

**Manchester City Council
Report for Information**

Report to: Executive 11 November 2020

Subject: Housing Compliance and Enforcement - HMO Standards and Licensing Policy

Report of: Strategic Director - Neighbourhoods

Summary: HMO Standards and Licensing Policy

Recommendations:

- To approve that the HMO Licensing Policy be replaced by a Private Rented Sector Licensing Policy
 - To approve the revised version of the HMO Standards which have been updated following consultation feedback
-

Wards affected - all

Manchester Strategy outcomes	Summary of how this report aligns to the OMS
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Good quality and well managed private rented homes will contribute to the sustainability of neighbourhoods, ensuring residents have a settled and stable platform to contribute and thrive.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Improving the private rented housing offer helps to attract and retain talent.
Working with both residents and businesses to support them in improving the neighbourhoods in which they live and work and socialise	Increasing the supply of good quality affordable homes for private rent provides access to quality accommodation in neighbourhoods where people are happier to settle for a longer period of time.
A liveable and low carbon city: a destination of choice to live, visit, work	The right mix of quality energy efficient housing is needed to support growth and ensure that our growing population can live and work in the city and enjoy a good quality of life.
A connected city: world class infrastructure and connectivity to drive growth	This approach recognises the importance a balanced housing offer plays within a well connected city and the neighbourhoods within it. It seeks to create neighbourhoods where residents will choose to live and their housing needs and aspirations are met

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Background Documents

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Consultation Responses – “Changes to HMO Licensing Policy and Standards”

1.0 Introduction

- 1.1 The Council as a local housing authority is entitled to set its own standards in respect of Houses in Multiple Occupation (HMOs) within its area. This commonly includes space, amenity provisions such as kitchen and bathrooms facilities, and fire precautions as a minimum. The HMO standards apply to all HMOs within its area irrespective of private rented licensing requirements. They do not form a legal requirement in and of themselves but are publicised as guidance for landlords, agents and tenants; and used to inform HMO licensing requirements, and enforcement options for non-licensable HMOs.
- 1.2 The standards are formulated based on legislative requirements, and relevant guidance as well as the Council's expectations of HMOs in the City. HMO standards are not intended to be applied to all properties as a blanket approach, rather as general guidance to be applied on a case by case basis.
- 1.3 Landlords cannot appeal the Council's HMO standards in themselves but they can appeal their application (e.g. appeal against Improvement Notice, appeal against a licence granted with conditions attached to reduce occupancy) to the Residential Property Tribunal (RPT – also known as First Tier Tribunal). Where an applicant is dissatisfied with the tribunal's decision they have a further right of appeal to the Lands Chamber (also known as Upper Tier Tribunal). Tribunal decisions are made on a case by case basis and are useful as guidance but do not form case law.

2.0 Reason for Review

- 2.1 Manchester's HMO standards were last reviewed in 2011/12 and were substantially overhauled, simplifying them and bringing them in line with the requirements of the Housing Act 2004 which came into effect in June 2006. In 2009/10 the Council adopted a Student Strategy Implementation Plan which described improving the accommodation offer for students both by improving the standards in licensable HMOs and by increasing the amount of purpose built accommodation available as an alternative. The Council also adopted an Article 4 Direction in 2012 meaning that planning permission was required for change of use to a HMO even in smaller dwellings.
- 2.2 The private rented sector has doubled in size in the past 10 years and continues to grow. Recent data shows that Manchester was the fastest growing city and third fastest growing local authority area and market renting in the city had expanded more rapidly than anywhere else in the country to provide homes for over 75,000 households – more than doubling in size.
- 2.3. On 1st October 2018 mandatory licensing of Houses in Multiple Occupation (HMOs) was extended to cover all properties with 5 or more occupiers living in 2 or more households and sharing amenities, regardless of the number of storeys. The changes brought smaller privately rented properties into the HMO licensing regime e.g. two storey shared terraced housing and shared flats above shops.
- 2.4 Due to these increases in the number of licensable HMOs a review of both the HMO standards and policy is prudent.

3.0 HMO Standards

- 3.1 **Space Standards:** There are no proposed changes, there is no national minimum requirement for communal space and consideration is instead given to the Housing Health and Safety Rating System assessment carried out under Part 1 of the Housing Act 2004 on what is considered adequate to enable the provision of suitable amenities for the proposed number of occupants. A review of Core Cities and GMCA authorities reveals no significant variations in the standards for dining and kitchen space.
- 3.2 The government introduced a national minimum of 6.51m² for one person and 10.22m² for two persons for sleeping accommodation for licensed HMOs, which set out in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. Manchester had already had in place similar minimum standards. The new regulations also specified minimum floor areas for children. The Council's revised HMO Standards have been updated to reflect the new national minimum requirements for sleeping accommodation and it is proposed these updates are accepted.
- 3.3 Manchester has a preferred larger bedroom standard for one person of 10m² which is above the 6.51m² national minimum, however we will not refuse to licence properties with bedrooms below this as long as they are above the national minimum of 6.51m² and there is adequate communal space overall. Where bedrooms fall below our preferred standard we would usually expect more communal space to be provided than the minimums we have set out in our standards.
- 3.4 Whilst our standards do not contain guidance on where/when to allow relaxations they do include a statement around a flexible approach where alternative solutions are put forward to the Council that are within the legislative framework and support good quality accommodation. It is proposed that we continue to adopt flexible approaches going forward considering the current context with the extension to HMO Licensing and Article 4 direction being in place preventing new HMOs.
- 3.5 **Amenity Standards:** There are no proposed changes to the current amenity standards (number of kitchen and bathroom facilities) outlined in the Council's HMO Standards. The standards for amenities are based largely on The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. A review of core cities and GMCA authorities revealed no significant variations to those in the Council's standards currently.
- 3.6 **Fire precautions and other issues:** The specifications outlined in the Council's HMO Standards are to remain broadly the same. The standards refer to the universally recognised LACORS guidance which is pending review. The standards do include the option to require a higher standard where recommended by the fire risk assessment
- 3.7 **Controls relevant to all Private Rented Housing:** An additional section around controls relevant to all private rented properties has been included in the revised

HMO standards document to reflect the lack of comprehensive guidance for private rented properties that fall outside the scope of licensing, this inclusion is designed to provide guidance for both landlords and tenants about general property standards, and set out the method the Council uses to assess hazards known as the Housing Health and Safety Rating system, being clear that the council expects any private rented dwelling house, including HMOs, to be free from hazards. It outlines the process for dealing with complaints

4.0 PRS Licensing Policy

4.1 The PRS licensing policy now incorporates both HMO and Selective Licensing. Whilst there are differences between the licensing regimes there are also many similarities and overlaps. Most of the suggested changes are due to changes in legislation or are amendments to reflect improved guidance.

4.2 **Amendments include;** a new section covering the assessment on the appropriate person to hold a licence, which has been incorporated in light of queries received around this, and a section setting out details of how licence fees are now charged in two parts. A change in case law in 2018 means that Councils are no longer able to charge the full licence fee as an upfront cost on the submission of a licence application. Landlords must be provided with the option to pay the fee in two parts. This consists of an application fee and a fee at the time the licence is granted. If the licence is not granted for any reason the landlord is not required to pay the latter part of the fee.

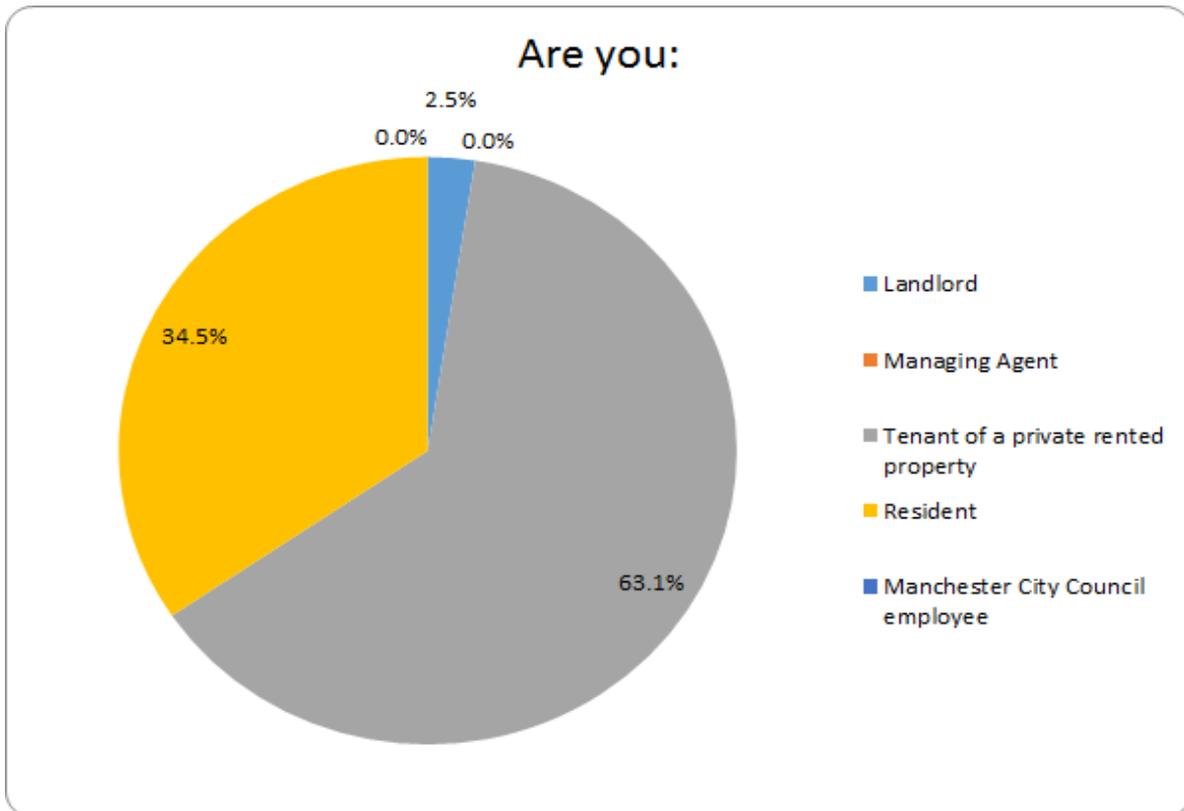
5.0 Consultation

5.1 There is no statutory duty to consult on such changes to the HMO Standards or Policy however it is recognised as good practice. An 8 week online consultation was published on the council's website as well as social media messages publicising the consultation and inviting residents and businesses to share their thoughts. Copies of the proposed Licence Policy and HMO Standards were shared with all Members for comments and feedback.

5.2 The consultation was carried out online, advertised on the Council's website and promoted through social media, email and word of mouth. The consultation went live on the 12 August 2020 and ended on the 25 September 2020, and received 208 responses.

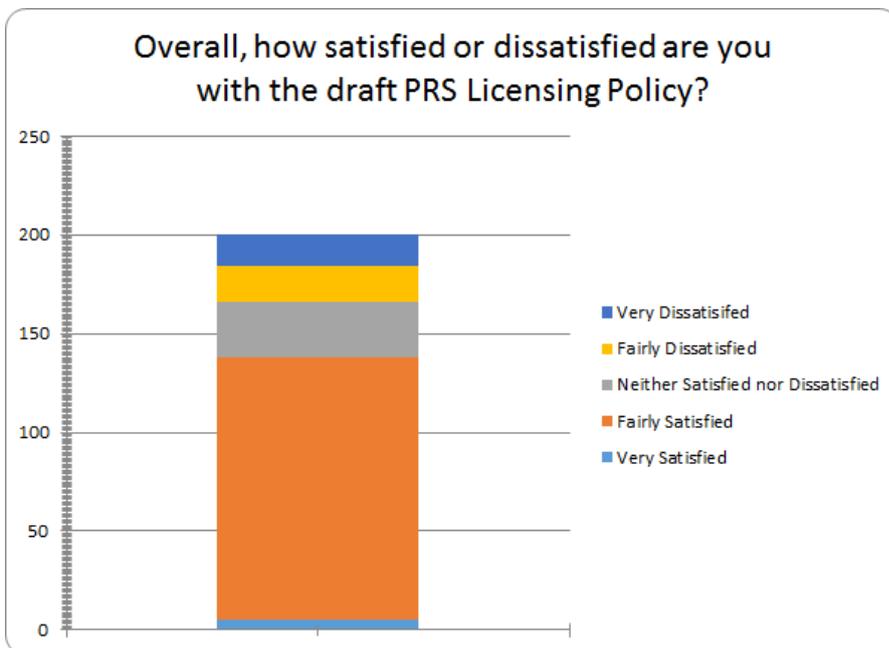
5.3 Tenants provided the most responses (63.1%) followed by residents (34.5%) and landlords (2.5%). (see figure 1)

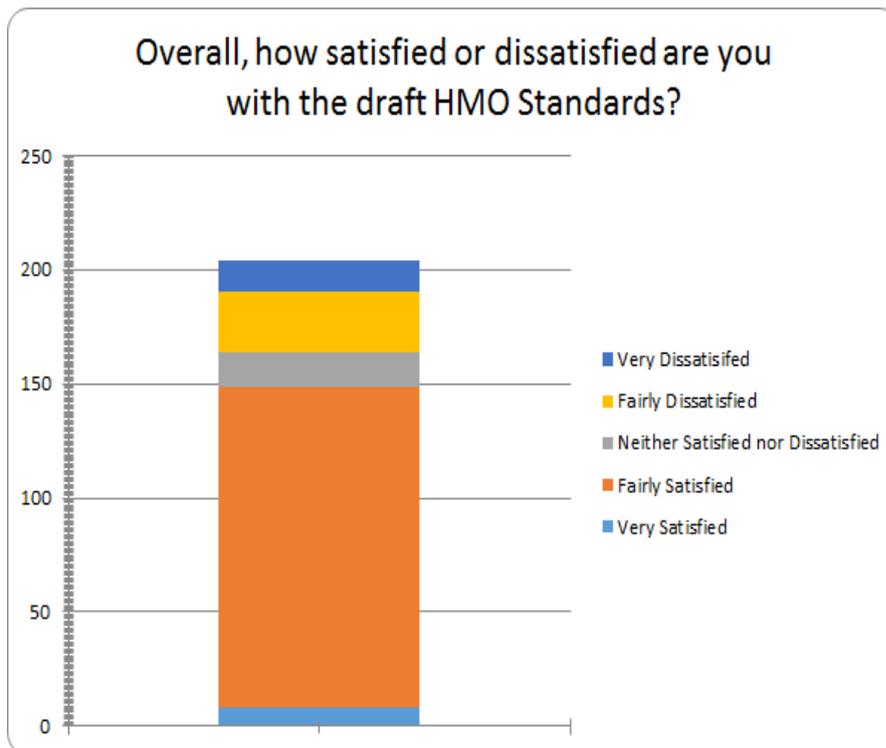
Figure 1



5.4 Overall, the majority of respondents were either very satisfied or fairly satisfied with the HMO Standards (73%) and either very satisfied or fairly satisfied with the PRS Licensing Policy (69%), (see Figure 2)

Figure 2





- 5.5 Of those that were satisfied, many comments welcomed increased/ improved regulation of private rented properties for the benefit of both tenants and the wider community. Respondents felt that this was a public health issue, landlords should be both responsible and accountable for the condition of their properties and address the behaviour of their tenants.
- 5.6 The respondents that were neither satisfied/dissatisfied (7.5%) and fairly or very dissatisfied (19.5%), most comments implied they felt the standards and policy needed to be strengthened and wanted to ensure they were implemented in practice.
- 5.7 Concerns raised included issues that cannot necessarily be addressed under the licensing schemes,- many comments concerned how we can work better with other teams across the Council to secure improvements for communities. Issues included;
- Transient communities,
 - Concentrations of HMOs in certain areas,
 - Anti-social behaviour,
 - Rubbish (suggestion of large communal bins for HMOs rather than multiple bins),
 - Licensing of HMOS with no Planning permission, was a recurring theme, particularly in areas with concentrations of HMOs.
 - Lack of adequate sound insulation,
 - Visual disamenity issues,
 - Slum landlords
 - Lack of enforcement, and how to make landlords more accountable

5.8 The results of the full consultation are available, the following extracts are typical of comments received:

“Manchester needs a licensing system for ALL landlords, and it needs to come down hard on landlords who let their properties fall into disrepair while their tenants pay the price.”

“This is a public health issue. Poor quality housing in the private rented sector has an enormous impact on the mental and physical health of households across Manchester. If ever there was doubt that decisive action is needed to protect private renters in the City of Manchester, the past six months have brought this reality home to all of us. The pandemic, lockdown and the economic crisis it has wrought stands to impact poor households in the private rented sector disproportionately, including those from BAME communities. What matters now is not just the principle of regulation and protection, but the practice and enforcement”

“Housing policy and planning policy need to be used together to prevent the exploitation and destruction of communities.”

“ are the level of fines for non-compliance set out? I don't recall seeing them. Concentrations of HMO housing blight neighbourhoods and reduce the availability of family home ownership while inflating prices. This needs to be tackled through Planning policy.”

“As a private landlord myself, I agree we need better regulation as I hear horror stories from renters all the time.”

“Poor quality housing in the private rented sector is a public health issue and has an enormous impact on the mental and physical health of households across Manchester.”

“The content of it is a welcome proposal but the enforcement is key to making it work. “

“No. It would be a total waste of time and effort to put anything as nothing will come of it. The council only acts when solicitors and the media become involved.”

6.0 Conclusion

6.1 The proposed amendments to the Licencing Policy and HMO standards documents as a result of the consultation are detailed below

- To address the impacts of visual disamenity and those HMOs that do not require a licence, the HMO standards document has been refreshed to make the requirements under the HMO Management regulations applicable to all HMOs clearer.
- More detailed reference to the Civil Penalties fines issued for non-compliance.

- 6.2 It is proposed that the HMO Licensing Policy be replaced by a Private Rented Sector Licensing Policy that incorporates both selective and HMO licensing and reflects recent legislative changes.
- 6.3 It is proposed that the HMO Standards be replaced by a refreshed HMO Standards that reflects recent legislative changes
- 6.4 It is proposed that any decisions made based on the HMO Standards that may result in reduced occupancy either for a licensable property or prohibitions to reduce occupancy be authorised by a manager within the Housing Compliance and Enforcement Team to ensure the standards are consistently applied.
- 6.5 Feedback and comments from the consultation (Appendix 1) have been incorporated into the policy and standards which are attached as Appendices 2 and 3.

7.0 Recommendations

- 7.1 Executive are asked to approve that the HMO Licensing Policy be replaced by a Private Rented Sector Licensing Policy
- 7.2 Executive are asked to approve the revised version of the HMO Standards which have been updated following consultation feedback

Appendix 1- Revised PRS Licensing Policy



Manchester City Council Private Rented Sector Licensing Policy

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1 Introduction

The Housing Act 2004 (the 'Act') has given Local Authorities powers to licence the provision of certain types of housing in the private rented sector. This policy sets out the approach that Manchester City Council (the 'Council') will take in implementing the Licensing Provisions within the Act. This document outlines the Council's policy and intentions, but is not a detailed statement of law, and interested parties should seek to familiarise themselves with the legislative provisions of the Act and where necessary obtain legal advice on their implications.

Under powers introduced by the Housing Act 2004 (as amended by the Housing and Planning Act 2016), the Council is under a duty to licence (subject to a number of specific exceptions) all Houses in Multiple Occupation (HMOs) occupied by 5 or more persons consisting of 2 or more households – this is known as Mandatory HMO Licensing. The Council may use discretionary powers to designate areas for Selective Licensing and Additional HMO Licensing.

The Council recognises the valuable role that the private rented sector plays in offering choice and flexibility to Manchester residents. However, the Council needs to ensure that this significant part of the housing market offers safe and well-managed accommodation which matches the city's future aspirations and meets its current needs. Property within the private rented sector can provide affordable housing options for some of the most vulnerable and disadvantaged groups in society including benefit claimants or those on low incomes, students and asylum seekers. The Council will ensure that this type of accommodation is regulated to protect the health, safety and welfare of tenants, but also to safeguard local communities from the impact of antisocial behaviour which may result from inadequate management.

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Please note that it is a serious offence not to hold a licence if you are required to do so. Failing to licence a licensable private rented property could result in a financial penalty of up to £30,000 or an unlimited fine if you are prosecuted. You may also be required to pay back rent you received in the period for which you were not licensed. In extreme cases you could be served with a Banning Order and/or the Council could obtain a Management Order against the premises.

2 The Mandatory Licensing of Houses in Multiple Occupation (HMOs)

The aim of HMO licensing is to ensure that the highest risk properties in the private rental market are identified, meet legal standards and are properly managed. HMOs which are occupied by five or more persons, who comprise of two or more households, are subject to this licensing regime (other than those that are exempt from licensing).

The Act places the following general duties on all local housing authorities with respect to HMOs falling within the mandatory licensable description:-

To effectively implement a licensing regime.

A licensing process has been developed based on an online licence application form. Applications can be made for new HMOs, renewals, variations and temporary exemptions.

To determine licence applications within a reasonable time.

The length of the application process will vary depending on a number of factors, such as the individual property circumstances or the total number of applications that the local housing authority has received. Provided that a landlord has submitted a valid application, the HMO can continue to operate legally until the Council reaches its decision and any appeals against that decision are complete.

The Council aims to determine all valid licence applications within a period of 60 days. This is the time between the date that the application is deemed as being valid and the date that the decision is made whether to grant or to refuse to grant a licence.

Tacit Consent will not apply due to public safety. It is in the public interest that the Council must process the application before it can be granted. Each application will be treated on a case by case basis and can take longer to process if information is missing or an inspection is required prior to granting of the licence.

To be regarded as valid, an application must consist of the following minimum elements:

- A duly completed on-line application.
- A reasonably accurate plan of the property indicating room dimensions and the position of standard amenities, plus the location of any smoke/heat detectors and fire doors;
- A satisfactory gas safety certificate (if the property has a gas supply) issued in the last 12 months;
- A satisfactory fire alarm test certificate (tested in accordance with BS 5839 or similar) issued in the last 12 months;
- A satisfactory periodic inspection report of the electrical installation issued in the last 5 years ;
- The appropriate application fee submitted to the Council

Time scales may also vary dependent upon the findings from the Council's full inspection of the property.

To take all reasonable steps to secure that applications for licences are made

in respect of HMOs which are required to be licensed but are not. The Council will continue to actively seek compliance with mandatory licensing requirements through both communication and engagement with tenants, landlords, managing agents and organisations representing them; and proactive investigations and enforcement action where appropriate.

3 Selective and Additional Licensing

Selective Licensing

The aim of Selective licensing is to ensure private rented properties in a specific area meet certain standards, are managed well, and are safe for people to live in. This in turn contributes positively to improving neighbourhoods. A Local Authority may introduce selective licensing in designated areas of low demand, and/or where there are problems with antisocial behaviour and/or houses that are in a poor condition.

Before introducing Selective Licensing a Local Authority must take reasonable steps to consult persons who are likely to be affected by the designation. Any private rented properties which then come under a designation (and are not exempt) are subject to Selective Licensing.

The Act places the following general duties on all local housing authorities with respect to Selective Licensing:-

To effectively implement a licensing regime

A selective licensing process has been developed based on an online licence application form.

To determine licence applications

and other issues falling to be determined by them under this Part within a reasonable time. The length of the application process will vary depending on a number of factors, such as the individual property circumstances or the total number of applications that the local housing authority has received. Provided that a landlord has submitted a **valid** application, the property can continue to operate legally until the Council reaches its decision and any appeals against that decision are complete.

The Council aims to determine all **valid** licence applications within a period of 60 days. This is the time between the date that the application is deemed as being valid and the date that the decision is made whether to grant or to refuse to grant a licence.

To be regarded as valid, a selective licence application must consist of the following minimum elements:

- A duly completed on-line application.
- A satisfactory gas safety certificate (if the property has a gas supply) issued in the last 12 months;
- The appropriate application fee submitted to the Council

Additional Licensing

The aim of additional licensing is to ensure private rented non mandatory licensable HMO's in a specific area meet certain standards, are managed well, and are safe for people to live in.

The conditions to meet in order to implement Additional Licensing are similar to Selective Licensing, but the properties must be HMOs. The authority must consider that a significant proportion of the HMOs of that description in the area are being managed ineffectively.

4. Exemptions to Licensing Requirements

There are a number of exemptions to licensing requirements which are set out in legislation. The exemptions differ between the different types of licensing schemes. The exemptions to Mandatory HMO Licensing are set out in Schedule 14 of the Housing Act 2004 and those for Selective Licensing are set out in The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006.

Exemptions to licensing should not be confused with Temporary Exemptions, which is where licensing does apply but the requirement may be waived for a short period (see Section 16 of this document).

Categories of exemptions are listed below for each scheme, however this is not a definitive list and you should refer to the legislation itself for details of the specific requirements for each category which are often complex.

If you are in any doubt as to whether an exemption applies you are strongly recommended to contact the Council for clarification and/or take your own legal advice.

Mandatory HMO Licensing:

- Buildings controlled or managed by public sector bodies
- Buildings controlled or managed by a co-operative society
- Buildings regulated otherwise than under this Act
- Buildings occupied by students where the person managing/in control is specified in national regulations

- Buildings occupied by religious communities
- Buildings occupied by owners and their households
- Buildings occupied by two persons who form two households

Selective Licensing:

- A tenancy or licence of a house or dwelling that is subject to a prohibition order
- Specified types of tenancies e.g. business tenancies, holiday lets, licensed premises, tenancies of agricultural land or agricultural holdings
- A tenancy or licence of a house or a dwelling that is managed or controlled by a local housing authority; the police; a fire and rescue authority, or a national health service body
- Poorly converted HMOs which are regulated otherwise
- A tenancy or licence of a house or a dwelling granted by a person to a person who is a specified family member

5. The Licensing Process

Having considered the information provided by the applicant on the application form and any accompanying documentation, and following a satisfactory property inspection (where necessary) the Council must grant a licence if it is satisfied that:

- The proposed licence holder is a fit and proper person;
- The proposed licence holder is the most appropriate person to hold the licence;
- The proposed manager, if applicable, is a fit and proper person;
- The proposed management arrangements are satisfactory; that any person involved in the management of the house is competent and that the financial structures for the proper management of the property are appropriate.
- The property is reasonably suitable for occupation by the number of persons requested, having regard to the number and suitability of facilities available or that it can be made thus suitable by the imposition of licensing conditions (NB. Only applicable to HMOs)

It is a legal requirement for local authorities to provide a register of all specific details relating to licensable HMOs and any properties licensed under Selective or Additional Licensing. Anyone can request to view a public register by visiting Manchester City Council's website (www.manchester.gov.uk). The public register will contain information as required by Section 11 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.

Information must be full and accurate at the time of application, failing which an application may be delayed, rejected or issued for a lesser period.

6. Licence Fees

Sections 63(3) and 87(3) of the Act enable local authorities to charge a fee to cover the costs incurred in carrying out all duties involved in the administration of the licensing process.

The licensing fee is split into two parts, the application fee and the grant fee. Current [HMO Licence Fees](#) and [Selective Licence Fees](#) are on the Manchester City Council website.

The licence fees will be reviewed on an annual basis or sooner where any significant factors are identified which would justify an earlier review.

7. Refund of Licence Fees

The Council will consider issuing a refund in full for any fee that has been paid in respect of a licence application where it is found that

- the property was not licensable at the time of application, for example it does not fall within a selective licensing designation or is not private rented
- where the property is exempt from licensing (see The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006 No.370 or Schedule 14 of the Act)

The Council will consider a partial refund where an application is made for a property which was licensable at the date of application but the circumstances have since changed prior to granting of the licence, for example

- Property no longer rented
- Property has been sold
- Owner has moved back into the property
- The property is no longer licensable

Any refund will be appropriately apportioned to reflect the work carried out in processing and administering the application up to a certain stage.

There will be no entitlement to a refund after the licence has been granted or where a notice of intention to grant has been issued and this has been served. There will also be no entitlement to a refund where the application has been determined and a notice to refuse to grant a licence has been issued

8 Duration of Licences

Section 91 (4) of the Act allows for a Selective licence to be granted for a maximum of five years. Selective licences will usually be issued for the remaining period of the designation where there are no concerns regarding the management of the property.

Section 68(4) of the Act allows for a Mandatory HMO licence to be granted for a maximum of five years. Licences will be granted for this period where landlords have been found to be compliant with previous licensing conditions, maintained good property standards and demonstrated good management standards.

To reflect the complex nature of Bed and Breakfast (B&B) type properties, and due to the high turnover and the way in which B&B properties are occupied, licences will be granted for a maximum of 3 years to ensure that adequate measures are in place to manage these

properties. Where there has been intervention or a history of non-compliance a licence may be issued for a lesser period of 1 year.

If the Council has evidence to suggest that management arrangements or property conditions are not entirely satisfactory, or where the Council has taken intervention against the landlord which does not warrant refusal to grant a licence, or where concerns are raised by the Police or other statutory enforcement agency, or where the application has come about only as a result of the Council's intervention, licences may be granted for a lesser period.

In certain circumstances the licence period will be reduced accordingly to reflect the time period from when the licence should have been applied for to when it was actually applied for. This is to ensure equity with those landlords who have applied in good time.

In cases where incomplete applications are received and the applicant has failed to promptly provide the information required, the application is deemed invalid. In these circumstances, the Council may consider it appropriate that the licence period should be reduced accordingly to reflect the delay.

In cases where a licence has already been issued and new evidence comes to light which reveals concerns regarding the property condition or management the Council may consider varying the licence to reduce the length of the licence.

9 Variation of A Licence

A licence may be varied either by agreement with the licence holder or by the local authority if there has been a material change in circumstances since the date of grant of licence. (Sections 69 and 92 of the Act).

A variation request can be made by the licence holder and there is no fee payable for this.

Licences are not transferable. A change of licence holder requires a new licence application to be made. A change of managing agent, where they are not the licence holder, could be amended through a variation.

Where a variation is a consequence of a material change being made to the property by the licence holder (if, for example, the property has been altered or extended so that the maximum permitted occupation has increased) the Council may need to re-inspect.

Licence holders must first obtain the outcome of a variation application before increasing occupancy levels. Failure to do so will result in a breach of the licence and be subject to prosecution or civil penalty.

10 Assessing Suitability for Occupation

In respect of Mandatory Licensable HMOs, under Section 65 of the Act, the Council must be satisfied that the property is reasonably suitable for occupation by a specified maximum number of persons or households.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended) must be taken into consideration.

These regulations require that the following matters must be taken into account when assessing suitability for occupation:-

- The provision of an adequate means of space heating in each unit of living accommodation;
- The provision of adequate and sufficient toilet facilities, plus facilities for personal washing and bathing;
- The provision of adequate and sufficient kitchen facilities;
- The provision of appropriate fire precautions and fire safety equipment.

In addition the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 specify minimum requirements for sleeping accommodation.

Manchester City Council has set its own minimum standards for all HMO's: ["Manchester Houses in Multiple Occupation Guidance and Amenity Standard"](#)

Where a premises does not comply with the prescribed standards at the outset, then compliance will be achieved either through the setting of specific licence conditions requiring work to be carried out within a specified period of time or through limiting occupation levels.

11 Assessment of most appropriate person to hold the licence

Upon receipt of an effective licence application the Council is obliged to either grant or refuse the licence to the applicant; or issue a licence to some other person if both he and the applicant agree.

The Council must be satisfied that the proposed licence holder is the most appropriate person to be the licence holder and must either be the person having control of the house or an agent or employee of the person having control of the house.

Section 263 of the Act describes what is meant by 'in control' and 'managing'.

Consideration will be given to

- whether the applicant is an owner or lessee of the premises
- who receives the rent for the premises
- who is responsible for carrying out repairs
- the proposed management arrangements for the property

12 Fit and Proper Person Assessment and Satisfactory Management Arrangements

The Council must be satisfied that the proposed licence holder, and any persons managing a licensed property (if different) is a fit and proper person. This assessment may also extend to persons associated to the proposed licence holder and manager where relevant.

In deciding whether a person is fit and proper the following (among other things) will be taken into account:

- committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c.42)(offences attracting notification requirements)
- practiced unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business
- acted otherwise than in accordance with any applicable code of practice approved under section 233 (Mandatory HMO Licensing only)
- contravened any provision of the law relating to housing or landlord and tenant law including Part 3 of the Immigration Act 2014
- if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person
- if the person requires leave to remain in the United Kingdom but does not have it; or is insolvent or an undischarged bankrupt

Licence applicants are required to answer questions as part of the application form confirming they have procedures and arrangements in place to ensure their property is well managed.

These include;

- Arrangements for essential repair work and routine maintenance, including financial arrangements to cover such works;
- Dealing with complaints from their tenants about disrepair issues;
- Dealing with anti-social behaviour;
- Dealing with the disposal and management of waste
- Information about tenancy deposit schemes.

In all cases, the proposed licence holder must have a permanent address within the United Kingdom before they can be regarded as being suitable to hold a licence.

In determining whether the proposed management arrangements for the house are otherwise satisfactory, the Council must have regard (among other things) to:

- whether any person proposed to be involved in the management of the house has a sufficient level of competence to be so involved
- whether any person proposed to be involved in the management of the house (other than the manager) is a fit and proper person to be so involved
- whether any proposed management structures and funding arrangements are suitable

Where further checks are required in order to assess a 'fit and proper' status an officer will contact the applicant by telephone or by writing, or may invite applicants to attend Council offices with a view to establishing the exact circumstances of the matter.

Wherever possible, applicants who are assessed as not being fit and proper will be encouraged to propose an alternative person or company to act as the licence holder.

Where the accommodation is occupied by persons of a particularly vulnerable group, then the applicant may be required to support their declaration by obtaining a Disclosure and Barring Service (DBS) Basic Checks. Existing Basic Checks or higher-level DBS certificates will be acceptable provided they are dated not more than 12 months prior to the application.

The licence may be revoked where the Council no longer considers that the licence holder is a fit and proper person to be the licence holder and where the Council no longer considers that the management of the house is being carried on by persons who are not in each case fit and proper persons to be involved in its management.

This requirement is to ensure that those responsible for operating the licence and managing the property are of sufficient competency and good character to be involved in the management of the particular residential property and as such they do not pose a risk to the welfare or safety of persons occupying the property.

The Council may apply discretion where appropriate. Multiple offences or a series of offences over a period of time are likely to give cause for concern and may demonstrate a pattern of inappropriate behaviour which should be taken into account. A particularly serious view may be taken where the victim of any offence is vulnerable.

Each case will be considered on its own merits.

The Council will adopt a common sense approach, exercising its discretion reasonably and proportionately, taking into account relevant considerations and disregarding irrelevant considerations.

13 Licence Conditions

All licences granted are subject to conditions with which the licence holder must either comply with immediately or within a specified period of time. Breach of any licence condition could result in enforcement action including a financial penalty of up to £30,000 or the court can impose an unlimited fine on prosecution. Furthermore a significant or persistent breach of a licence condition may be grounds for revocation of the licence and/or the issue of a shorter licence.

The conditions detailed in Schedule 4 of the Act are mandatory and must be included in every licence granted. In addition the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 No. 616 set out further mandatory

conditions in respect of HMO licences. Taking into account any mandatory conditions, the Council has produced a set of Standard Conditions for both HMO and Selective licensed premises relevant to Manchester which are attached to every licence.

Manchester's Houses in Multiple Occupation Licence Conditions and Manchester's Selective Licensing Conditions are on the Council's website.

The Council may also impose other specific licensing conditions that are considered necessary for regulating the management, use and occupation of the premises concerned, including its condition and contents.

14 Temporary Exemption from Licensing

If a landlord or a person in control of a licensable property intends to stop operating as a licensable property and can give clear evidence of this then he or she can apply for a Temporary Exemption Notice (TEN).

Where it is intended that a property will cease to be privately rented the landlord must be able to provide evidence that any existing tenants have made suitable alternative housing arrangements and that they will have moved out within 3 months from the date of application for the TEN.

In exceptional circumstances consideration may be given to issuing a further TEN for another 3 months, however no more than two consecutive TENs may be granted.

Upon expiry of a TEN, the property must either be licensed, or no longer be licensable.

15 Houses in Multiple Occupation (HMO) Declarations

Where a building, or part of a building, is partly occupied by persons as their only or main residence, but is also partly occupied otherwise than as a residence e.g. a Bed & Breakfast (B&B) establishment providing accommodation for both homeless people or asylum seekers and for holidaymakers, the Council may declare the building a HMO if it is satisfied that the occupation by persons as their only or main residence is a significant use of the building, or part of the building.

16 Rent Repayment Orders

The Council can apply to the Residential Property Tribunal (RPT) to reclaim any housing benefit or the housing element of Universal Credit (up to a maximum of 12 months) that has been paid during the time that a licensable property was operating without a licence. This is known as a Rent Repayment Order (RRO). The Council will exercise this right in the majority of cases.

Any tenant living in a property that should have been licensed, but was not, can also apply to the RPT for an RRO to claim back any rent they have paid during the unlicensed period (up to a maximum of 12 months). Tenants will be advised that they may pursue a RRO themselves as they consider appropriate.

RRO's can be applied for where other housing and tenant law offences have been committed (e.g. breach of an Improvement Notice).

17 Refusal to Grant a Licence

Where a licence application is refused the Council may be required to take on the management of the property by making an Interim Management Order (IMO). A full options appraisal will be carried out before any decision to refuse to grant a licence is made and the making of a Management Order (MO) should be regarded as a last resort.

18 Representations and Provisions for Appeal

Representations

Before the Council can grant a licence, it must consider any representations made in accordance with the Notice of Intention to Grant a Licence. A representation is a formal statement made to an official body by a person expressing a point of view about some aspect of the Licence.

A representation to the Council should be made in writing to The Neighbourhoods Service (see contact details at the beginning of this document). However, in exceptional circumstances, the Council will accept an oral representation. Representations should be submitted before the date marking the end of the consultation period, which is stated on the notice.

If a person connected to the property, makes a representation the Council will consider the issues raised and make a decision as to whether any action needs to be taken. This action could include modifying some aspect of the Licence, e.g. the conditions attached or carrying out further investigations. The Council will always contact the applicant and all relevant persons to notify them of the decision made. If you disagree with the Council's decision, you have the right to appeal against the decision with the RPT

Appeals

Appeals can be made if the Local Authority decides to:

- Grant a licence with conditions;
- Refuse a licence;
- Vary a licence;
- Refuse to vary a licence.
- Revoke a licence;
- Refuse a TEN

Appeals should be made to the RPT, normally within 28 days.

19 Enforcement of Licensing

Failure to Apply for a Licence

Under sections 72 and 95 of the Act it is an offence for a person having control of or managing a licensable property to do so without a licence. In line with the Corporate Enforcement Policy the person responsible will be given adequate opportunity to apply for a licence before legal proceedings are instigated.

In cases where it is found that there has been gross neglect of proper management standards which has resulted in the health and safety of the occupants being put at serious risk, consideration may be given to enforcement action for failure to obtain a licence forthwith without having given any prior opportunities to apply.

Where it is found an offence has been committed the receipt of an appropriate application will not prevent enforcement action being taken.

Permitting Excess Occupation

Under Section 72(2) of the Act, it is an offence for a person having control of or managing a licensed HMO to knowingly permit it to be occupied by any additional person or persons so as to exceed the maximum number of occupants or households authorised by the licence.

Breach of Licence Conditions

Under Section 72 (3) and 95 (2) of the Act, it is an offence if the licence holder or a person on whom restrictions or obligations are imposed under the terms of a licence fails without

reasonable excuse to comply with any condition of the licence. A serious breach or repeated breach of licence conditions may also be grounds to revoke the licence. Legal proceedings will be considered in all cases where a licence is revoked on these grounds.

Enforcement Action

Enforcement action for any of the above offences could result in a financial penalty (Civil Penalty) of up to £30,000 or upon prosecution the court can impose an unlimited fine. A Landlord may also be required to pay back any rent received in the period for which a property was not licensed.

Following a successful prosecution or two Civil Penalties, a Banning Order can be issued – preventing the letting of any properties for a minimum of 12 months. The Local Authority may also apply for Management Orders for the premises – taking full control of the premises for up to 5 years.

20 Planning Permission and Other Statutory Requirements

Compliance with the provisions of the licencing does not confer exemption from the need to obtain any planning permission necessary for operation of an HMO or from action by the Council under other legislation.

The Council may serve a range of notices in respect of private rented properties. These include notices requiring the execution of works to remove safety hazards, notices requiring steps to be taken to reduce the level of occupancy and notices to remedy neglect of management. The Council also has powers to take over poorly managed properties.

These powers operate independently of any licensing scheme.

You are advised to establish lawful use of your premises under planning legislation. It is also advisable to contact the Council's Planning and Building Control departments for advice.

Planning

PO Box 532, Manchester, M60 2LA
planning@manchester.gov.uk
0161 234 4516
Fax: 0161 234 4508

Building Control

Building Control, PO Box 532, Manchester, M60 2LA
building.control@manchester.gov.uk
0161 234 4490
Fax: 0161 274 0031

21. Non-Licensable private rented properties

There are many private rented properties throughout the city which do not fall within any licensing requirements at the present time; for instance non HMO private rented properties or HMOs having less than five occupants and not falling within a selective licensing designation. In these cases it is considered important that appropriate standards of amenity provision, fire precautions and room size should be achieved wherever possible.

Part 1 of the Act brings in a method of assessing housing conditions known as the Housing Health and Safety Rating System (HHSRS) plus associated enforcement powers to deal with any hazards identified. For further details about the HHSRS (See Section 3 of HMO Guidance and Amenity Standards document). Furthermore, part 4 of the Act contains provisions for dealing with overcrowding in HMOs.

By application of these powers similar overall standards may be achieved as those required for licensable properties. Landlords and managers of non-licensable properties should must consider the advice given in this document together with HMO Guidance and Amenity Standards document in order to lessen the possibility of any enforcement action being taken under these other provisions of the Act.

Non-licensable HMO's must also comply with The Management of Houses in Multiple Occupation (England) Regulations 2006 which sets out duties of managers and occupiers for all HMO's (other than certain blocks of flats described in section 257 of the Housing Act 2004 ("the Act")).

All relevant supporting documents for [HMO Licensing](#) and/or [Selective Licensing](#) can be downloaded from Manchester City Councils website

Houses in Multiple Occupation Guidance and Amenity Standards

Manchester City Council: Standards for Houses In Multiple Occupation

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1. Introduction

This document sets out Manchester City Council's Standards for Houses in Multiple Occupation (HMOs) operating within the City. These standards are based on legislative requirements and relevant guidance as well as the Council's expectations of all HMOs.

These standards are intended to provide landlords and tenants with guidance on the Council's expectations and its interpretation of legislation. If you are in any doubt about any of these standards please contact the Council.

All HMOs including non licensable HMOs must comply with the [Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) (other than a converted block of flats to which [section 257 of the Housing Act 2004 applies](#)). The Regulations set out the duties of landlords/managers including providing contact details to tenants and maintenance responsibilities both internal and external; as well as the responsibilities of the tenants.

HMO's which require a Mandatory HMO Licence will also need to comply with [Manchester's Houses in Multiple Occupation Licence Conditions](#). This sets out the conditions applicable to Licensable HMO properties and forms part of all HMO licences. Licensed HMO properties are required to comply with all conditions. These conditions are a good practice guide for landlords with non licensable HMOs to follow.

It may be that you wish to vary one of more of the standards because your property's circumstances mean a different solution would work better. Providing the solution is within the legislative framework and provides tenants with a safe home and improved quality, wherever we can Manchester City Council may adopt a flexible approach in discussions with a landlord.

Enquiries about HMOs can be made to:

Manchester City Council
Neighbourhood Services
P.O. Box 532
Town Hall
Manchester
M60 2LA

Tel: 0161 234 5500

Email: HMOlicensingenquiry@manchester.gov.uk

2. Definitions

Definitions around HMOs can be complex. The main definitions used by the Council for private sector housing enforcement purposes are provided below.

Meaning of “house in multiple occupation” under the Housing Act 2004

The Housing Act defines a building or a part of a building as a “house in multiple occupation” if it meets one of the following tests as set out in section 254 of the Housing Act-

- “the standard test”;
- “the self-contained flat test”;
- “the converted building test”;
- a HMO declaration is in force;
- it is a converted block of flats

A building or a part of a building meets the standard test if:

1. It consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
2. The living accommodation is occupied by persons who do not form a single household (*see section 258 of the Housing Act for a definition of persons not forming a single household*);
3. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (*see section 259 of the Housing Act for a definition of persons treated as occupying premises as only or main residence*);
4. Their occupation of the living accommodation constitutes the only use of that accommodation;
5. Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
6. Two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

A part of a building meets the self-contained flat test if:

1. it consists of a self-contained flat; and
2. paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

A building or a part of a building meets the converted building test if:

1. It is a converted building;
2. It contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
3. The living accommodation is occupied by persons who do not form a single household (*see section 258 of the Housing Act for a definition of persons not forming a single household*);
4. The living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (*see section 259 of the Housing Act for a definition of persons treated as occupying premises as only or main residence*);
5. Their occupation of the living accommodation constitutes the only use of that accommodation; and

6. Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

HMO declarations:

Where the local authority are satisfied that a building or part of a building meets one of the above tests they may serve a notice under Section 255 of the Housing Act "a HMO Declaration" declaring that the building or part to be a house in multiple occupation. (See Manchester City Council Houses in Multiple Occupation Licensing Policy document)

(Also See Section 255 Of the Housing Act)

Converted blocks of flats:

Properties that have been converted into self contained flats will be required to provide evidence that the standard of conversion meets as a minimum the standards required by the Building Regulations 1991, i.e. Certificate of Completion. For the purposes of this section a converted block of flats means a building or part of a building:

1. On which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and
2. Which would not have been exempt under those Regulations, building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and
3. In the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984.

(Also see Section 257 of the Housing Act)

Definition of a Bed and Breakfast House in Multiple Occupation:

In Bed and Breakfast establishments, residents usually occupy as "contractual licencees". Occupiers will have no right to "exclusive occupation" and will receive a service as part of their continued occupation such as, "a prepared breakfast".

Definition of a Student Hall House in Multiple Occupation:

This is a large unit or clusters of smaller units of accommodation incorporated into a main building exclusively occupied by full time students for part or all of the duration of their education. The make up of these properties can vary from:

- The traditional halls e.g. bedrooms along wings with large communal areas and shared facilities on each storey.
- To the more recent purpose built 4 – 6 bedroom self contained clusters.

Definition of a Bedsit:

These are houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathrooms and / or toilets). Cooking and food preparation facilities are usually provided within the individual units of accommodation but some occupants may share a communal kitchen. There is usually no communal living room and each occupant lives otherwise independently of all others.

Basic amenities means:

- A toilet,
- Personal washing facilities, or
- Cooking facilities

3. Controls relevant to all Private Rented Housing

Housing Health and Safety Rating System (HHSRS)

The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS) which provides a risk based methodology for assessing hazards in dwelling houses. The assessment considers the type of hazard, severity, potential of harm etc. The HHSRS is not a standard but a system to enable the hazards to be identified and the risks minimised or removed.

Manchester City Council expects any private rented dwelling house, including HMOs, to be free from hazards. Upon receipt of a complaint, or upon the authority's own initiative, the council will carry out an HHSRS risk assessment at a dwelling house and may choose to employ enforcement powers to remedy any hazards where the landlord is not co-operative or remedies are not forthcoming.

The HHSRS consists of 29 hazards:

1. Damp and mould growth
2. Excess Cold
3. Excess Heat
4. Asbestos and Manufacture Mineral Fibers – 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

The government has published [guidance on HHSRS](#)

Gas Safety

Landlords of all private rented properties must ensure annual gas safety checks are carried out by a Gas Safe registered contractor. Any works carried out must comply with the Gas Safety [installation & use] regulations 1998

Electrical Safety

Landlords of all private rented properties must ensure 5 yearly inspections of the electrical installations are carried out. Any works carried out must comply with IEE (Institute of Electrical Engineers) Wiring Regulations

Planning Permission/ Building Regulations Approval

Some works to HMO's will require planning permission and/or building regulations approval including: change of use to become an HMO, installation of plumbing and electrical works, thermal insulation, and structural alterations.

Meeting building regulation standards does not imply that the house meets HMO standards and will be free from HHSRS hazards.

The Council has an [Article 4 Direction](#) in place. This means that in Manchester you need planning permission to change the use of your property to an HMO.

For further information contact planning@manchester.gov.uk and/or building.control@manchester.gov.uk

Legionnaires' Disease

All landlords providing rented accommodation have responsibilities to ensure that the risks regarding legionella are properly controlled. The Health and Safety Executive (HSE) enforce landlord obligations for [Legionnaires' Disease](#).

Furniture Safety

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

Energy Performance

From April 2018, landlords of privately rented domestic and non-domestic property in England or Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. The requirement will be extended to existing tenants from 1 April 2020.

Tenancy Management

The City Council takes a serious view of illegal tenancy management practices, for example illegal eviction, harassment and the disconnection of Electricity, Gas or Water services. The Council will investigate and take action where an offence has been committed under any appropriate legislation (e.g. breaches of Management Regulations, Protection from Eviction Act 1977 etc.).

Refuse

- Sufficient refuse and recycling receptacles must be provided for tenants use
- An external hard standing area with suitable and convenient access for use by tenants for storage of receptacles.
- Area should be kept clean
- All refuse should be removed from the property
- Tenants to be made aware of refuse and recycling collection systems, including advising tenants that receptacles should be returned to the boundary of the property on collection day

Households with 6 or more people are entitled to an additional general refuse bin. Additional recycling containers can be requested and provided according to need.

For further information email contact@manchester.gov.uk or visit the council's website: www.manchester.gov.uk/info/200084/bins_rubbish_and_recycling

Antisocial Behaviour

Antisocial behaviour 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

Anti-social behaviour may or may not constitute criminal activity. The key determinant in deciding whether particular behaviour is anti-social will be the impact of the behaviour on others.

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.

The Council where appropriate will support landlords who are working towards tackling any issues of anti-social behaviour and take action against landlords who fail to engage or breach licence conditions.

4. Standards Applicable to All HMOs

Natural and artificial lighting

All habitable rooms should have an adequate level of natural light, provided via a clear glazed window or windows. (It is advisable that the glazed area is to be equivalent to at least one-tenth of the floor area). Where practicable, all staircases, landings, passages, kitchens, bathrooms and toilets should be provided with a window. Windows to bathrooms and toilets should be glazed with obscured glass.

Artificial Lighting: - All rooms and circulation areas within the property should have provision for electric lighting and should be controlled from suitable located switch points. Lighting on stairs should be capable of being switched on and off from both upstairs and downstairs. HMO's with complex/lengthy escape routes may also require emergency lighting, dependent on the individual fire risk assessment.

Ventilation

All habitable rooms require adequate ventilation either directly to external air by a window, with an openable area equivalent to at least 1/20th floor area of room.

Or If there is no natural ventilation in kitchens, bathrooms, WC mechanical ventilation must be provided to allow an adequate number of air changes per hour

Habitable rooms need suitable and adequate floor to ceiling height to allow proper circulation of air.

Space heating

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

Energy Efficiency

Properties should be adequately insulated. Heating and ventilation should be controllable by the tenants. Consideration should be given to the potential of 'fuel poverty' for tenants. Energy efficiency should also be considered when carrying out works to the property to ensure that legal obligations regarding energy performance are met

Security

All entrances to property must be well lit, especially ground floor/basement rooms/external staircases.

External entrance doors to communal area must be self closing.

Security devices/ locks must not hinder means of escape in case of fire.

Water supply

An adequate supply of hot and cold water on demand under adequate mains pressure must be available. Cold drinking water must be available from the kitchen sink.

Bathrooms and sanitary conveniences

Baths, showers, wash hand basins must be located within reasonably sized compartments and constructed to maintain privacy. All bathrooms and toilets must be suitably located in or in relation to the living accommodation in the HMO. Toilets must have a wash hand basin within the same compartment.

"Suitably located bathrooms" means that they are not more than two floors distant in relation to the sleeping accommodation

"Suitably located water-closet (WC)" facilities shall be not more than one floor distant from living and sleeping accommodation

Self-catering kitchen facilities

To include suitable and sufficient:

- Sink and draining board with hot /cold water
- Storage for food, kitchen utensils and crockery
- Refrigerator and freezer of adequate capacity (may be combined)
- Work top area impervious for food preparation
- Proper cooking appliance with rings/grill/oven
- Appliances dependent on liquid fuel or liquefied gas under pressure not acceptable
- Storage for internal waste and recycling where there are communal street bins.-

“Suitable and sufficient facilities and adequate capacity” means suitable for the number of occupants having regard to the amenities set out in section 5.

Room divisions

Room divisions must provide adequate sound insulation. For example, compliance with the relevant Building Regulations. Each letting where divided in to separate lettings must have a separate supply gas/electricity.

5. Amenity and Space Standards

Room sizes must comply with the standards set out below. The calculation of room size only takes into consideration the part of the room where the ceiling height is greater than 1.5m, however assumes the majority of the room to be of a reasonable height and free of potential injurious obstructions (i.e. HHSRS hazard 'collision and entrapment').

Measurement of the Area of a room

- Vertical height by reason sloping roof/ceiling less than 1.5m (5 feet) not included
- Include bay windows, fixed cupboards
- Exclude projecting chimney breast
- Include projected skirting
- Exclude where space immediately behind the door is no wider than the door itself

Each person in addition to their individual rooms shall have access to; a kitchen, communal space (living/dining room)

Kitchen and dining rooms must be located on the same level

Where the landlord provides a catering service, through a communal kitchen, a separate dining space must be provided

Self contained flats

Each aspect for a self contained flat shall be based on HHSRS and the officers' judgement.

Shared Houses

The following are the national minimum bedroom sizes for HMOs where separate living space is provided:

Bedrooms	
1 Person aged under 10 years	4.64 m ²
1 Person aged over 10 years	6.51 m ²
2 persons aged over 10 years	10.22m ²

(NB.The above standards do not apply to a HMO which is managed by a charity registered under the Charities Act 2011, and which is a night shelter, or consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.)

Bedrooms that have the living space combined within the room must be a minimum standard of 10m² for a person aged over 10 years and 6.51m² for a person aged under 10 years.

Where bedrooms fall below 10m², the extra living space required must be found within a communal room within the dwelling.

Kitchens	
2 to 4 Persons	5.5 m ²
5 to 10 Persons	Additional 1.4m ² per person to a maximum of 10 persons

Other kitchen sizes may be acceptable if the authority can be satisfied that the size, design and layout still allow the occupants to prepare, cook and serve food in a safe and hygienic manner.

Dining Room	
2 to 5 Persons	9m ²
Area for each additional person	+1.86m ²

The above standards apply to existing HMOs; all new build accommodation will need to refer to Manchester City Councils Planning and Building Control departments for approval.

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

Amenity Provision

Amenity ratio will be 1:5, however for every 5th person the WC must be separate from the bath or shower room. Separate WC must have a Wash Hand Basin with appropriate splash back contained within the unit.

Where there are 4 or less occupants sharing, there must be at least one bathroom with a bath/shower and a toilet with WHB.

See table below:

Facilities per person sharing	Shower or Bath	WHB & WC	WHB & WC must be separate from the existing bath or shower room

5	1		1
6-9	2	2	
10	2	1	1
11-14	3	3	
15	3	2	1
16-19	4	4	
20	4	3	1

Please note the table above is not exhaustive and alternative layouts will be considered where the local authority is satisfied that the arrangements are appropriate for the accommodations use.

All bathrooms and toilets must be suitably located in or in relation to the living accommodation in the HMO and of an adequate size and layout.

“Suitably located bathrooms” means that they are not more than two floors distant in relation to the sleeping accommodation

“Suitably located water-closet (WC)” facilities shall be not more than one floor distant from living and sleeping accommodation

The following requirements also apply:

- All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water
- All bathrooms must be suitably and adequately heated and ventilated
- All toilets and wash hand basins must be fit for purpose
- Baths and showers must have appropriate splashback
- Showers must have impervious surround – either a cubicle or tiled walls and a screen
- The walls and floor covering of any bathroom or shower room must be non-absorbent and capable of being readily cleansed.
- A suitable lock must be provided to all bath/shower rooms and WC
- WC’s must have a WHB contained within the same unit
- All baths, showers, WC and WHB should be properly connected to a soil drainage system

Kitchens

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 in a safe and hygienic manner.

The kitchen must be equipped with the following equipment, which must be fit for purpose and supplied in a sufficient quantity for the number of those sharing the facilities:

- Cookers with 4 rings, an oven and a grill shall normally be provided at a ratio of one per 5 persons sharing the kitchen.
- Sinks with draining boards – Sinks shall normally be at the ratio of one sink for 5 persons.

- Each sink supplied must have an adequate constant supply of cold and hot water.
- Worktops must be suitable and sufficient with impervious surface for food preparation. Suitable for the number of persons sharing the facilities
- Suitable storage for food, kitchen utensils and crockery must be provided, suitable for the number of persons sharing the facilities
- A refrigerator and freezer of adequate capacity (which may be combined when the freezer compartment is of adequate capacity), suitable for the number of persons sharing the facilities
- All kitchens shall be provided with a non-asbestos fire blanket adjacent to the nearest exit door to the cooker, at a convenient height.
- There must be appropriate refuse disposal and recycling facilities; and appropriate extractor fans, fire blankets and fire doors
- Kitchens shall be fitted with an appropriate extractor fan. This shall be capable of achieving 6 air changes per hour
- All kitchens are to have suitable and sufficient 13 amp electric power socket outlets, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities

Minimum Amenity Provisions

Proposed Facilities per person sharing	Kitchen Sink	Cooker	Fridge
1-5	1 kitchen sink	1(4 ringed cooker, as a minimum)	1 fridge with adequate freezer space
6-8	1 sink and an additional dishwasher, or double bowled sink and single drainer *	1 (4 ringed cooker) & 1 additional combi microwave, or an extra hob Or a large range cooker with more than 4 rings, with 2 oven compartments*	1 Fridge & a separate freezer *
9 - 10	2 kitchen sinks	2 (4 ringed cookers)	2 Fridges & a separate freezer *
10 - 14	2 sinks and an additional dishwasher, or 2 double bowled sinks with drainer *	2 (4 ringed cookers) & 1 additional combi microwave, or an extra hob	2 Fridges & 2 separate freezers*
15	3 Kitchen sinks	3 (4 ringed cookers)	3 Fridges & 3 separate freezers
Cupboards and worktops	Suitable for number of occupants		

Bedsits

Adequate kitchen facilities must be provided to allow the storage, preparation and cooking of food in a safe and hygienic manner to the following minimum standard:

- Two rings/hot plates together with a minimum of 1 cu. ft. (28 litres) oven and a grill. For occupancies of two persons, the minimum requirement is three rings/hot plates together with a full sized oven and grill. For occupancies of three or more persons a full size cooker is required. Cookers shall be positioned at a location and height to allow safe use
- A sink with an adequate supply of cold and constant hot water;
- A suitable work surface a minimum 0.5m deep and a length of 0.5m plus 0.5m per person using the facility shall be provided. An appropriate table in the kitchen area of suitable size and type may be considered an acceptable alternative for half of the requirement
- Sufficient electrical sockets; a minimum of 3 single socket outlets shall be located above the work surface for the use of portable appliances in addition to any sockets for appliances required by these standards, situated in convenient positions for the user
- Cupboards for the storage of kitchen utensils, crockery and food shall be required a minimum of one 500mm wide base unit or wall cupboard per person. The space located below the sink should not be treated as a food cupboard for the purpose of this standard
- A refrigerator. Fridge space shall be a minimum 1 cu. ft. (28 litres) of space per person plus a freezer compartment. The fridge shall be capable of maintaining an internal temperature of 5°C

The standards referred to above regarding appliances do not apply where:

- the landlord is not contractually bound to provide such appliances or equipment;
- the occupier of accommodation is entitled to remove such appliances or equipment from the HMO; or
- the appliances or equipment are otherwise outside the control of the landlord

Combined Rooms (Bedsits)		
Bedroom/Living room	One Person	10.22 m ²
	Two Persons	14.86 m ²
Living Room/ Kitchen	One Person	11.15 m ²
	Two Persons	14.86 m ²
Bedroom/ Living room/Kitchen	One Person	13.00 m ²
	Two Persons	24.15 m ²

Hostels and Bed and Breakfast Establishments

Kitchen facilities used by the management to provide meals for residents must comply with the Food Safety Act and are to be separate from the self-catering facilities.

The sharing of bedrooms is not permitted unless:

- Occupants are married, or living together as if married.
- They are parent and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if they are the opposite sex).
- They are members of the same family and are both of the same sex. For example 2 brothers, (if below 10 years of age, opposite sexes can share a room).

Note: There may be exceptions to the above sharing rule in bona fide hostels and similar establishments. Advice should be sought from the City Council in these cases and any exceptions to the above sharing rule must be formally agreed.

- Suitable office accommodation for the staff is to be provided according to the needs of the establishment.

- In the event of living accommodation being provided for staff, the accommodation must afford all amenities necessary to ensure reasonable comfort.

- Adequate staff supervision is to be provided according to the needs of the establishment. Where necessary the council may require the continuous presence of a member of staff 24 hours per day.

Where reasonably practicable there must be a wash hand basin (WHB) with appropriate splash back in each unit of accommodation

Where the landlord provides a catering service the facilities must comply with the Food Hygiene (England) Regulations 2006. In addition, some self-catering facilities will need to be provided and the level of facilities required will be determined on a case-by-case basis, taking into account the level of provision by the landlord. We will provide advice on request.

If you wish to deviate from any of the above standards you must discuss this with the Council. Manchester City 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 that is within the legislative framework this will be considered by the Council

6. Means of Escape in case of Fire/ Fire Standards

The government has published [guidance](#) on fire safety provisions for certain types of existing housing produced by the Local Authorities Coordinators of Regulatory Services (LACORS).

The Council primarily enforce fire safety issues using the Housing Health and Safety Rating System (HHSRS), which requires officers to assess the level of risk at residential premises. Manchester City Council will follow the LACORS guidance wherever possible, and works closely with Greater Manchester Fire and Rescue Service

Certain requirements may be in excess of what is needed following a fire risk assessment and, in some cases, additional fire provisions may be needed, any deviation from the LACORS guidance should be discussed and agreed with the Council in the first instance.

Landlords of Houses in Multiple Occupation (HMO) must 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](#).

Please note: The case studies in Part D of the LACORS guidance are based on a number of assumptions and should not be interpreted as a standard that must be followed in every premises that match the basic descriptions given. In practice there are relatively few premises that will match these case studies exactly. The guidance must be read in full.

7. Certification

Landlords of HMOs must ensure they obtain and keep records of any relevant certification to be available on demand in particular for gas, electrical safety and fire safety.

Gas Safety (Installation and Use) Regulations 1998

As a landlord, you are responsible for the safety of your tenants. The Gas Safety (Installation and Use) Regulations 1998 specifically deal with the duties of 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;
- An annual safety check is carried out on each gas appliance/flue by a Gas Safe registered Installer. Checks need to have taken place within one year of the start of the tenancy/lease date, unless the appliances have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- 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 to the property should be installed and maintained in accordance with a recognised standard, such as the current edition of the IEE (Institute of Electrical Engineers) Wiring Regulations and certification should be provided as prescribed under Appendix 6 of BS 7671:1992 (as amended) to confirm that the whole installation is to a safe and satisfactory standard. The installation must be retested and certified, as described every five years, or following any alterations or extensions to the system.

All work to the electrical installation must 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

All detectors must be tested at least once a year in accordance with BS 5839-1 to ensure that they respond to smoke. The test is usually carried out by a competent person under a maintenance contract and should be recorded in the log book, with a periodic inspection and test certificate issued.

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

Any emergency escape lighting present must be serviced and maintained in accordance with BS 5266-8: 2004 (BS EN 50172 : 2004) Emergency escape lighting systems. The requirements of BS 5266: part 8, require the annual test to be carried out 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.

Carbon monoxide detectors must be provided in any room containing a solid fuel burning combustion appliance, and must be kept in proper working order.

8. Enforcement

The Standards set out in this document are based on differing legislation each of which has its own enforcement criteria set out in law. All enforcement action will be carried out in line with the Council's Corporate Enforcement Policy.

The Council may serve a range of notices in respect of private rented properties. These include notices requiring the execution of works to remove safety hazards, notices requiring steps to be taken to reduce the level of occupancy and notices to remedy neglect of management. The Council also has powers to take over poorly managed properties. These powers operate independently of any licensing scheme.

You are advised to establish lawful use of your premises under planning legislation. It is also advisable to contact the Council's Planning and Building Control departments for advice.

There are many private rented properties throughout the city which do not fall within any licensing requirements at the present time; for instance non HMO private rented properties or HMOs having less than five occupants and not falling within a selective licensing designation. In these cases it is considered important that appropriate standards of amenity provision, fire precautions and room size should be achieved wherever possible.

Part 1 of the Act brings in a method of assessing housing conditions known as the Housing Health and Safety Rating System (HHSRS) plus associated enforcement powers to deal with any hazards identified. For further details about the HHSRS (See Section 3 of HMO Guidance and Amenity Standards document). Furthermore, part 4 of the Act contains provisions for dealing with overcrowding in HMOs.

By application of these powers similar overall standards may be achieved as those required for licensable properties. Landlords and managers of non-licensable properties should consider the advice given in this document together with HMO Guidance and Amenity Standards document in order to lessen the possibility of any enforcement action being taken under these other provisions of the Act.

Non-licensable HMO's must also comply with The Management of Houses in Multiple Occupation (England) Regulations 2006 which sets out duties of managers and occupiers for all HMO's (other than certain blocks of flats described in section 257 of the Housing Act 2004 ("the Act")).

More detail on enforcement action in respect of licensable HMO's can be found within the PRS licensing policy.

Related Policies Include: the Councils [Civil Penalty Policy](#), [Energy Efficiency](#),
With policies yet to be approved for Electrical Safety, and Rent Repayment Orders