

## **Report to the Cabinet**

**Report reference:** C-010-2018/19  
**Date of meeting:** 6<sup>th</sup> September 2018



**Portfolio:** Housing    Housing – Cllr S. Stavrou

**Subject:** Essex Amenity Standards for Houses in Multiple Occupation (HMOs)

**Responsible Officer:** Sally Devine    (01992 564149).

**Democratic Services:** Adrian Hendry    (01992 564246).

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### **Recommendations/Decisions Required:**

**That the 'Essex HMO Amenity Standards' attached as Appendix 3, be approved and adopted, as the minimum amenity standards generally required for houses in multiple occupation in the Epping Forest District.**

### **Executive Summary:**

Local authorities are responsible for ensuring that the number and location of washing, cooking and toilet facilities in houses in multiple occupation (HMOs) are reasonably suitable for the number of people living in them. Officers have until now been guided by specific standards prescribed by legislation and also locally applied 'Essex standards' that have been produced collaboratively by Environmental Health Officers across Essex. These assist in deciding whether a licensable HMO is suitable, what if any additional amenities are required through licence conditions and advise landlords of what is expected of them.

The current 'Essex standards' are now outdated. It is appropriate therefore that these standards are reviewed generally and it is also timely in light of the fact that the Government has extended the scope of licensable HMOs from 1 October 2018 (to include all HMOs occupied by 5 or more people sharing an amenity regardless of the number of storeys).

The proposed 'Essex HMO Amenity Standards' produced by the Essex Private Sector Housing Officers Group have been subject to a full consultation across Essex and Cabinet is being asked to approve and adopt these standards as the minimum requirements generally expected in HMOs in the Epping Forest District; which can be used as a guide to landlords operating HMOs and for enforcement officers within the Council.

### **Reasons for Proposed Decision:**

The existing Essex Standards for HMO amenity provision are outdated, are not fit for purpose and were not formally adopted. They require updating generally and to take account of recent regulations prescribing national minimum standards for room sizes in licensable HMOs.

## **Other Options for Action:**

Not to adopt the Essex HMO Amenity Standards – but this would leave officers responsible for enforcing property standards without a suitable benchmark against which to refer when setting amenity requirements in HMOs. This could expose the Council to potential challenge in court and subsequent costs as a result of landlords successfully appealing that the amenity requirements being imposed on them are not fair and equitable.

An option of each local authority producing its own individual standards rather than an Essex-wide standard – but this has been discounted since the consultation results show a preference for a county-wide approach and officers' opinion from Essex councils is that Essex-wide standards will evidence a fair and equitable enforcement approach across the county.

## **Report:**

1. Houses in multiple occupation (HMOs) are houses or flats that are occupied by more than one household who share one or more amenity. This typically includes shared houses occupied by students or young professionals, or bedsit type accommodation where separate unrelated individuals or families occupy a room in a dwelling and have shared use of communal kitchen, bathroom or wc facilities.
2. The Council has enforcement powers to ensure that all HMOs in its district are safe to live in and are properly managed and it is recognised that these types of properties are often occupied by the most vulnerable residents in the District. Certain HMOs require a licence to operate and the Council is responsible for ensuring that these properties are suitable for occupation by the number of people proposing to live in them including provision of an adequate number and location of washing, toilet and kitchen facilities and adequate space for sleeping and general living.
3. Certain statutory minimum standards are prescribed by regulations and the Housing Act 2004 also empowers local authorities to set their own standards through licence conditions which may be higher than the statutory minimum. These local standards should be interpreted as guidance to landlords as to what the local authority is likely to consider reasonable for the number of people occupying an HMO taking account of property type and layout. "The Essex Approved Code of Practice: Amenity Standards for HMOs", produced by the Essex Private Sector Housing Officers Group (that includes officers from this Council) and were last reviewed in 2012, have been the standards generally applied for HMOs across Essex, although they have never been formally adopted by this Council.
4. The existing Essex standards are now outdated and require reviewing. In addition, the Government, as part of its commitment to addressing property standards in the private rented sector, has extended the scope of HMO licensing, so that from 1 October 2018 all HMOs occupied by 5 or more people will require a licence whereas it has until now been limited to properties of 3 storeys or more. It has also introduced new national minimum room size standards for sleeping accommodation and a specific requirement to comply with councils' household waste storage and disposal schemes. It is therefore timely to review the existing standards generally, taking account of the new prescribed minimum requirements and for them to be formally approved and adopted by the Council.
5. Following a full review by the Essex Private Sector Housing Officers Group, the proposed 'Essex HMO Amenity Standards' have been produced and have been subject to an initial pilot followed by a full consultation across all 13 participating councils in Essex. The consultation consisted of an on-line survey that ran for 4 weeks from 22 May to 19 June 2018 and was open to all, but particularly targeted towards landlords, agents and tenants operating or having experience of living in HMOs. The consultation was publicised on the Epping Forest Council website and promoted

using social media. A letter and, where possible, email was sent to over 1000 landlords and agents including those known or suspected of operating an HMO within the Epping Forest District. Members were notified, in the 1 June 2018 Council Bulletin, about the consultation and invited to respond to the survey. The other participating councils similarly published and promoted the consultation.

6. Analysis of the survey was carried out by Colchester Borough Council using SNAP software and a summary report is attached at Appendix 1. Unfortunately, the response rate was poor and so the quantitative analysis (particularly percentages) should be read with caution. However, to summarise:

(a) 61 people completed the survey across Essex, 16% of them had a connection with Epping Forest District.

(b) 33% were landlords or prospective landlords and 13% were tenants.

(c) There were no responders with any interest in Braintree, Brentwood, Castle Point, Chelmsford, Harlow and Maldon.

(d) Within Essex, the most common problems encountered by tenants were problems with damp and mould (75% of tenants) and inadequate heating (63% of tenants).

(e) Overall, the majority felt that the room sizes and the proposed facilities on a sliding scale were 'about right'; the next strongest category was that the proposals set-out in the consultation were too small.

(f) 63% of Essex-wide respondents felt that the HMO standards should be Essex-wide rather than having separate standards for each local authority area.

7. Subject to some minor amendments to the original draft, which are summarised in a table at Appendix 2, officers representing the Essex Private Sector Housing Officers Group consider the proposed Essex HMO Amenity Standards as the appropriate standards that should be applied across the 13 participating local authorities. Taking into account the report recommendations and the short time constraints faced by councils in implementing the standards in time for the new extended licensing regime, the Standards will be kept under review and any significant amendments will be brought forward for consideration by the Group.

8. A Framework Agreement has been produced to be signed by each participating council once agreed and adopted through its local governance process. This means each individual council is not dependent on the progress of others before implementing the Standards in its own District, nor does it affect the status of the document itself.

9. It is therefore recommended that the Essex HMO Amenity Standards attached at Appendix 3 are approved and adopted as the amenity standards expected in HMOs in Epping Forest District.

#### **Resource Implications:**

All costs are contained within existing budgets and do not impact other service areas.

#### **Legal and Governance Implications:**

The adoption of the Essex HMO Amenity Standards will ensure that the standards that landlords are expected to meet and that tenants can expect to enjoy are fairly applied in Epping Forest District and will be consistent with the standards expected across Essex.

### **Safer, Cleaner and Greener Implications:**

One of the main aims of the Council's Private Sector Housing function is to protect the health and safety of people living in and visiting private sector residential properties including HMOs. The proposed Essex HMO Amenity Standards that will be used to support enforcement action to ensure that minimum standards are met is key to achieving this.

### **Consultation Undertaken:**

Following a pilot to test the survey questionnaire, a full consultation has been carried out with landlords, agents, tenants and councillors across Essex and both national and regional landlord associations. The consultation using SNAP software has been reported and analysed by Colchester City Council.

### **Background Papers:**

None

### **Risk Management:**

Failure to have an adopted standard for amenity provision in HMOs may compromise the health and safety of the residents living in HMOs and the effectiveness of officers in court when defending requirements that have been imposed on a landlord.

### **Equality Analysis:**

The Equality Act 2010 requires that the Public-Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report.

The Equality Analysis at Appendix 4, which relates to the Portfolio Decision Report HSG-003-2018/19: Enforcement and Service Standards, provides an overarching impact analysis for enforcement in the private sector. The proposed Essex HMO Amenity Standards falls within this enforcement framework and it is therefore appropriate that the same Equality Analysis is read in connection with this report.

### **Key Decision Reference (Y):**

# Essex Amenity Standards 2018



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JUNE 29

Colchester Borough Council

Authored by: Research and Engagement Team



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# What Facilities and Space are needed in a shared flat?

## Key Points and Recommendations

More and more people across Essex are living in houses or flats where they share basic facilities such as kitchens and bathrooms with friends, colleagues or people they don't know.

\*61 people completed the survey across Essex, 34% of them had a connection to Colchester.

\*33% were landlord or prospective landlords and 13% were tenants.

\*There were no responders with any interest in Braintree, Brentwood, Castle Point, Chelmsford, Harlow and Maldon.

\*Within Essex, the most common problems encountered by tenants were problems with damp and mould (75% of tenants) and inadequate heating (63% of tenants).

\*0% of tenants declared having experienced problems with not having enough wash hand basins or a lack of facilities for washing or drying clothes

\*Overall, the majority of people felt that the room sizes and proposed facilities on the sliding scale were 'about right', the next strongest category was that the proposals made in the consultation were too small.

\*65% of Colchester interested parties and 63% of Essex wide respondent's felt that the HMO standards should be Essex Wide.

### **Recommendations**

- ***There was a low response rate to this consultation and the sample is heavily skewed to landlords. Further engagement with tenants and other interested parties is recommended.***
- ***A frequent theme in the comments is that the guidance needs to be clearer and that size shouldn't matter, it is about the useable space.***
- ***Although the consultation response implies that standards should be Essex wide, not enough of Essex has been consulted. We recommend to talk to the unrepresented local authorities before moving forward.***

# What Facilities and Space are needed in a shared flat?

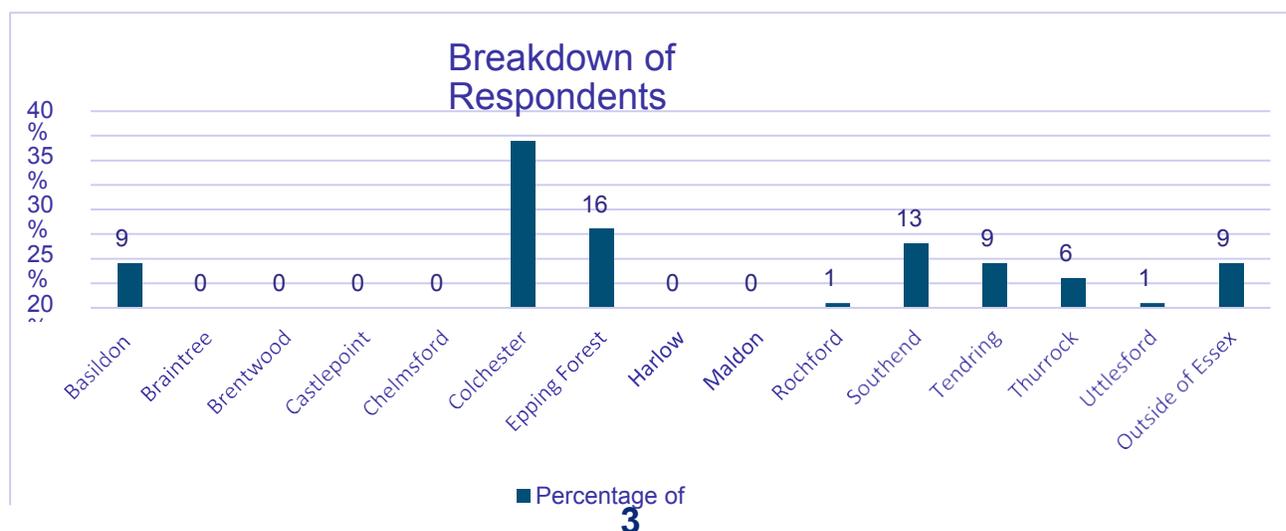
## Introduction

More and more people across Essex are living in houses or flats where they share basic facilities such as kitchens and bathrooms with friends, colleagues or people they don't know.

The Government is concerned that this shared accommodation (aka Houses in Multiple Occupation or HMOs) is where overcrowded and dangerous living conditions are most likely to be found and where vulnerable residents are more likely to be exploited. As a result it is changing the law from 1 October 2018 to expand the licensing of HMOs and bring in minimum room sizes.

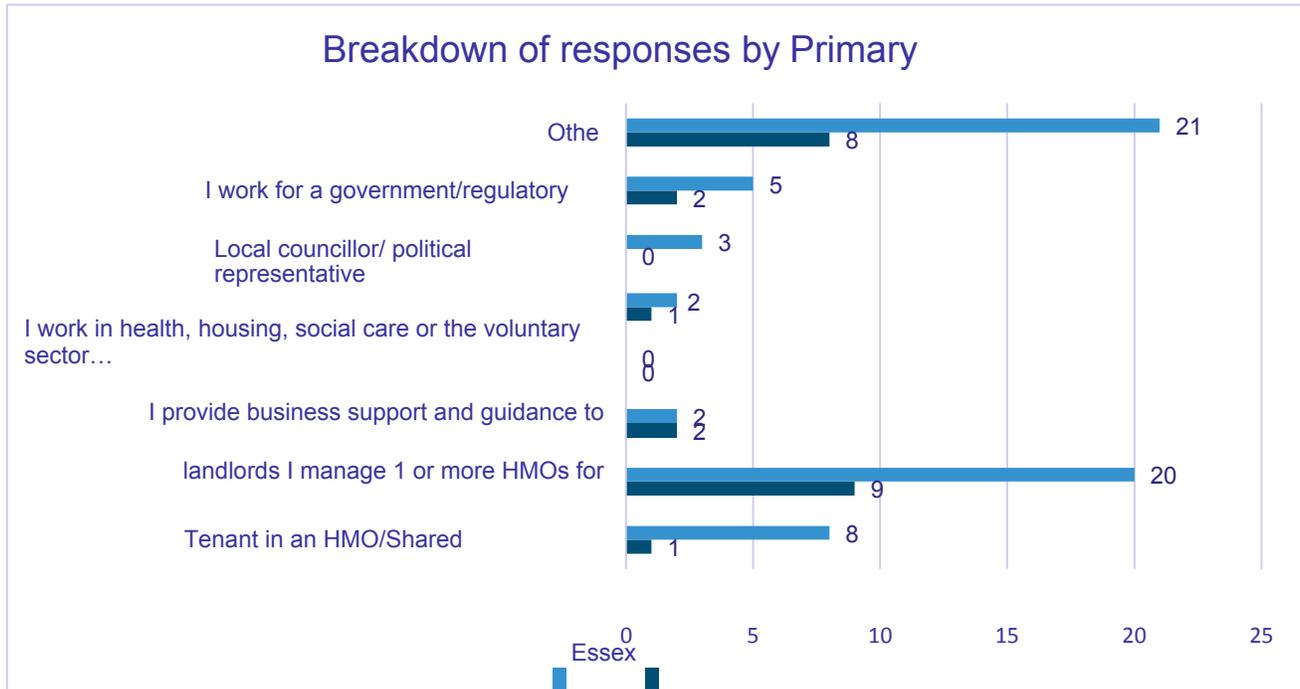
To support this aim Essex Councils want to ensure that clear space and amenity standards for HMOs are in place across the County so that landlords and residents know what is expected. All parties with a potential interest in this have been invited to take the opportunity and have their say through a survey consultation which ran for a period of 4 weeks from 22<sup>nd</sup> May until 19<sup>th</sup> June 2018. This input and feedback will help with the development of those standards as we seek to ensure that HMOs are safe, suitable and well managed without adding unnecessary costs to for landlords or residents.

***There were 61 individual respondents across Essex who submitted view for a total of 67 locations and 23 locations were within Colchester. This accounted for 34% of all views.***



## What is your interest in this Subject?

Respondents were asked what their *primary* interest in HMO standards are. This survey consultation appreciates that an individual may have more than 1 interest i.e. working for a government body and living in shared accommodation, but requested that only a primary interest be selected.



***The strongest category within Colchester was ‘HMO Landlord/ Prospective Landlord’, the strongest category for Essex was ‘Other’.***

## Tenant’s Experiences

This next part of the analysis focuses on the answers which were provided by respondents who classed themselves as primarily tenants.

***There were 8 tenants who responded throughout Essex and 1 who resided in Colchester. This accounted for 13% of all tenant respondents.***

## Importance of Specific Factors

Tenants were asked to rate how important they felt each of the following factors are. The below table compares the total number of votes for both **Colchester** and **Essex**.

	Very Important		Quite Important		Somewhat Important		Not at all Important		No Opinion	
Enough toilets	1	6	0	1	0	0	0	1	0	0
Enough showers or baths	1	5	0	1	0	1	0	1	0	0
Wash hand basin in bedrooms	0	2	0	0	0	1	1	5	0	0
Enough kitchen facilities (Sinks/Cooker/Fridge/Freezer/Work top space)	1	5	0	2	0	0	0	1	0	0
Locks on kitchen cupboards and fridge/freezer compartments	0	1	0	0	0	1	1	6	0	0
A dining table, large enough so that most residents can eat together if they like	0	2	0	1	1	1	0	4	0	0
Enough space (in bedrooms or shared areas) for daytime visitors	1	5	0	1	0	0	0	2	0	0
Washing machine and clothes drying facilities	1	5	0	1	0	0	0	2	0	0
Enough power points in bedrooms	1	4	0	1	0	1	0	2	0	0
No issues of damp or mold	1	6	0	1	0	0	0	1	0	0
Adequate and affordable heating	1	7	0	0	0	0	0	1	0	0
Security (Unauthorised entry into common parts and rooms)	1	5	0	0	0	2	0	1	0	0
Good management – repairs and cleanliness of shared areas	1	6	0	0	0	1	0	1	0	0

- **Colchester tenant classed 77% of the above points as ‘Very Important’**
- **Only 13% of Essex tenants felt that locks on kitchen cupboards and fridge/freezer compartments was ‘Very’ or ‘Quite Important’**

***“It is important to have good security on the premises, like front door locking. To have enough space for personal belongings and not have to put up with mould growing in the room...It is hard enough as it is being in a HMO so just the basics makes your life easier”***

***“Finding accommodation near to work is very difficult so I think that is more important than some of the above points”***

***“I live in a HMO and I enjoy it. Every time there are changes to legislation some people lose their home and I think the council should do more to support the landlords that provide the much needed accommodation that councils can’t because all the council properties are sold off. What was not on the list of questions was proximity to local amenities which would be extremely important as most of us here don’t drive and less of those that do, have a car”***

## Encountered Difficulties

Tenants were asked whether or not they had encountered any of the following difficulties, multiple responses were permitted.

	Colchester	Essex
Not enough toilets	0	3
Not enough showers or baths	1	4
Problems due to not having enough wash hand basins	0	0
Food or equipment being taken from my cupboard/fridge	1	3
Not enough kitchen facilities	0	2
Not enough space to eat meals with other people in the house or visitors	0	4
No space to socialise	0	3
No facilities for washing or drying clothes	0	0
Not enough power points in the bedroom	0	3
Problems of damp and mould	0	6
Heating is inadequate, not available when needed or too expensive to use	0	5
Worried about personal safety or safety of my possessions	1	3
Poor management, including repairs and cleanliness	1	4

- ***Within Essex, the most common problems encountered by tenants were problems with damp and mould and inadequate (75% of tenants) heating (63% of tenants). Neither of these have been experienced by the Colchester tenant***
- ***0% of tenants declared having experienced problems with not having enough wash hand basins or a lack of facilities for washing or drying clothes***
- ***Colchester tenant has experienced difficulties with 31% of the above points***
- ***50% of Essex tenants have experienced difficulties with the number of baths or showers in the property, not having enough space to eat with others in the house or visitors and poor management, including repairs and cleanliness***

***“One shared kitchen between 30 people”***

***“The council will only cause more accommodation to be lost should there be a change in standards. The council should try building and running their own homes”***

# Room Sizes and Sharing Facilities

## Bedrooms

The Government proposes to introduce minimum room sizes of 6.52 metres squared (one person) and 10.23 metres squared (two people). We take the view that these are reasonable where there are adequate shared facilities including shared bathrooms, shared kitchens and shared living/dining space. In circumstances where residents rely on their rooms for living space (e.g. to eat meals, have friends visit etc) we expect slightly larger rooms to be provided.

**All respondents** were asked their view regarding bedroom sizes.

### Bedrooms where there is no shared living room

This is a comparison of **Colchester** to **Essex**

	Too Small		About Right		Too Big		No Opinion	
For one person: 8.5m Squared, (equal to just under 3 metres by 3 metres) which gives space for a bed, wardrobe, chest of drawers, a desk or small table and chair	4	14	9	32	8	11	1	2
For two people: 12m Squared (equal to 3 metres by 4 metres) which gives space for a double bed or two single beds, two wardrobes, two chest of drawers, a desk or small table and chairs.	4	16	10	31	5	8	2	3

- **There were 59 views submitted across Essex and 22 views from people who had connections to Colchester**
- **Across Essex, the majority of respondents felt that the room sizes for both one person (55%) and two person (53%) properties were ‘about right’**
- **For Colchester respondents, this dropped to 41% (one person room size) and 45% (two person room size)**
- **Only 18% of Colchester respondents felt that the room sizes were too small**
- **For Essex respondents this increased to 24% (one person) and 28% (two people) who felt that the room sizes were too small.**

Next is a comparison of **Tenants**, **Landlords**, and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
For one person: 8.5m Squared, (equal to just under 3 metres by 3 metres) which gives space for a bed, wardrobe, chest of drawers, a desk or small table and chair	2	2	10	4	9	19	1	8	2	0	1	1
For two people: 12m Squared (equal to 3 metres by 4 metres) which gives space for a double bed or two single beds, two wardrobes, two chest of drawers, a desk or small table and chairs.	2	2	12	4	10	17	2	4	2	0	2	1

- **24% of all Essex respondents felt that the room size for one person was ‘Too Small’. This increased to 28% of people when asked their views on room sizes for 2 people**
- **For both room sizes the majority of respondents felt that the sizes were just right; 54% (one person) and 53% (two people)**
- **19% of all Essex respondents felt that the room size for one person was ‘Too Big’, this reduced to 14% of respondents who felt that the room size for two people was ‘Too Big’**

## Living/Dining Spaces

Where, due to the use of one or more smaller bedrooms, there is a need for shared living/dining space the below requirements based on a sliding scale were proposed.

All respondents were asked their view regarding Living/Dining sizes. There were at most, 56 Essex responses to this set of questions and 19 if these had an interest in Colchester. Not all responders choose to answer every question.

This is a comparison of **Colchester** to **Essex**

	Too Small		About Right		Too Big		No Opinion	
Up to 5 people sharing, with a living/dining space of 11 metres squared	6	13	9	28	4	7	0	8
6 people sharing, with a living/dining space of 12 metres squared	6	12	7	27	4	6	1	9

7 people sharing, with a living/dining space of 13 metres squared	6	14	7	25	3	5	0	8
8 people sharing, with a living/dining space of 14 metres squared	7	17	6	21	3	6	0	8
9 people sharing, with a living/dining space of 15 metres squared	6	14	7	22	3	6	0	8
10 people sharing, with a living/dining space of 16.5 metres squared.	6	17	7	23	3	6	0	7

- Dining space room size for up to 5 people had more answers than any other living arrangement. 23% of Essex responders and 31% of Colchester responders felt that this size was 'Too Small'***
- Overall, more people felt that the room sizes were 'About Right'. This was true for both Essex and Colchester with the exception of the 8 people sharing scenario where Colchester respondents mostly felt that the sizing was 'Too Small'***
- Tenant's opinions did not change according to scenario. Those that thought the rooms were 'Too Small' or 'About Right' etc continued to feel that as the number of people sharing increased***

Next is a comparison of **Tenants**, **Landlords** and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
Up to 5 people sharing, with a living/dining space of 11 metres squared	2	1	10	2	11	15	1	4	2	3	1	4
6 people sharing, with a living/dining space of 12 metres squared	2	1	9	2	10	15	1	4	1	3	2	4
7 people sharing, with a living/dining space of 13 metres squared	2	3	9	2	8	15	1	3	1	3	1	4
8 people sharing, with a living/dining space of 14 metres squared	2	5	10	2	6	13	1	3	2	3	1	4
9 people sharing, with a living/dining space of 15 metres squared	2	5	7	2	6	14	1	3	2	3	1	4
10 people sharing, with a living/dining space of 16.5 metres squared.	2	5	10	2	6	15	1	3	2	3	1	3

***“The fact that there will be a shared living space to me is an improvement. While I was homeless we had no shared living space and were stuck in our rooms with sleeping babies feeling trapped like we were in a prison, which had a huge mental and in turn physical impact. We said every day that if we had a shared living space it would have helped in so many ways...”***

***“What is perhaps more appropriate for modern living is a combined kitchen/diner/living room for tenants. We feel for a 6 bedroom HMO that a combined space of this nature of around 16-20sqm works well and allows tenants to socialise should they wish to...”***

***“I don’t think there should be any (minimum) living / dining room requirement - if tenants need a dining / living room they won’t rent a room that doesn’t have one! Some tenants just want a small, cheap and cheerful room so why should they be denied this by forcing landlords / developers to waste space on lounges which not all end users want?”***

## Dining Spaces

We proposed that the dining room should be big enough to seat most, if not all residents at the same whilst allowing safe movement.

All respondents were asked their view regarding Dining

Room sizes. This is a comparison of Colchester to Essex	Too Small	About Right	Too Big	No Opinion				
Up to 5 people sharing - Shared dining area of 5 metres squared	5	16	10	23	4	7	1	9
6 people sharing - Shared dining area of 6.5 metres squared	5	15	8	22	3	6	2	10
7 people sharing - Shared dining area of 8 metres squared	5	15	9	23	3	6	1	9
8 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	5	14	9	24	3	6	1	9
9 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	5	14	9	22	3	6	1	10
10 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	5	14	9	23	3	6	1	10

- The strongest response for both Essex and Colchester is that the proposed room sizes were ‘About Right’***
  - Between 16 and 19% of all Essex respondents had no opinion on the proposed size of a dining area***
- Between 26 and 29% of respondents felt the room was ‘Too Small’, only 11-13% felt that the room sizes were ‘Too Big’***

Next is a comparison of **Tenants**, **Landlords** and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
Up to 5 people sharing - Shared dining area of 5 metres squared	2	3	11	2	7	14	1	4	2	3	3	3
6 people sharing - Shared dining area of 6.5 metres squared	2	3	10	2	6	14	1	3	2	3	3	3
7 people sharing - Shared dining area of 8 metres squared	2	3	10	2	6	15	1	3	2	3	3	3
8 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	2	3	9	2	6	16	1	3	2	3	3	3
9 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	2	3	9	2	6	14	1	3	2	3	3	4
10 people sharing - Shared dining area of 10 metres squared, or two areas at 5 metres squared	2	3	9	2	6	15	1	3	2	3	3	4

***“Your question is somewhat misconceived. In many HMO’s there is a shared kitchen/living area rather than a separate kitchen and dining room. If a room is 6.5 metres squared...it may be 2.5 metres by 2.6 metres. A table for 6 people is 1.5 metres by 0.75 metres. This leaves very little space for the door to open into the room or to put 6 chairs in and then for people to move around. Try putting 10 people in a dining room of 10 square metres. Practically impossible.”***

***“People do not eat together and will automatically go back to their room to eat and watch the television they want to watch. Most people do not get on with each other in order to sit for hours eating and talking. People like to give each other their privacy so they will let people eat rather than join in with them.”***

## Kitchen Sizes

All respondents were asked their view regarding Kitchen sizes. Between 55 and 52 respondents who answered these questions, between 17 and 19 of them had an interest in Colchester.

This is a comparison of **Colchester** to **Essex**

	Too Small		About Right		Too Big		No Opinion	
Up to 5 people sharing - within a kitchen area of 7 metres squared	6	18	11	26	1	4	1	7
6 people sharing - within a kitchen area of 8.5 metres squared	6	16	10	26	1	4	1	7
7 people sharing - within a kitchen area of 10 metres squared	5	15	10	25	1	5	1	7

8-10 people sharing - within a kitchen area of 14 metres squared	5	15	9	24	1	5	2	8
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- **For both Essex wide and specifically Colchester interested parties, between 29% and 33% of Colchester respondents felt that these kitchen sizes were ‘Too Small’**
- **Between 46% and 49% of respondents across Essex felt that the room sizes were ‘About Right’. For respondents who had an interest in Colchester, this increased to 53-59%**

Next is a comparison of **Tenants**, **Landlords** and **People of Interest**

	Too Small			About Right			Too Big			No Opinion		
Up to 5 people sharing - within a kitchen area of 7 meters squared	1	1	16	3	12	11	2	2	0	2	2	1
6 people sharing - within a kitchen area of 8.5 metres squared	1	1	14	3	11	12	2	2	0	2	2	3
7 people sharing - within a kitchen area of 10 metres squared	1	2	12	3	9	13	2	2	1	2	2	3
8-10 people sharing - within a kitchen area of 14 metres squared	1	3	11	3	7	14	2	2	1	2	3	3

***“Hobs come in sizes up to 6 rings, so it would make sense for the standard to include a provision of one hob per tenant. When it comes to sinks, clarity on whether the standards refer to single or double sinks would be useful. Again, we rarely find that all the tenants will be trying to cook at the same time – it’s generally a maximum of 50% of the tenants at one time in any of our HMOs”***

***“In reality, if each individual was to prepare, cook and store regular healthy meals the kitchen spaces need to be bigger, with much more than 2 cookers and 2 sinks for 10 people who will all likely be jostling for space around 6-7pm every night”***

***“I would specifically add a refrigerator into your ‘set’”***

## Kitchen Facilities

A minimum size and the facilities available is proposed as being dependent upon the number of people sharing. 1 ‘set’ of facilities means a sink, an oven, grill, 4 hob rings and space for food storage and preparation. Where we suggest a combination microwave as an alternative to a second oven this means a microwave oven that has a grill facility.

All respondents were asked their view regarding Kitchen facilities.

This is a comparison of **Colchester** to **Essex**

	Too Many		About Right		Not enough facilities		No Opinion	
Up to 5 people sharing - with 1 'set'	1	2	14	37	5	13	0	4
6 people sharing - 1 'set' plus a combination microwave and dishwasher	2	5	10	30	6	14	0	5
7 people sharing - 1 'set' plus a combination microwave and dishwasher	1	5	8	22	8	21	0	5
8-10 people sharing - 2 'sets'	1	5	11	31	5	12	0	5

- **40% of respondents across Essex felt that there were not enough facilities proposed for 7 people sharing. This increased to 47% of respondents with ties to Colchester**
- **There was most agreement with the proposed facilities for houses of up to 5 people sharing; 66% across Essex thought that these facilities were 'About Right', this increased to 70% of Colchester respondents**

Next is a comparison of **Tenants**, **Landlords** and **People of Interest**

	Too Many			About Right			Not enough facilities			No Opinion		
Up to 5 people sharing - with 1 'set'	1	0	1	4	15	18	2	1	10	1	1	2
6 people sharing - 1 'set' plus a combination microwave and dishwasher	2	1	2	3	12	15	2	2	10	1	1	3
7 people sharing - 1 'set' plus a combination microwave and dishwasher	2	1	2	1	9	12	4	4	13	1	1	3
8-10 people sharing - 2 'sets'	1	2	2	5	11	15	1	1	10	1	1	3

***“An oven must be an actual oven, not a portable table top one. Regardless, 10 people in one kitchen with only 2 ovens and 2 sinks is woefully inadequate. Taken from someone with experience”***

***“Combination microwaves require much more regular cleaning. HMO tenants as a rule (there are exceptions) do not clean ovens or microwaves. At least with ovens the heat burns off the crud. With microwaves they end up disgusting. Whilst grilling may be seen as "healthier" it is inherently a more dangerous method of cooking and should not be encouraged”***

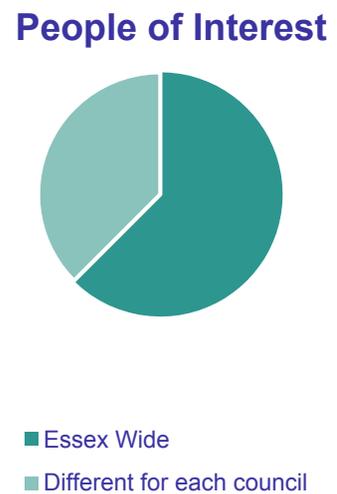
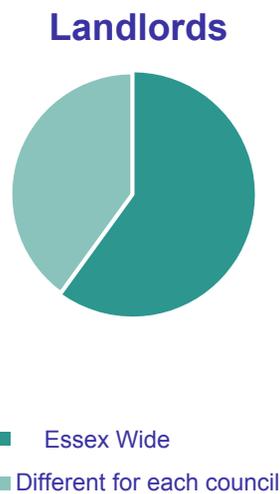
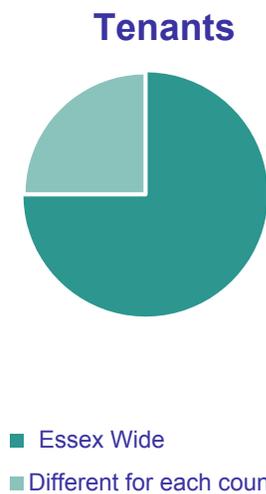
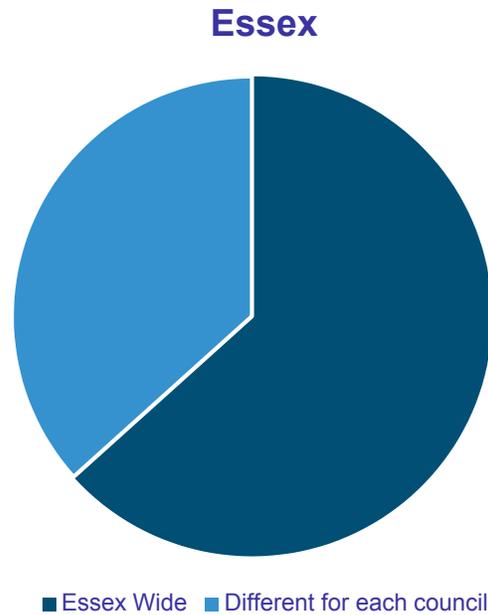
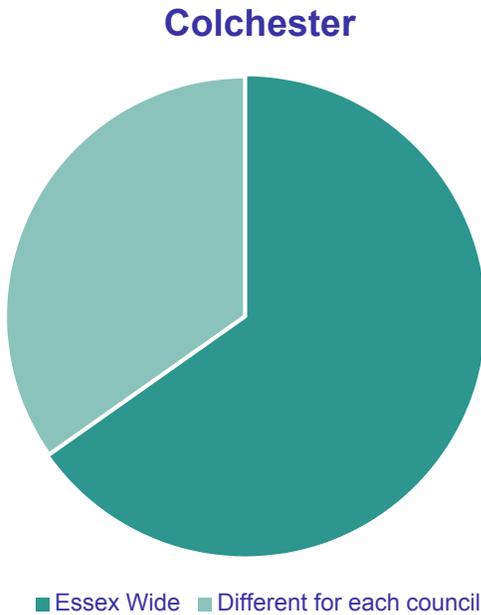
***“Disagree with inclusion of a dishwasher. Tennant’s won’t ever empty them so pointless”***

***“The real issue is the amount of fridge and freezer space. 2 large fridge freezers at least for 6+ people”***

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## HMO Standards Preference

All respondents were asked whether or not they would prefer for the changes that will be made to current living standards to be true Essex wide or variable within each council area.



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## Other Comments

### Minimum room size requirements

“I'd just reiterate the need to take into account fully combined kitchen/dining/living areas (open plan) which are a feature of modern living and end up in a grey area in the standards at present”

“Residents with disabilities need to be taken into consideration - wheelchairs need room to turn/manoeuvre so extra space in a dining or food preparation area would be needed”

“Many older properties won't allow these room sizes to be met. How do you propose to deal with this?”

“My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

### Minimum requirements for kitchen facilities

“Dishwasher addition not necessary”

“Dry food storage requirements seem big - a 1,000mm wall unit is a big cupboard. The standards need to be practical and combined together to see how they would actually work on a kitchen plan! Sinks need to be carefully defined (refer to the number of bowls rather than sinks)”

“As for kitchen appliances, forget about fancy microwave ovens.....every appliance needs to be basic and simple, easily replaceable as it all gets rough treatment. Then the landlord will not be so reluctant to replace it. Given fancy appliances they will be wrecked quickly and just sit there unusable, the landlord and other tenants fuming. This is the voice of years of experience, with tenants staying with us for years, reporting necessary repairs directly to us, which are then done quickly.”

### Minimum requirements for bathroom/shower rooms and WC compartments

“This guidance seems really confusing and doesn't seem clear at all when you consider ensuite bathrooms? If the standards ignored all self-contained ensuites from the occupant count it would be easier to understand. So for example in a 6 bedroom HMO. 3 bedrooms have ensuites. So you have 3 tenants sharing one remaining bathroom”

“My view is that any new minimum requirements for bathrooms/shower rooms and WC compartments must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

“Keep rules flexible, if the accommodation is kept in good repair, and there are no complaints, don't impose ridiculous standards that do not improve anyone's life, or increase the number of available rooms”

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## Guidance relating to all HMOs

“Lighting and ventilation - I think the point about a bedroom not being allowed to be ventilated by an external door is over zealous. We have rooms which have a set of UPVC patio doors (with trickle vents), but without a window panel. The tenants have never complained and actually love this feature. I think there should be some discretion for the HMO officer to allow these in circumstances where ventilation and moisture isn't an issue. Security - your comment about thumb turn locks where it 'avoids occupants locking themselves out of their room'....isn't true - tenants still lose keys and lock themselves out (believe me). It would be better to say it minimises the risks of locking themselves out”

“Planning should be required for all HMO's- parking (cars and bikes) access to garden / balcony / open space should also be required”

## Anything else covered within this survey

“Appreciate that there is a need to provide HMO facility but....landlords will, in the main, provide as little as required to obtain their £160 a week or so. If that is refused them until the facilities are in place then changes will happen. Only refusal to accept substandard will improve standards. Some of the examples above were from Ipswich accommodation...which Colchester pays for....some were from Colchester. There is an HMO landlord in Colchester who is providing very nice, newly decorated modern comfortable accommodation....there may be more than one. It is possible and it is vital that it is done. Paying for anything less is not fair on the people living there....or the taxpayers propping up bad landlords. I also recognise that some tenants don't look after their property..I've tried to provide in my suggestions optimum circumstances to get them to try. Motivation in this situation is difficult. Penalties may be used as last result...after all...as a part of this process anyone in HMO doesn't have to pay water, electric, gas bills for the whole period. Massive loss to councils....why are these bills paid for tenants?”

“Get the landlord to keep the upkeep of the outside of the property in a clean and tidy manner I.e windows cleaned at least once a year, gardens maintained once a month in the summer, kept tidy over winter. Grass to be cut once a month not left to look like a jungle, some of us have to live next door to such properties. Make it the landlord's responsibility to make sure tenants recycle not just leave them to it so the neighbours have to help them with it ALL the time! Make all HMO 's no smoking do you know what it's like to live next door to 5 people hanging out of windows smoking??”

“I would welcome a meeting with other HMO landlords and Council Officers to share information and to encourage good practice. Some of the question in this survey seem to me (a landlord with 30 years' experience) to misunderstand HMOs”

“I feel the council could to look at each situation individually as there is a vast difference in the circumstances in the wards of each town in Essex, socio economic considerations and in housing stock available”

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## Appendix 1 – List of full Comments

Thinking about living in an HMO, how would you rate the importance of the following factors – Any other comments? (Tenants only)

**Tendring Tenant:** “I live in a HMO and I enjoy it. Every time there are changes to legislation some people lose their home and I think the council should do more to support landlords that provide the much needed accommodation that councils can’t because all the council properties are sold off. What was not on the list of questions was proximity to local amenities which would be extremely important as most of us here don’t drive and less of those that do have a car”

**Epping Forest Tenant:** “It is important to have good security on the premises, like front door locking. To have enough space for personal belongings and not have to put up with mould growing in the room. To be able to cook for your family and to have Washing facilities and a fridge to keep food fresh. It is hard enough as it is being in a HMO so just the basics makes your life easier”

**Uttlesford Tenant:** “I have none”

**Outside of Essex Tenant:** “Bedrooms should all be equally sized with locks on the doors. There should be at least 1 toilet per 4 people and at least 1 shower per 3 people”

**Epping Forest Tenant:** “Finding accommodation near to work is very difficult so I think that is far more important than some of the above points”

Thinking about living in an HMO, what issues have you encountered – Any other comments? (Tenants only)

**Tendring Tenant:** “As said before. The council will only cause more accommodation to be lost should they be a change in standards. The council could try building and running their own HMOs”

**Colchester Tenant:** “One shared kitchen between 30 people”

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Do you have any comments on this sliding scale approach used to assess how much shared living space is needed? (All respondents)

**Epping Forest Landlord:** "We have an Autistic young lady living with us for the last 18 months it's working fine she is welcome to eat with us like a member of the family we do not wish to have any others sharing other rooms on the same basis."

**Outside of Essex Landlord:** "Difficult to be definitive because of wide range of furniture possible, room shape and arrangement of facilities. With as many as 10 people sharing, I would be tempted to suggest either a much larger single room or two rooms!"

**Tendring Local Councillor:** "Check Parker Morris 1961. 5 people in a flat= 79 later 82.3 square metres 5 x 6.23= 31.15 + 11= 41.15 square metres or HALF of the PM 1967 MINIUM"

**Tendring Tenant:** "Where is this space going to come from? People losing their rooms so dining and living areas that will never be used can be made bigger. Honestly do you have any idea?"

**Southend Tenant:** "You are miss describing the sizes you saying metres squared that is (as above) 12metres by 12 metres not 3 by 4 metres which is 12 metres square not squared. If this lack of attention to detail is continued you will be courting disaster, either in the increase in the number of homeless you create, or the regulations that are not worth the paper they are written on"

**Colchester Landlord:** "What is perhaps more appropriate for modern living is a combined kitchen/diner/living room for tenants. We feel for a 6 bedroom HMO that a combined space of this nature of around 16-20sqm works well and allows tenants to socialise should they wish to. It's generally not viable in Essex, with the state of capital prices of houses in 2018, to provide large spaces such as lounges separately"

**Colchester Other:** "Sliding scale is fine....but hygiene cannot be restricted to a single person space...whatever the size a dirty person will have a severe effect on the mental (and possible physical) health of another individual. Cooking facilities take up minimal space and should be included in room space"

**Southend Landlord:** "As a very old and experienced landlord of HMOs they should not be eating and entertaining more than an occasional friend in their bedrooms. How unhygienic is that. They should be cooking and eating in a kitchen/diner, and what happens in reality is that the kitchen diner is the communal chatting point. Rarely do they cook together. The tenants tend to be young and workers or students in some cases, all on different shifts. Many work in catering and many rarely eat at home. Just look for the evidence in the kitchen cupboards. Where we operate if too many exact restrictions are placed on the properties, there will be even more homelessness"

**Basildon Landlord:** "I do not think that any HMO should be available without living space/ kitchen amenities"

**Colchester Other:** "One square metre is not sufficient for an extra person"

**Colchester Tenant:** “The fact that there will be a shared living space to me is an improvement. While i was homeless we had no shared living space and were stuck in our rooms with sleeping babies feeling trapped like we were in a prison which had a huge mental and in turn physical impact. We said every day that if we just had a shared living space it would have helped in so many ways. We had a shared kitchen with no seating and was clearly just a kitchen. Make it a shared living/dining space and enable people to just sit at a table rather than a countertop makes it less homeless and as if we don’t count as humans which in many other ways the process of housing is done is crystal clear.”

**Area outside of Essex Other:** “With more people there is less likelihood that they will all share the living space at the same time. Therefore the scale is too large.”

**Rochford Local Councillor:** “Are these people all male, all female, male and female, large, small. The term people seems a bit general. Five Polish builders will take up a bit more space than five Thai nail technicians”

**Colchester/Tendring Landlord:** “Seems reasonable”

**Colchester/Area outside of Essex Manager of HMOs:** “I think it is down to the actual occupants to decide on whether they are happy with the amount of communal space available”

**Colchester/Area outside of Essex Manager of HMOs:** “I don't think there should be any (minimum) living / dining room requirement - if tenants need a dining / living room they won't rent a room that doesn't have one! Some tenants just want a small, cheap and cheerful room so why should they be denied this by forcing landlords / developers to waste space on lounges which not all end users want?”

All comments on the proposal for assessing how much shared dining space is needed  
(All respondents)

**Epping Forest Landlord:** “Not interested in having more than one person”

**Area outside of Essex Landlord:** “I have a 5 bedroom HMO for students in a university town in Wales. Each room has its own study facilities; so I have a good idea of this requirement. All of these sizes seem very tight! 1 square metre/person to sit and eat is very tight”

**Tendring Other:** “It would depend on the number needing to use the communal area”

**Tendring Local Councillor:** “See previous comments”

**Epping Forest Tenant:** “I think this is a secondary luxury”

**Colchester/Area outside of Essex Manager of HMOs:** “Not all tenants want, need or care about having a dining room so my view is that a dining room shouldn't be a hard requirement”

**Southend Landlord:** "Again it is overkill to imagine that these people will all sit down together to eat. It might be what you think is good for them, but many do not even talk the same language, let alone work the same hours. Of more importance is the existence of washing machines and dryers, places to put the washing that has been left, work tops and cupboards"

**Basildon Landlord:** "I would have thought that providing there is a decent size lounge area for people to sit there should not be a requirement for a dining room/ table etc- most houses these days don't even have that for families"

**Colchester Landlord:** "Your question is somewhat misconceived. In many HMOs there is a shared kitchen/living area rather than a separate kitchen and dining room. If a room is "6.5 metres squared" as you put it ("six point five square metres" when I was growing up) it may be 2.5 metres by 2.6 metres. A table for six people is 1.5 metres by 0.75 metres. This leaves very little space for the door to open into the room or to put six chairs in and then for people to move around. Try putting 10 people in a dining room of 10 square metres. Practically impossible"

**Southend/Area outside of Essex Other:** "Again people do not eat together and will automatically go back to their room to eat and watch the television they want to watch. Most people do not get on with each other in order to sit for hours eating and talking. People like to give each other their privacy so again they will let people eat rather than join in with them"

**Rochford Local Councillor:** "Are they all going to be present at one time. The answer is almost certainly no. This is not usually accommodation for families. There will be little nine to five activity. Work hours are likely to be 24/7"

Any comments regarding kitchen sizes and the level of people using them (All respondents)

**Epping Forest Landlord:** "We only have one person using and working with my wife"

**Area outside of Essex Landlord:** "I would specifically add a refrigerator into your "set"

**Tendring Local Councillor:** "A kitchen is the centre point of any dwelling. So must be welcoming big enough for all residents to move around in and chat. Essential for the health and wellbeing of Residents. Once in their rooms the world can fall on their heads, and does. The act of going to a good kitchen or lounge area and meeting a fellow traveller puts parts of life into perspective and thus improves the health and wellbeing"

**Tendring Tenant:** "A couple of people max use them at any one time so why make a bigger empty space?"

**Colchester Tenant:** "In reality, if each individual was to prepared, cook and store regular healthy meals the kitchen spaces need to be bigger, with much more than 2 cookers and 2 sinks for 10 people who will all likely be jostling for space around 6-7pm every night"

**Colchester Landlord:** "Hobs come in sizes up to 6 rings, so it would make sense for the standard to include a provision of one hob per tenant. When it comes to sinks, clarity on whether the standards refer to single or double sinks would be useful. Again, we rarely find that all the tenants will be trying to cook at the same time - it's generally a maximum of 50% of the tenants at one time in any of our HMOs"

**Colchester Other:** "See previous comments re sharing. People need to have their own space. This improves everyone's mental health. Sharing this particular experience does not encourage people to get out of the system it simply makes sure they stay longer. Through depression and a complete inability to see an alternative"

**Southend Landlord:** "You go on like this you will not have any HMO's left and hugely increased homelessness. Who is doing this survey, certainly practical experience is lacking. A well planned space can be a lot better than a badly planned bigger space"

**Basildon Landlord:** "When it's up to 6 sharing I have never experience an issue with shared kitchen facilities- think it needs to be remembered that people work all different hours- e.g. they do not all arrive home at 6 pm and start cooking- it's very much spread over several hours"

**Colchester Landlord:** "Again the question does not distinguish between houses with a kitchen/living area and those with just a separate kitchen with no seating. This Council's proposals seem much more logical and practical: <http://www.swpshp.org/CHttpHandler.ashx?id=12805&p=0> "

**Southend/Area outside of Essex Other:** "Again if you provide a microwave people are not in the kitchen for hours they are in there for minutes. They do not make their own food i.e. pastry for a meat pie, they will just buy a meat pie"

**Area outside of Essex Tenant:** "Microwave oven with a grill facility is NOT good enough. There should be at least 1 oven per 4 people"

**Rochford Local Councillor:** "Unlikely to be occupied by all residents at one time. No mention made about other domestic activities that gravitate around kitchens, such as washing clothes"

**Southend Government/ Regulatory body:** "If you work on the ' worst case scenario' of everyone being in the kitchen at the same time, with fixed components in place, the space for 5 people sharing sounds a bit too small"

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Any comments regarding kitchen facilities and the level of people using them (All respondents)

**Epping Forest Landlord:** "Only have one person"

**Area outside of Essex Landlord:** "I think this is generally correct, based on my experience of 5 sharing. BUT dishwashers can be a nightmare in a sharing/limited space scenario!! By all means have it as an option but give the landlord the choice to put in a second sink/water supply?"

**Tendring Local Councillor:** "Dishwasher not needed. Big fridge essential, as arguments over space is common. Where are the washing machines and dryers?"

**Tendring Tenant:** "I live in a large HMO and can tell you I've never seen anyone cook much more than some pasta and sauce. Mostly it's microwave meals or pizza in the oven as we either eat out or with friends and family so the kitchen space is largely redundant. More space and facilities will ultimately have to be paid for by the tenants"

**Southend Landlord:** "You have not differentiated between individuals and couples. Why do 5 couples (10 people) need twice as much cooking etc facilities as 5 individuals, (who may be chefs). You also are creating a huge cliff edge, at 7 persons, who would invest in a second kitchen just to house one extra person, much better to invest that money and uplift the specification of the property and thus uplift the rent per unit. You are walking into the law of unintended consequences. The less well-off will have less choice of accommodation, local councils have limited resources to help, you will then be housing them in hostels, which are by far worse than the average HMO. Additionally hostels cost council tax payers dearly, for what is by any view a very substandard accommodation"

**Colchester Landlord:** "I'd specify that 6 people need a 5 ring hob, and 7 persons need 6 ring hob - these are both easily available in retail outlets"

**Colchester Other:** "Imagine yourself trying to share a microwave with someone who has just heated up their crack spoon in the kitchen. This does happen. Or trying to get to the kitchen past one person's latest 'client'... Or making your way through the cannabis fug. The more facilities allow a person to remain in their own space the more chance that person can re-enter a normal productive life. Be very aware that HMO are a very expensive way of increasing a whole societal problem. All examples given have been within the last two years"

**Southend Landlord:** "Are you mad.....the dish washer will remain full, no one will empty it, and there will have to be several sets of crockery, cutlery, glasses pots and cooking dishes. Have you never seen how lazy the tenants are? The washing up needs to be done, drained and put away. Otherwise they will just leave it in the dishwasher and forget it. Please go and live in an HMO and see how tenant cope"

**Colchester Tenant:** "An oven must be an actual oven, not a portable table top one. Regardless, 10 people in one kitchen with only two ovens and two sinks is woefully inadequate. Taken from someone with experience"

**Thurrock Health/Housing/Social care or voluntary sector worker:** “Even for up to 5 people should be dishwasher”

**Basildon Landlord:** “As per previous comment”

**Colchester Landlord:** “Combination microwaves require much more regular cleaning. HMO tenants as a rule (there are exceptions) do not clean ovens or microwaves. At least with ovens the heat burns off the crud. With microwaves they end up disgusting. Whilst grilling may be seen as "healthier" it is inherently a more dangerous method of cooking and should not be encouraged”

**Uttlesford Tenant:** “The real issue is the amount of fridge and freezer space. 2 large fridge freezers at least for 6+ people”

**Southend/Area outside of Essex Other:** “Again people do not cook food from scratch so they will not make a meat stew, they are more than likely to buy sausages and bacon and fry food. They do not need a dishwasher as it will be too expensive no one will maintain it and no one will empty it taking out other people’s things and putting them away in their cupboards.”

**Rochford Local Councillor:** “Different cultures prepare food to their own tastes. Some may be more labour intense and time consuming than others”

**Colchester/Tendring Landlord:** “Disagree with inclusion of a dishwasher. Tennant's won't ever empty them so pointless”

## Minimum room sizes – any other comments? (All respondents)

**Epping Forest Landlord:** “200 acres of farm Land and an 8 acre garden with two Gardeners. The house is Detached with three Reception Rooms With five bedrooms and a utility room Craft Room Swimming Pool and a Garden Room”

**Tendring Tenant:** “More help should be available to help those that want to move on from an hmo to do so, not turn them into flats”

**Southend Landlord:** “if that were to read square metres not metres squared it would be reasonable”

**Colchester Landlord:** “I'd just reiterate the need to take into account fully combined kitchen/dining/living areas (open plan) which are a feature of modern living and end up in a grey area in the standards at present”

**Colchester Other:** “A very small room could be perfectly adequate...if it is a self-contained unit. A small room which means all facilities are shared is less conducive to helping a person remain sane.”

**Colchester Other:** “Residents with disabilities need to be taken into consideration - wheelchairs need room to turn/manoeuvre so extra space in a dining or food preparation area would be needed”

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**Southend Landlord:** “The minimum room size for one person of 6.51 is not necessary. The hard and fast rule should be are all the facilities there in a usable layout. That space can be achieved in an unusable way. As an architectural designer who became a landlord in order to provide good standards of accommodation, I have achieved very pleasant accommodation in less space. I will now have to find some more useless space by building over a porch, or spoiling the integrity of the room next door, and building into it, taking space from that room. The small room is always full, and it is cheap, a very good start for someone, who can then live in a very nice house. The enlarged small room will cost a few thousand either way, the rent for that room will go up, and that money will not be spent on repairs as it had to be spent on the useless enlargement, certainly not required by the end user, the tenant who wanted a cheap room. Y” (missing text)

**Southend Other:** “Not enough room for number of people to live comfortably”

**Colchester Landlord:** “For single room minimum of 6.5 square metres should be required. Consideration should be given to the amount of shared facilities. If there is no communal seating area then even 8.5 sqm on the small side. If there is a large area then requiring a minimum of 8.5 sqm takes many many rooms off the market. Some tenants would rather have a cheaper small room than no room.”

**Rochford Local Councillor:** “Migrant workers may wish to sacrifice comfort over the short term. Many would rather reduce costs on accommodation in order to send earnings back to their home country. Pounds sterling generate extra value when converted into Polish, Bulgarian, Romanian etc. currencies. There is reduced value with countries that have transitioned to the Euro, but still worth doing”

**Southend/Area outside of Essex Other:** “HMO facilities are not usually for family's they are used by multiple people of different cultures, therefore they do not mix readily. You are trying to create a family home setting but they do not want this”

**Colchester/Tendring Landlord:** “Many older properties won't allow these room sizes to be met. How do you propose to deal with this?”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum room size requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted.”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

**Colchester Landlord:** “Each option depends very much on individual circumstances, the age and requirements of the tenants and the houses...”

## Minimum requirement for kitchen facilities – any other comments? (All respondents)

**Tendring Tenant:** “They’re fine as they are”

**Southend Landlord:** “Cliff edge problem, creates a huge disincentive”

**Colchester Landlord:** “Dry food storage requirements seem big - a 1,000mm wall unit is a big cupboard. The standards need to be practical and combined together to see how they would actually work on a kitchen plan! Sinks need to be carefully defined (refer to the number of bowls rather than sinks)”

**Colchester Other:** “Most people in this situation are ingenious. They have to be. They have nothing. They would be able to cook and wash up in a very limited space. They would be much more able to keep it clean if it was simply their own mess to clear up and they didn't have to wonder exactly what a particular substance was and whether it should be touched. Shared facilities remove pride”

**Southend Landlord:** “As for kitchen appliances, forget about fancy microwave ovens.....every appliance needs to be basic and simple, easily replaceable as it all gets rough treatment. Then the landlord will not be so reluctant to replace it. Given fancy appliances they will be wrecked quickly and just sit there unusable, the landlord and other tenants fuming. This is the voice of years of experience, with tenants staying with us for years, reporting necessary repairs directly to us, which are then done quickly”

**Basildon Landlord:** “I think that the whole of the common space area needs to be considered as an overall space for example there might be a smaller lounge area but larger dining area/ vice versa rather than some hard and fast rule applied because a room is a few ml too small when the overall sizes are more than adequate”

**Southend Other:** “Too few facilities means too many people trying to access appliances at same time, could cause friction!”

**Southend/Area outside of Essex other:** “Hob, microwave, fridge & freezer, table and chairs for four people surface for kettle and toaster. Cupboard each”

**Rochford Local Councillor:** “Huge difference depending on the activities of the occupants. This type of accommodation is usually taken up by people with low income fairly intense work regimes. i.e. bar work, agricultural workers, car wash operatives”

**Colchester/Tendring Landlord:** “Dishwasher addition not necessary”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum requirements for kitchen facilities must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

Minimum requirements for bathrooms/shower rooms and WC compartments – any other comments? (All respondents)

**Epping Forest Landlord:** “Every Bedroom has a Shower and WC”

**Tendring Tenant:** “Fine as they are”

**Southend Landlord:** “Already below what I have”

**Colchester Landlord:** “This guidance seems really confusing and doesn't seem clear at all when you consider ensuite bathrooms? If the standards ignored all self-contained ensuites from the occupant count it would be easier to understand. So for example in a 6 bedroom HMO. 3 bedrooms have ensuites. So you have 3 tenants sharing one remaining bathroom.”

**Colchester Other:** “There should be no shared facilities. Highly dangerous. Even in a single sex property...people have their friends over....some have their clients over...it is highly stressful even moving around a building...let alone having to take clothes off to wash in shared facilities. Example of mental anguish caused... Woman in HMO. Locked connecting door. Told not to worry perfectly safe. First night and next door becomes a party for 6 men describing in detail what they would like to do to her. Child asleep in bed. Initially not allowed to bring own bedding in case of infestation...allowed when shown to manager in wrapping with 10 minute old shop receipt. Shower the next day....took one look and asked manager for bleach...apparently a first...cleaned shower. Two days later shower infested...complained and asked management to fix issue. Told the infestation must have come from either her body or her child's. Add sharing the shower to that”

**Southend Landlord:** “Keep rules flexible, if the accommodation is kept in good repair, and there are no complaints, don't impose ridiculous standards that do not improve anyone's life, or increase the number of available rooms”

**Southend Other:** “Essential to have enough for people to be able to carry out their basic hygiene requirements especially if they need to get to work etc”

**Southend/Area outside of Essex Other:** “Bath with a shower. Separate toilet”

**Rochford Local Councillor:** “As above”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum requirements for bathrooms/shower rooms and WC compartments must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

**Colchester Landlord:** “One toilet and one bathroom per 3 tenants”

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## Guidance for all HMOs – any other comments? (All respondents)

**Area outside of Essex Landlord:** “Seems to be reasonable”

**Tendring Tenant:** “Fine as they currently are”

**Southend Landlord:** “Your room door lock shown is rather prescriptive, and is way too detailed as any set of rules that is designed to last more than five minutes must allow for developments that we do not yet know about. A lock that is released by proximity to your phone for example.”

**Colchester Landlord:** “Lighting and ventilation - I think the point about a bedroom not being allowed to be ventilated by an external door is over zealous. We have rooms which have a set of UPVC patio doors (with trickle vents), but without a window panel. The tenants have never complained and actually love this feature. I think there should be some discretion for the HMO officer to allow these in circumstances where ventilation and moisture isn't an issue. Security - your comment about thumb turn locks where it 'avoids occupants locking themselves out of their room'....isn't true - tenants still lose keys and lock themselves out (believe me). It would be better to say it minimises the risks of locking themselves out”

**Colchester Other:** “Please try and consider some of the points made”

**Southend Other:** “The biggest problem in the Southend area is parking. Each resident has a car but many of the larger houses used for HMOs have no parking at all or insufficient parking so that all the roads are clogged with parked cars. Many of the roads are narrow so people have two wheels on the pavement which makes it difficult for pram and wheelchair users. There should be a cap on the number of HMOs in any given street”

**Epping Forest Other:** “Planning should be required for all HMO's- parking (cars and bikes) access to garden / balcony / open space should also be required”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum amenity requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

**Colchester/Area outside of Essex Manager of HMOs:** “My view is that any new minimum requirements must not apply to HMOs that have been in use / occupied before the new requirements have been adopted”

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## Anything else covered within this survey - comments (All respondents)

**Area outside of Essex Landlord:** "I try to be a responsible landlord and I welcome anything that improves standards and forces the "cowboys" out of the system! There is always going to be a need for decent rental properties and consistently applied regulation is overdue and will be welcomed by most landlords. If you can't meet reasonable standards you should be renting properties!"

**Tendring Other:** "We think a lot depends of the MHO is being used for e.g. support with carer, homeless etc. to what is necessary"

**Tendring Local Councillor:** "Your sizes are more appropriate to a prison than healthy living in the 21st Century"

**Basildon Other:** "This survey is not very accessible. I found it really hard to imagine room sizes and so stated no opinion. More should've been done to make the survey easier to complete. Diagrams would help showing standard size furniture. Many HMO have foreign people living in them. I don't think this survey is accessible to them. I don't think you can capture the true opinions from the people who count. Feels like lip service"

**Southend Landlord:** "It is always tempting to write overly detailed and prescriptive regulations, but you should first look at what we need to achieve in totality, (Especially now with shortage of rental properties), then this will inform the individual parts of a set of rules rather than create ever tighter rules, which just increase the costs and therefore the rents needed to justify them. There is then a potential danger of a large portion of the HMO market either ceasing to exist or moving up market. We all want good quality homes for people to live in, there are things that government can and should do to help increase the supply of properties, at reasonable cost"

**Colchester Other:** "Appreciate that there is a need to provide HMO facility but....landlords will, in the main, provide as little as required to obtain their £160 a week or so. If that is refused them until the facilities are in place then changes will happen. Only refusal to accept substandard will improve standards. Some of the examples above were from Ipswich accommodation...which Colchester pays for....some were from Colchester. There is an HMO landlord in Colchester who is providing very nice, newly decorated modern comfortable accommodation....there may be more than one. It is possible and it is vital that it is done. Paying for anything less is not fair on the people living there....or the taxpayers propping up bad landlords. I also recognise that some tenants don't look after their property..I've tried to provide in my suggestions optimum circumstances to get them to try. Motivation in this situation is difficult. Penalties may be used as last result...after all...as a part of this process anyone in HMO doesn't have to pay water, electric, gas bills for the whole period. Massive loss to councils....why are these bills paid for tenants?"

**Colchester Other:** "Put a dining table in each property where people are having to share if they have children in their room and are trapped will make more difference than anyone who hasn't been homeless can imagine"

**Colchester Other:**

and tidy manner i.e windows cleaned at least once a year, gardens maintained once a month in the summer, kept tidy over winter. Grass to be cut once a month not left to look like a jungle, some of us have to live next door to such properties. Make it the landlord's responsibility to make sure tenants recycle not just leave them to it so the neighbours have to help them with it ALL the time! Make all HMO 's no smoking do you know what it's like to live next door to 5 people hanging out of windows smoking??"

**Southend Other:** "I think it is important to cover the arrangements for waste collections. For example, where there are over six people sharing, I believe there should be some form of Eurobin arrangement otherwise waste ends up being left in the kitchen or placed on the street as soon as a bin bag is full."

**Basildon Landlord:** "Whilst I think it's a really good thing to have these standards I do think that council inspectors need to have an overall judgement of whether a house is suitable rather than just a simple tick box exercise, I am also very concerned that what these type of rules cause is those that already operate bad practice will become more "underground" and those that are honest suppliers of decent properties will end up with either more expense or even not be able to trade at all- which would just leave more bad rather than decent accommodation available in the marketplace. I would like to see the unlicensed heavily targeted but also I think that the standards that live in landlords just renting a room needs to be addressed- I have heard of many really appalling stories of poor treatment of tenants in these areas just get away with things under the radar."

**Southend Other:** "Not covered - refuse and parking"

**Colchester Landlord:** "I would welcome a meeting with other HMO landlords and Council Officers to share information and to encourage good practice. Some of the question in this survey seem to me (a landlord with 30 years' experience) to misunderstand HMOs"

**Southend Other:** "The level of HMOs in the Westcliff area is too high. It puts a strain on the area and specifically parking. Residents cannot park anywhere near their houses due to the increase of these properties"

**Rochford Local Councillor:** "The age, overall size, suitability of converting flats and houses is not touched upon. Some properties will not even be able to meet the lower proposed size requirements"

**Thurrock Landlord:** "Try living in one yourself"

**Colchester/Area outside of Essex Manager of HMOs:** "The link to the "National Guidance" on page 10 does not work / is a broken link"

**Colchester Landlord:** "I feel the council could to look at each situation individually as there is a vast difference in the circumstances in the wards of each town in Essex, socio economic considerations and in housing stock available"

## Appendix 2:

### Summary table of amendments made to draft Essex HMO Amenity Standards

Draft condition	Amended condition	Reason for alteration
Table 1: Minimum standard for a single and 2 person occupancy room is 6.52sqm and 10.23 sqm respectively	Minimum standard for a single and 2 person occupancy room is 6.51sqm and 10.22 sqm respectively	An error on original draft
<u>Table 2: Minimum requirement for kitchen facilities</u> One suitably located fire blanket in accordance with the current BS 6575	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal	The amended condition allows the Amenity Standards to remain up to date without the need for revising if a BS number changes.
<u>Table 3: Minimum requirements for bathrooms/ shower rooms and wc compartments.</u>  Bathrooms <u>must</u> contain a wc  Properties with 6-9 occupiers must have 2 bathrooms and a separate wc	Bathrooms <u>may</u> contain a wc  Properties with 6-9 occupiers must have 2 bathrooms and 2 wcs <u>one of which must be separate</u>	The first draft requires that an occupancy of 6-9 persons must have 3 wcs. This is above the statutory minimum, is not practically achievable in many HMOs and was not what was meant by the authors. The amended requirement is in line with legislation and is considered that it can be reasonably achieved in HMO properties.

## **The Essex HMO Amenity Standards**

A guide to the minimum standards for amenities and space permitted in a house in multiple occupation

### **Introduction**

[Houses in Multiple Occupation \(HMOs\)](#) play an important role in local housing markets across Essex. Increasingly HMOs are becoming more diverse as housing pressures and costs rise and a wider range of residents seek some form of shared accommodation. Essex councils want to ensure that this growing sector has clear guidance on how to develop suitable accommodation with some flexible options based on an understanding of the housing stock and the need for good quality HMOs across the County.

For the purposes of this guide to amenity standards, we have distinguished HMOs according to whether they are:

<b>HMO with shared facilities (kitchen/ dining/living)</b>	<b>HMO with shared kitchen facilities (but without shared living space)</b>	<b>HMO without shared facilities (i.e. traditional bedsits or studio flats including kitchen facilities)</b>
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### **Status of this Document**

Enforcement of amenity standards in HMO's is undertaken using the Housing Health and Safety Rating System (HHSRS) created by the introduction of the Housing Act 2004. In addition, most HMOs occupied by 5 or more people will require a licence under the Housing Act 2004 and in considering an application for such a licence the Authority must be satisfied that the property is reasonably suitable for occupation by the number proposing to live there. Some standards are prescribed in the Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006(SI2006/373). The Authority also has power to specify other standards and this document outlines those standards which should be interpreted as guidance to landlords as to what the local authority is likely to consider reasonable taking account of property type and layout. It should also be noted that a Local Authority may consider, in certain justified circumstances that a higher standard than specified in this guidance is required and landlords are advised to discuss their specific property with council officers prior to carrying out alterations.

This document has been put together by the Essex Local Authorities as a guide on the Standards expected in HMO's within Essex taking account of the aforementioned Regulation and also includes recommendations for good practice. The standards have been widely consulted upon and adopted by each participating Local Authority, giving the standards significant weight behind their application to support enforcement in such properties. Full compliance with the standards contained in this document means that formal enforcement action against an HMO Landlord for amenity-related issues should not be necessary. Conversely, failure to comply with them places a Landlord at heightened risk of enforcement action.

This document will be subject to review at least every 3 years or earlier if considered necessary as a result of any relevant legislation or changes in government guidance or policy.

The structure of this document identifies:

**Legal Requirements which are set out in bold type** – these are requirements contained within National legislation. Non-compliance with the requirement is an offence for which a Landlord may face formal enforcement action, potentially including prosecution or a civil penalty of up to £30,000.

Requirements which are set out in black standard type – these are the minimum requirements generally expected, whilst also considering the individual property itself. Non-compliance with such a requirement may not constitute an offence in its own right, but a local authority is likely to require it as a condition of the licence which can then be enforced as such.

Recommendations which are set out in blue standard type – these are recommendations agreed upon by the Essex Local Authorities and are suggestions/good practice designed to help minimise issues for tenants in the property and to help create good quality HMO accommodation.

#### **Links to other design and management considerations**

At the back of this document Table 5 provides information and links to a range of design and management considerations which need to be considered to ensure that extra legal requirements and the additional responsibilities of running HMO accommodation can be fully demonstrated. Where landlords and managers are not clear about what is required then they should make enquiries with the relevant council.

**Table 1: Minimum room size requirements**

Room size requirements are given in sq.m. For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

**Notes:**

- From 1 October 2018 National legislation requires that in all HMOs requiring a licence the minimum permitted floor area for any room used for sleeping is as follows:

10.22 sqm	Two people over 10 years old
6.51 sqm	One person over 10 years old
4.64 sqm	One person under 10 years old
Less than 4.64 sqm	Must not be used as sleeping accommodation

2. Bedrooms, living rooms and dining rooms are all classed as habitable rooms and require adequate natural lighting (suitable window) and ventilation (normally by means of an openable window). Dimensions are based on useable room sizes with standard room heights (2.2-2.3 metres) and will not take into account any floor area where the floor to ceiling height is less than 1.5 metres
3. These room sizes do not include space for bathroom/shower room or WC. Where ensuite facilities are provided then this must be in addition to the space indicated above
4. \*In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves

**Table 2: Minimum requirements for kitchen facilities**

Occupants	Kitchen area (sqm)	Work surface (m) (600mm standard depth)	Power sockets above worktop	Hob rings	Ovens	Grills	Sinks/ drainers with hot and cold water	Dry food storage cupboard	Fresh and Frozen food storage	Fire Blanket
<b>All Shared Kitchens</b>										
Up to and including 5	7	2	3 double	4	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant  1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal
6	8.5	2.4	4 double	4	2 <sup>+</sup>	2 <sup>+</sup>	2 <sup>#</sup>			
7	10	2.8	4 double	6	2 <sup>+</sup>	2 <sup>+</sup>	2 <sup>#</sup>			
8	14 (7 x 2)	4	5 double	8	2	2	2			
9	14 (7 x 2)	4	5 double	8	2	2	2			
10	14 (7 x 2)	4	5 double	8	2	2	2			
<b>Kitchens in individual lettings (Bedsits and Studios)</b>										
1 or 2	4.5	1	2 double	2	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with BS 6575
					or a safely located combination microwave/oven/grill					

**Notes:**

- To provide some flexibility where 6 or 7 occupants share a kitchen:
  - a safely located combination microwave/oven/grill is acceptable in place of an additional oven and grill (+)
  - a dishwasher is acceptable in place of an additional sink/drainer (#)
- To clarify, where the requirement is for a space minimum of 14sqm this can be achieved by providing 2 rooms each of 7sqm
- See Table 4 below for general guidance relating to all HMOs including requirements for mechanical extract ventilation, waste disposal, hygiene and storage

**Table 3: Minimum requirements for bathrooms/shower rooms and WC compartments**

Occupants sharing	<b>Bathrooms</b> Comprising 1 Bath/Shower Unit <i>(With Hot and Cold Water)</i> and may contain a WC <i>(but see * below)</i>	Separate WC compartment with wash hand basin with H & C	Ventilation (suitable and adequate)	<b>Adequate size and layout:</b> Minimum floor area for safe use of bathroom
<b>Less than 5</b>	<b>1</b>	<b>0</b>	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. <i>It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.</i>	Bath only 2.3sqm
<b>5</b>	<b>1</b>	<b>1</b>		Bath & WHB 2.5sqm
6	2*	1		Bath,WC&WHB 2.8sqm
7	2*	1		Shower only 1.7sqm
8	2*	1		Shower&WHB 2.0sqm
9	2*	1		Shower,WC&WHB 2.2sqm
<b>10</b>	<b>2</b>	<b>2</b>		WC & WHB 1.2sqm
Ensuite for 1 or 2	1	0		Comments as above

**Notes:**

1. (\*) For properties with 6-9 occupants sharing there shall be a minimum of 2 wcs and 2 bathrooms and one of the wcs must be separate.
2. **All bathrooms and toilets must be suitably located in relation to the living accommodation**-where facilities are shared they must be accessible from a common area; a bathroom must be no more than one floor distant in relation to the bedroom and the toilet must be within one floor of living and bedrooms
3. **See Table 4 below for general guidance relating to all HMOs**

**Table 4: Guidance relating to all HMOs**

<p><b>Insulation and heating</b></p>	<p><b>Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.</b></p> <ol style="list-style-type: none"> <li>1. Heating shall be provided in every habitable room, the common parts and bathroom capable of maintaining following internal temperatures when the external temperature is <math>-1^{\circ}\text{C}</math>: Living room, dining room and rooms used for sleeping <math>21^{\circ}\text{C}</math> Bathroom <math>22^{\circ}\text{C}</math> Elsewhere <math>18^{\circ}\text{C}</math></li> <li>2. The heating provision must be capable of being safely used at any time and be suitably guarded. It must be suitable, affordable to operate, appropriate to the design, layout and construction of the dwelling and be controllable by the occupants.</li> <li>3. In the case of gas central heating, radiators must be fitted with thermostatic valves and a programmable timer clock fitted.</li> <li>4. An electrical heating system will be acceptable in the form of a combined storage heater/panel heater that can be run on both “off peak and standard day rate” electricity tariffs, together with a fixed electric fan heater, located in the bathroom, powered from a fused spur. It must be capable of providing instantaneous energy efficient heating and controllability, on the optimum electricity tariff available.</li> <li>5. All appliances shall be maintained by a competent person. Gas appliances shall be inspected annually by a Gas-Safe Registered Engineer and certificated in accordance with the Gas Safety (Installation &amp; Use) Regulations 1994 and all applicable British Standards. Work to electrical appliances must be undertaken by an electrician able to certify the work under the one of the following schemes: BRE Certification Limited British Standards Institution (BSI) ELECSA Limited NAPIT Registration Limited NICEIC Group Ltd.</li> <li>6. The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited under any circumstances, whether provided by the landlord or the tenant.</li> </ol> <p>All reasonable steps should be taken to <b>insulate HMO accommodation</b> to improve energy efficiency and reduce condensation risk. Particular attention should be paid to basement and attic rooms and conversions must comply with Building Regulations.</p>								
<p><b>Power supply and Electrical Sockets</b></p>	<p>HMOs must be designed with <b>adequate electrical power output</b> for their expected loading. Conversion of buildings to large HMOs will require an increased electrical supply, over and above a standard domestic supply.</p> <p><b>Electrical sockets</b> must be adequate in number and suitably located to minimise the need for use of adaptors and trailing leads which introduce additional hazards. The following is expected as a minimum:</p> <table border="1" data-bbox="322 1129 2083 1289"> <thead> <tr> <th data-bbox="322 1129 913 1241"><b>Bedrooms in shared houses (separate kitchen facilities and living room)</b></th> <th data-bbox="913 1129 1505 1241"><b>Bedsit (separate kitchen facilities)</b></th> <th data-bbox="1505 1129 2083 1241"><b>Bedsit or studio flat (containing kitchen facilities)</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="322 1241 913 1289">2 double sockets</td> <td data-bbox="913 1241 1505 1289">3 double sockets</td> <td data-bbox="1505 1241 2083 1289">5 double sockets</td> </tr> </tbody> </table> <p>Adequate electrical sockets must be provided to serve all electrical appliances provided by the landlord. In <b>shared kitchens</b> a minimum of 3 double sockets must be suitably located above work surfaces.</p> <p>In <b>shared living rooms</b>, a minimum of 3 double sockets must be provided.</p>			<b>Bedrooms in shared houses (separate kitchen facilities and living room)</b>	<b>Bedsit (separate kitchen facilities)</b>	<b>Bedsit or studio flat (containing kitchen facilities)</b>	2 double sockets	3 double sockets	5 double sockets
<b>Bedrooms in shared houses (separate kitchen facilities and living room)</b>	<b>Bedsit (separate kitchen facilities)</b>	<b>Bedsit or studio flat (containing kitchen facilities)</b>							
2 double sockets	3 double sockets	5 double sockets							

**Lighting and ventilation**

All habitable rooms must be provided with **natural lighting** with a glazed area of window equivalent to 1/10 of the floor area of the room. Bedsit rooms that do not have access to shared communal living space are expected to have an external view, not just a skylight view.

**Artificial lighting** must be sufficient to adequately illuminate the room for its intended uses.

All habitable rooms must be provided with **adequate ventilation**, normally by means of an openable area of window equivalent to 1/20 of the floor area of the room. Ventilation of a room through reliance on opening an external door is not permitted.

All habitable rooms, kitchens, bathrooms, and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over half of the floor area of the room. Floor area measurements shall be taken on a plane 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded.

Mechanical ventilation in kitchens, bathrooms and WC compartments must operate on suitable systems to remove moist air and minimise noise disturbance. Mechanical ventilation must comply with the Building Regulations that are current at the time of application. Any installation shall be fitted with an overrun device usually connected to the lighting circuit of the room unless the fan is humidity controlled, where this may not be possible.

All rooms must have controllable trickle vents and/or windows that can be securely locked in the night-latch position to provide background ventilation without losing too much heat.

**Recommendation/Good practice**

[Positive pressure whole house ventilation systems](#) are becoming increasingly popular with HMO landlords as a way of managing indoor air quality and reducing the risk of condensation and mould growth. All such systems must be installed and serviced in accordance with manufacturers recommendations and have room by room control.

HMOs located where **air pollution** levels are likely to be particularly high should be designed with air intakes that minimise pollution ingress into the building, having regard to the design principles contained in [Appendix D of Building Regulation Approved Document E](#).

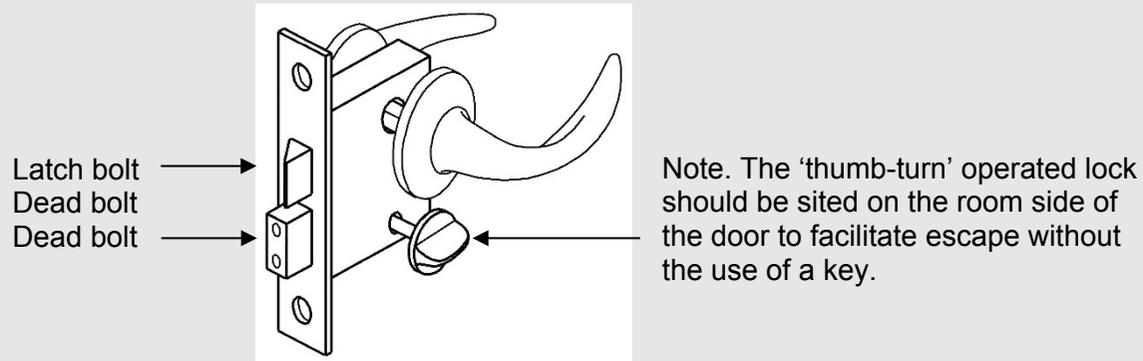
<p><b>Hygiene in kitchens and bathrooms</b></p>	<p>Floor and wall coverings, kitchen and sanitary fittings must be washable and impervious and be capable of being easily cleaned.</p> <p><b>Recommendation/Good Practice</b></p> <p>Floor and wall coverings around baths and showers in particular should be designed to minimise the risk of leaks. Correctly installed specialist flooring and wall-boards can help to reduce this risk. Regular maintenance checks will ensure that facilities are being used correctly and help to identify damage to seals, screens, doors and other fittings.</p>
<p><b>Clothes washing and drying</b></p>	<p><b>Recommendation/Good Practice</b></p> <p>Adequate facilities should be provided for washing and drying clothes, including a <b>washing machine</b> for up to 6 occupants. <b>Drying facilities</b> must be designed for year round use to minimise condensation and mould growth, particularly in bedrooms. In practice this means that unless a whole house, positive pressure ventilation system is installed then either an externally vented or condensing type tumble drier or a suitably heated and ventilated drying room should be provided in addition to any external drying facilities.</p>
<p><b>Food storage</b></p>	<p>In addition to the sink base unit and hygienic storage for cooking utensils, cutlery and crockery, a <b>food storage cupboard</b> minimum (500mm wide base unit or 1000mm wide wall unit) must be provided per occupant. In HMOs let under separate tenancies cupboards and a small fridge may be located in bedrooms (if no more than one floor distant from the nearest kitchen) but this must not unreasonably compromise the overall bedroom floor area.</p> <p>Adequate space for the storage of <b>fresh and frozen food</b> must be provided for each occupant. This means space equivalent to one good sized shelf/compartment in a shared refrigerator and a good sized shelf/compartment in a shared freezer.</p> <p><b>Recommendation/Good Practice</b></p> <p>In HMOs let under separate tenancies secure storage of dry, fresh and frozen food is desirable, either in lockable cupboards, fridge and freezer compartments or suitably stored in bedrooms (if no more than one floor distant from the nearest kitchen).</p>
<p><b>Waste Disposal</b></p>	<p>Adequate and hygienic waste disposal arrangements must be in place within the HMO. In practice this means the provision of suitable bins/receptacles and on-site waste management arrangements having regard to:</p> <ul style="list-style-type: none"> <li>• The number of occupants</li> <li>• The type and size of HMO accommodation</li> <li>• The waste collection and recycling arrangements available either through the local council domestic collection service or a commercial waste contract</li> </ul> <p><b>From 1 October 2018 all HMOs requiring a licence must comply with the local authority storage and waste disposal scheme (if one exists)</b></p> <p>The adequacy of waste disposal arrangements will also be subject to compliance checks under <a href="#">the HMO management regulations</a>.</p>

## Security

HMO design must adequately control security risks without compromising fire safety. **External doors** must be openable from inside without the use of a key and securely lockable from the outside with either:

- A key
- A security code
- A door entry system

In all circumstances other than HMOs which are occupied by a stable, cohesive group of sharers (i.e. a genuine shared house), individual letting rooms must be securely designed. This means **doors to individual lettings** must be fitted with a combined lock and latch, where the lock is operated from the inside of the bedroom by a thumb-turn or lever, rather than a key. For example a euro cylinder type lockset:



This provides adequate security and ease of escape, and avoids occupants locking themselves out of their rooms.

**Key operated window locks** are required to all accessible windows (ground floor, basement and adjacent to external structures such as fire escapes and flat rooves). Where the window is an escape window that is an integral part of the means of escape from fire then a suitable alternative security feature will be required.

(Please also see section above regarding food storage and security)

**Table 5: Other design and management considerations**

<b>HMO Licensing</b>	<p>Certain HMOs must be licensed and it is the responsibility of HMO owners and managers to check requirements in the areas in which they operate HMOs. Failure to licence a licensable HMO is an offence which may result in:</p> <ul style="list-style-type: none"><li>• Prosecution or a civil penalty of up to £30,000</li><li>• Rent repayment orders for rent paid when the HMO was required to be licensed</li><li>• Naming on a national rogue landlord list</li></ul>
<b>Planning permission</b>	<p>Planning permission is required where 7 or more (non-family) residents will share facilities. Also required where a larger building will be divided to create two or more smaller units of self-contained accommodation.</p> <p>In some Council areas, additional controls on the conversion of smaller HMOs (known as Article 4 Direction Orders) have been introduced. In those areas, planning permission will be required in order to create an HMO with less than 7 residents.</p> <p>Check with your <a href="#">local Planning Department</a> to find out whether there are any planning restrictions which could impact on your business plans.</p>
<b>Building Regulations</b>	<p>Approval under the Building Regulations is likely to be required for a range of HMO conversion works including:</p> <ul style="list-style-type: none"><li>• Installation of additional kitchen or bathroom facilities that require waste connections</li><li>• Changes in layout including adding or removing walls and or doors and windows</li></ul> <p>Compliance with Building Regulations can be achieved through <a href="#">Local Authority Building Control</a> or alternative providers.</p>
<b>Council Tax</b>	<p>Council tax is charged on any individual unit of accommodation that has its own kitchen facilities. In such circumstances the occupier is liable for payment of the Council Tax bill</p> <p>Liability for Council tax will remain with the HMO owner where kitchen facilities are shared, although HMOs occupied entirely by full time students will be exempt from Council Tax, subject to submission of the documentation required by the local council house.</p> <p>Council Tax fraud is an offence which deprives funding for local services. Check Council Tax liability with the local council.</p>
<b>Fire Safety</b>	<p><a href="#">National guidance</a> was published in 2008 to address fire safety requirements in certain types of housing including HMOs. It includes examples of how to develop risk appropriate designs having regard to the size and type of HMO proposed. Further guidance is likely to be available through your local council's private sector housing/housing standards team or its website.</p> <p>A <b>fire safety risk assessment</b> is required in all HMOs and shared buildings, except those occupied by a cohesive group of sharers under a single tenancy. The responsible person (normally the HMO owner) must undertake a fire safety risk assessment to identify fire safety risks and controls throughout communal areas of the building. Management arrangements must be put in place to ensure that risks are adequately controlled.</p> <p>There is further guidance on <a href="#">fire safety risk assessment in sleeping accommodation</a> and via Essex County Fire and Rescue Service.</p>

<p><b>HMO Management Regulations</b></p>	<p><a href="#">The Management of Houses in Multiple Occupation (England) Regulations 2006</a> apply to all houses which are occupied by three or more unrelated people where one or more basic amenities (WCs, bathrooms, kitchens) are shared. HMO owners and managers must ensure that their accommodation is adequately managed in accordance with these requirements which reflect the additional risks and responsibilities associated with managing this type of accommodation.</p> <p><a href="#">The Licensing and Management of Houses in Multiple Occupation (Additional Provisions)(England) Regulations 2007</a> apply to houses converted into self-contained flats, as defined by s257, Housing Act 2004 (known as section 257 HMOs).</p> <p>It is a criminal offence to breach HMO management regulations.</p>
<p><b>Parking and/or cycle storage</b></p>	<p>Where required, planning permission is likely to be dependent on the provision of either adequate vehicle parking and/or secure cycle storage for the number of occupants.</p> <p>Regardless of planning requirements, we recommend that you plan these facilities wherever possible to help occupants to address their transport needs, to reduce the potential for conflict with neighbours, and to help avoid management problems such as cycles blocking fire escape routes.</p>
<p><b>Private Rented Sector Code of Practice</b></p>	<p>The <a href="#">Private Rented Sector Code of Practice</a> has been produced by the lettings industry to cover the entire private rented sector. It is a useful central source of information and covers many issues relevant to HMOs. The code makes it clear to all members that a professional approach to letting is required and that ignorance and inexperience are no excuse for poor practice.</p>

## Appendix 4

### Equalities Impact assessment:

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
  - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
  - age
  - disability
  - gender
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. **All Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA.** An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
  - Factsheet 1: Equality Profile of the Epping Forest District
  - Factsheet 2: Sources of information about equality protected characteristics
  - Factsheet 3: Glossary of equality related terms
  - Factsheet 4: Common misunderstandings about the Equality Duty
  - Factsheet 5: Frequently asked questions
  - Factsheet 6: Reporting equality analysis to a committee or other decision-making body

## Section 1: Identifying details

Your function, service area and team: Private Sector Housing Enforcement, Private Sector Housing Team, Communities Directorate

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: Enforcement and Service Standards: Private Housing; Updating Fees and Charges Schedule to reflect new HMO licence fees and charging for works in default

Officer completing the EqlA: Tel: 01992 564149 Email: sdevine@eppingforestdc.gov.uk

Date of completing the assessment: 30.4.2018

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project? This is a new Enforcement and Service Standards document for Private Housing to sit under the Council's existing Private Sector Housing Enforcement Policy and includes, attached as an appendix, financial penalty notice matrix to be used in the issuing of civil penalties for certain Housing Act related offences The proposed HMO Licence Fees for new applications and renewals is a revision of an existing document</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To explain more specifically, within the framework of the Private Sector Housing Enforcement Policy, the steps that officers will take when responding to private sector housing service requests and the considerations that will be taken when deciding appropriate enforcement action. It also includes new enforcement options available to officers as a result of recently introduced legislation that has extended the scope of powers to the Council for dealing with non-compliant landlords and substandard properties. Additionally, request is being sought to revise the fees for HMO licensing following the extension in scope of properties falling within the new licensing regime</p> <p>What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)? The impact of these recommendations will directly penalise the worst landlords and are designed to bring about behavior change in the larger landlord population to increase housing standards. The compliant landlords who provide well managed and safe rented properties for tenants should in fact benefit as the rogue landlords lose their competitive advantage. The extension in scope of HMO licensing will allow officers to be made aware of high risk dwellings, previously not known about allowing action to be taken to ensure conditions are safe for occupiers</p>

2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>The decision affects individuals and families living in private rented accommodation and private landlords; HMO licensing relates affects more specifically, landlords operating and tenants living in HMOs</p> <p>Will the policy or decision influence how organisations operate? Yes.</p> <p>The use of the new enforcement powers means that bad landlords that flout the law will be heavily penalised and that the worst, criminal landlords will be put out of business not just in Epping Forest District but the country as a whole. The use of the Rogue Landlord database will mean that local authorities can be alerted to and share information about poor and criminal landlords so that they can enforce more effectively. The new Enforcement and Service Standards, incorporating the powers introduced under the Housing and Planning Act 2016 should ultimately benefit and promote the good professional landlords and raise standards generally in the private rented sector</p> <p>The introduction of mandatory HMO licensing brings more properties into the scope of licensing and will affect a larger number of landlords. The proposed fee structure is designed based on identified risks and the time spent by officers dealing with a property; the poor landlords are penalised and the good landlords are rewarded with the overall objective of encouraging landlords to comply with the law and operate safe well managed HMOs.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No change in existing resources is anticipated</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The Council's Housing Strategy includes a chapter 'Housing in the Private Sector' and one of the objectives within it is to 'take action to ensure that the condition of the privately rented accommodation meets the standards required by legislation and good practice.' The Private Sector Housing Enforcement Policy sets out the Council's approach to ensuring minimum standards are met where enforcement action is considered appropriate. The new Enforcement and Service Standards: Private Housing explains in more detail the steps that officers will take when responding to private sector housing service requests and the considerations that will be taken when deciding appropriate enforcement action</p>

## Section 3: Evidence/data about the user population and consultation<sup>1</sup>

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

<p>3.1</p>	<p>What does the information tell you about those groups identified?</p> <p>The groups that will be affected by the Enforcement and Service Standards will be individuals and families who rent properties in the private sector and landlords who let their properties to them.</p> <p>The 2011 House Condition Survey for Epping Forest reported that the number of private rented properties on the district totalled 7,750 representing 15% of the private sector stock. There are 42,820 households representing 6423 household living in rented accommodation on the District.</p> <p>The survey report also suggests that in 2011, 1,880 rented properties had at least one category 1 hazard (24.3%); 1060 were in need of repair (13.7%); 130 lacked modern facilities (1.7%); and 2,940 (37.9%) had poor thermal comfort. This gives an indication of the need for and potential effect the Enforcement and Service Standards will have on improving living conditions for tenants in the private rented sector.</p> <p>The Housing Health and Safety Rating System (HHSRS) Operating Guidance identifies 29 hazards associated with property defects and assesses the likelihood and extent of harm to the 'vulnerable' group for each potential hazard. The vulnerable group for HHSRS purposes is based on Age (only).</p> <p>This Guidance (2006) forms the basis of setting and enforcing property standards throughout the country including the proposed Enforcement Standards for Epping and is supported by extensive health related (including psychological) research and statistics obtained nationally.</p> <p>The HHSRS identifies the age characteristic most at harm as a result of a particular defect e.g. &gt;65 year olds for excess cold; &gt;60 years falls on stairs; &gt;60 years for fire related incidents, &lt;5 years for falls between levels, &lt;14 years for damp and mould. The Epping Forest House Condition Survey 2011 indicates that the District has an ageing population with higher rates of heads of household aged 65 and over than that found nationally (30.0% c.f. 25.1%).</p> <p>The 'Impact of an ageing population study Epping Forest District' anticipates that between 2015 and 2025 the number of over 65s in Epping Forest will increase from 25,400 to 30,000 and over 50's -64's, from around 24,200 to 27,400.</p> <p>Fuel poverty can be an issue for those with protected characteristics especially those based in a rural areas with hard to treat properties and this can have a detrimental impact on both physical and mental wellbeing.</p> <p>There is an acute housing shortage nationally and locally and more households are choosing to live in HMOs as the only affordable and available solution. These properties are often in the poorest condition and there are additional risks associated with shared living especially for young families. The extension of HMO licensing will have a positive impact on regularising this area of the housing market and ensuring that at least minimum standards are met to provide safe, properly managed properties.</p>
<p>3.2</p>	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>No consultation has been carried out. The Enforcement and Service Standards relate to powers directed by Central Government for the Council to impose in order to protect residents on the District. The Service standards explain how officers will provide this service within the remit of these powers.</p>

3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>Extensive national consultation has already been undertaken by the DCLG ( links to documents above) on measures to deal with rogue landlords who rent out unsafe, overcrowded and badly managed properties on which this Council has also contributed to. There is no obligation to carry out a local consultation.</p>
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## Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	<p>Positive: The evidence indicates that older people are most susceptible to hazards in the home due to excess cold, excess heat, falls, fire related incidents and CO poisoning. Young children are most susceptible to collisions, cuts and strains, electrical incidents, falls and illnesses from poor hygiene and sanitation.</p> <p>The enforcement tools embedded within the Enforcement and Service Standards document will have a positive impact on the vulnerable groups by ensuring that landlords improve property conditions to remove significant risks and reduce the likelihood of harm outcomes.</p>	M
Disability	<p>Positive: The introduction of the new Energy Efficiency Regulations within the Enforcement and Service Standards will allow enforcement of substandard properties that are expensive to run and are more likely to have an excess cold hazard. Cold living conditions are particularly detrimental to disabled people ( and older people) with poor mobility or other ill health such as poor heart condition.</p>	M
Gender		
Gender reassignment		
Marriage/civil partnership		
Pregnancy/maternity		

Race		
Religion/belief		
Sexual orientation		
General	<p>Positive: this is relevant to all tenants including all tenants in the above groups</p> <ol style="list-style-type: none"> <li>1. The Marmot Review into The Health Impacts of Cold Homes and Fuel Poverty (2011) identified that: <ul style="list-style-type: none"> <li>• Mental health is negatively affected by fuel poverty and cold housing for any age group. M</li> <li>• More than 1 in 4 adolescents living in cold housing are at risk of multiple mental health problems compared to 1 in 20 adolescents who have always lived in warm housing. M</li> <li>• Cold housing increases the level of minor illnesses such as colds and flu and exacerbates existing conditions such as arthritis and rheumatism. M</li> <li>• Improving the energy efficiency of the existing stock is a long-term, sustainable way of ensuring multiple gains, including environmental, health and social. M</li> </ul> </li> <li>2. Better quality housing conditions for private tenants will lead to a beneficial impact for physical and mental well-being. M</li> <li>3. The introduction of Rent Repayment Orders included within the Enforcement and Service Standards will empower tenants and allow the Council (where housing benefit has been paid) to recover up to 12 months rent paid where a housing related offence has been committed L</li> <li>4. The standards will help to prevent overcrowding particularly in licensed HMOs which would otherwise have an adverse impact on the health and well-being of families and development of children M</li> <li>5. With the extension of HMO licensing, officers will become aware of more high-risk properties that generally house the more vulnerable people and will be able to ensure that at least minimum standards are met L</li> </ol>	

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.

## Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
A risk that the effect of the enforcement action may lead to the displacement of tenants by rogue landlords (tenants in general not specifically those that have protected characteristics).	We will liaise with the police, Shelter and other agencies to ensure everybody is aware of the rights. In the long term this power will provide greater protection from tenants	On-going as part of general duties
Some landlords could decide to leave the lower end of the private rented sector and this could result in evictions and homelessness. However, this would be a short-term problem that should lead to long term positive effect as the worst landlords are driven out of the business and the reputation of the sector will improve and make the profession more marketable.	Action as above to ensure tenants are aware of their rights. We will liaise with Housing Options to facilitate tenants who find themselves in housing need as a result of eviction	On-going as part of general duties

**Section 7: Sign off**

**I confirm that this initial analysis has been completed appropriately.  
(A typed signature is sufficient.)**

Signature of Head of Service:

Date:

Signature of person completing the EqIA: **Sally Devine**

Date: 30.4.2018

**Advice**

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.