certified British Standard sprinkler system may allow for some relaxation of requirements in respect of physical protection e.g. doors and intumescent seals, together with a lesser standard of alarm devices. All consultations with the Local Housing Authority will be carried out in conjunction with Kent Fire & Rescue Service.**
6.10 **Maintenance of Fire Warning/Detection Systems Emergency lighting and Fire extinguishers**	**All accomm**	**The manager/responsible person must ensure that any firefighting equipment, emergency lighting and fire alarms are maintained in good working order.** **A maintenance contract should be arranged (with a competent contractor) at the time of initial installation for regular servicing in accordance with the relevant British Standard.** **The system must also be tested on a weekly basis by the person in control of the premises**

		(manager/responsible person or their agent). All tests should be properly recorded within the system logbook supplied by the installer during the handover procedure.
6.11 **Managing, maintenance and minimising false alarms**	**All accomm**	**Contact details of the person responsible for the maintenance of the fire warning/detection systems should be displayed in a prominent position in accordance with the current management regulations.** **For complex buildings requiring a multi-zone fire alarm system it is recommended that a legible zone plan is displayed adjacent to the alarm panel.**
6.12 **Emergency Signage**	**All accomm**	**In larger premises or those with complicated layouts or with alternative exits it will be necessary to provide relevant signs and signage to identify and facilitate means of escape.** **Signs should conform to the requirements of BS 5499.** **Fire action notices (what to do in case of fire) should be displayed to inform guests and residents.** **Fire safety instructions are to be provided to the occupants and must include: The evacuation strategy for the buildings (e.g., stay put or simultaneous evacuation), instructions on how to report a fire (e.g., call 999 or 112, the correct address to give the fire and rescue service), any other instruction that tells residents what they must do when a fire has occurred.**

HMO MINIMUM ROOM SIZES

Accommodation With Facilities Shared By Occupiers

These standards apply where there is sharing of some or all facilities i.e. HMOs where:
· occupiers live independently of others e.g. single room lettings or bedsit accommodation (kitchen facilities within own room);
· occupiers forming a group e.g. students, professional persons and others who interact socially.

Note: Irrespective of the floor area, we will consider the height and shape of the room and the useable space within the room when determining whether or not it is suitable for use as sleeping accommodation.

Rooms should be able to accommodate the required amount of appropriate furniture while still allowing sufficient space for movement within the room.

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 can contribute 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 usable 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 in width.)

Measurements will include floor to ceiling fitted wardrobes/walk in cupboards, but not chimney breasts, unusable or unused bulkheads, kitchenette/food preparation areas (unless there is no shared kitchen) and en-suite facilities, or other significant obstructions that can reduce the useable floor area.

All rooms shall have a minimum floor to ceiling height of 2.3m, except in the case of existing attic rooms which shall have a minimum height of 2.14m over not less than 75% of the room area.

Any floor area where the ceiling height is less than 1.5 metres shall be disregarded and not counted as useable space.

Room Description where the room is in the unit of accommodation	**Minimums**	
	1 Person* Unit	**2 Person* Unit**
Combined bedroom, living room and kitchen (no ensuite)	**13m²**	**20.5m²**
Combined bedroom and living room	**10m²**	**14m²**
Combined living room and kitchen, or combined bedroom and kitchen	**12m²**	**15m²**
Kitchen	**4.5m²**	**4.5m²**
Living Room	**9m²**	**12m²**
Bedroom (provided that an adequately sized communal lounge is available)	**6.51m²**	**10.22m²**

*persons aged over 10. For persons under 10 years, please contact the Private Sector Housing Team. The minimum bedroom size for 1 person aged under the age of 10 is 4.64m2.

Number of Persons					
Where the room is shared by occupiers	**3**	**4**	**5**	**6**	**7-10**
Kitchen area (minimum)	**5m²**	**6 m²**	**7 m²**	**9 m²**	**11m²**
Communal living room (not required if the individual combined bedroom and living room meet the standard above)	**12m²**	**12m²**	**12m²**	**12m²**	**17m²**

Hostels – To include Guest House and Bed & Breakfast accommodation where board is provided as part of the occupancy.

Room Description	**Number of Occupants**				
	1	**2**	**3**	**4+**	
Bedroom only	**6.51m²**	**10.22m²**	**15 m²**	**Add 4.5 m² per each person over 3 occupants**	
Combined Bedroom & Living Room	**10m²**	**14m²**	**18.5 m²**	**Add 4.5 m² per each person over 3 occupants**	
For shared use of occupants	**Number of persons**				
	1-3	**4**	**5**	**6**	**7-10**
Kitchen (all main meals** not provided)	**5m²**	**6m²**	**7m²**	**9m²**	**11 m²**
Kitchen (all main meals provided)	**5m²**	**5m²**	**5m²**	**5m²**	**7m²**
Communal living room (not required if individual bedroom & living room meet the standard above)	**8.5m²**	**11m²**	**11m²**	**11m²**	**16.5m²**

** Three meals a day (to be provided each day of the week)

Revision information

Version 5 – 04/08/2026
Version 4 – 03/12/2018
Version 3 – 26/03/2014
Version 2.2 – 28/07/2006 – working release
Version 2.2.1 - 31/07/2006

ANNEX 1.7

INFORMATION ON DISCLOSURE AND SPENT OFFENCES

Under the Housing Act 2004, licence holders and managers of houses in multiple occupation must be fit and proper persons to undertake the responsibilities of running them. In order to assist the Council in making proper assessment of your suitability, you are asked to provide details about previous convictions for criminal offences. Under the Rehabilitation of Offenders Act 1974, you are not required to provide details about previous convictions which are "spent". A conviction becomes spent after a certain length of time, which changes depending upon the sentence and your age at the time of conviction (the periods are halved if the conviction took place when you were aged 17 or less).

Sentence	**Period of good conduct needed for conviction to be spent**
6 months to 2½ years imprisonment	10 years
Less than 6 months' imprisonment	7 years
Borstal Training	7 years
A fine or Community Services Order	5 years
Probation Order, Conditional Discharge, or Bind Over	1 year
An Absolute Discharge	6 months

Note:

If a person is sentenced to more than 2½ years in prison, his/her conviction can never become "spent".

ANNEX 2 – CHECKLIST TO DETERMINE IF PROPERTY IS AN HMO

IS MY PROPERTY AN HMO?	**Housing Act 2004**
It will be an HMO if it is one of the following:	**Section and schedule numbers**
A shared house lived in by people who belong to more than one family* and who share one or more facilities**.	s254(2) *(The 'standard test')*
A house in bedsits lived in by people who belong to more than one family* and who share one or more facilities**.	s254(4) *(The 'converted building test')*
An individual flat lived in by people who belong to more than one family* and who share one or more facilities**.	s254(3) *(The 'self-contained flat test')*
A building of self-contained flats that do not meet 1991 Building Regulation standards.	S257
Exemptions: • If it is occupied by only two people. • If it is occupied by the owner (and their family if any) and one or two lodgers. • If it is occupied by a religious community. • If the occupiers have their main residence elsewhere***. • If no one in the property is required to pay rent. • If the owner or manager is a public body. • If the owner or manager is an educational institution. • A building of self-contained flats if two thirds or more of the flats are owner-occupied. • If the property is part of a guest house or hotel (unless an 'HMO Declaration' is made).	Sch 14, 7 Sch 14, 6(c) Sch 14, 5 s259 s254(2)(e) Sch 14, 2 Sch 14, 4 s257(2)(b) s254(2)(d) (s255(1))
SOME OF THESE HMOs MUST HAVE A LICENCE – WHICH ONES?	
An HMO must have a licence if **both** of the following apply: a. It is an **HMO** (see definition of HMO above) and b. it is occupied by **five people or more**. Exemptions: • a purpose-built flat being occupied by 5 persons as an HMO which is situated in a block comprising three or more self-contained flats	Regulations made under s55 amended by The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018

* Family – husband, wife, co-habitee, child, step-child, foster-child, grandchild, parent, step-parent, foster-parent, grandparent, brother, half-brother, sister, half-sister, aunt, uncle, niece, nephew, cousin.	s258
** Facilities – basic amenities: wc; wash hand basin, shower, bath; cooking facilities.	s254(8)
*** Accommodation used by full-time students while they are studying is taken to be their main residence.	s259(2)(a)

ANNEX 3 - COMPLAINTS

If service users are not satisfied with the delivery of the service they have received, the Council's Corporate Complaints Procedure can be followed. Complaints leaflets are also available from the Council offices. Decisions by the Council have to be considered in accordance with legislation, the Council's corporate complaint process is not an appeal process if you do not like a decision that has been made by the Council. There are separate legislative processes to deal with such matters.

The Local Government and Social Care Ombudsman can be contacted if further advice and support is needed on making a complaint to the Council, and can investigate a complaint once it has exhausted the Council's complaints process.