

# HMO Landlords' Handbook



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# 1. Introduction and definition of house in multiple occupation (HMO)

- 1.1 This handbook has been prepared by Spelthorne Borough Council to provide information for owners, agents, and occupiers about the rules and standards applicable to HMOs. The content addresses both licensed and non-licensed HMOs.
- 1.2 The definition of an HMO is complex and is set out in the [Housing Act 2004](#) Additional details are available on the government website: [Private renting: Houses in multiple occupation - GOV.UK](#)
- 1.3 Generally, an HMO refers to a house, flat, or converted building—such as a former office or a house converted into bedsits—where three or more tenants, who are not members of the same family\* and constitute two or more households, usually sharing facilities including bathrooms, toilets, or kitchens. Shared houses and bedsits may fall under this classification.
- \*Family includes individuals connected by blood (parent, grandparent, child—including adopted, fostered, and step-children, grandchild, sibling, uncle, aunt, nephew, niece, or cousin), or as part of a couple.*
- 1.4 A 'household' comprises either a single individual or family members residing together and may also include carers or domestic staff. For further clarification, refer to [The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006](#)
- 1.5 The definition also extends to buildings converted into self-contained flats (Section 257 HMOs), where over 33% are occupied by tenants rather than owner-occupiers, and where the conversion does not comply with the relevant building regulation standards specified in Section 257 of the Housing Act 2004, nor has a building certificate been issued for the conversion.



## 2. Planning Permission for HMOs

- 2.1 For planning purposes, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) most single-family homes fall within **Use Class C3 (dwellinghouses)**, whereas small HMOs occupied by between three and six unrelated people who live there as their main residence and share basic facilities such as a kitchen or bathroom fall within **Use Class C4**,
- 2.2 In March 2026, Spelthorne Borough Council introduced Article 4 Directions across the borough. This means that **landlords can no longer automatically turn a family home into a small HMO without planning permission**. Anyone wanting to change a property from a family home (Use Class C3) to a small HMO (Use Class C4) must now **apply for and receive planning permission first**.
- 2.3 **Planning permission is not guaranteed**. Applications will be assessed against a range of factors, including the concentration of HMOs in the local area and the potential impact on neighbouring properties, such as parking pressure and waste storage and collection arrangements. To help applicants understand the Council's expectations, the Council has adopted a [Supplementary Planning Document \(SPD\)](#), which sets out the criteria that must be addressed in any planning application for an HMO.
- 2.4 **Using a property as an HMO without the required consent may result in planning enforcement action. Landlords should therefore check whether an Article 4 Direction applies before purchasing, converting, or letting a property as an HMO.**
- 2.5 Larger HMOs occupied by seven or more unrelated people are treated in planning terms as **'sui generis'** which means they do not fall into a standard planning use class. In all cases therefore larger HMO properties will require planning permission. A description of Planning Use categories can be found here [The Town and Country Planning \(Use Classes\) Order 1987](#)
- 2.6 Party wall matters should be considered alongside planning permission and building control requirements whenever HMO landlords undertake building works affecting a shared wall, boundary, or involving excavation near a neighbouring property. Even where planning permission has been granted, or works can proceed under permitted development rights, the Party Wall etc. Act 1996 imposes separate legal duties to serve formal notice on adjoining owners and, where required, to appoint surveyors and agree a Party Wall Award before work begins. These obligations operate independently of the planning system, and failure to comply can result in delays, injunctions halting works, and liability for damage or legal costs. Landlords should therefore ensure party wall compliance is factored into early project planning and timelines, regardless of whether neighbouring properties are owner-occupied or tenanted. Details of legislation can be found here [Party Wall etc. Act 1996](#)

## 3. Licensing of HMOs and legal standards

- 3.1 The Council also requires HMOs to be licensed if the property accommodates five or more individuals forming two or more distinct households regardless of the size of property. [The Licensing of Houses in Multiple Occupation \(Prescribed Description\) \(England\) Order 2018](#) defines HMOs that must be licensed under Section 61 of the Housing Act 2004. Certain buildings are exempt from licensing requirements, as outlined in Schedule 14 of the [Housing Act 2004](#)
- 3.2 It should be noted that operating a licensable HMO without a licence is an offence for which there are sanctions, such as financial penalties, rent repayment orders or prosecutions. Further details on the licensing scheme and applying for a licence are contained in Section 9

3.3 **The Housing Act 2004** and related regulations set out the minimum standards that all HMOs must meet. This handbook explains these legal requirements and sets out the standards that the Council require to ensure compliance with some of those legal requirements. All HMOs must meet legal management standards, whether a licence is required or not. All, except Section 257 HMOs defined below, are covered by [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) . At the end of this point can you add another sentence. See Section 6 for further details.

3.4 **Section 257 HMOs**

Some buildings that have been converted into self-contained flats are classed as Section 257 HMOs. This applies where the conversion did not fully meet the Building Regulations in force at the time it was carried out. These properties do not fall under mandatory licensing, but are subject to separate management and amenity rules under [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#) Note that in Spelthorne, this type of HMO is not currently required to be licensed since it is not covered under the scope of mandatory HMO licensing

## 4. Space and amenity standards

### 4.1 The legislation

4.1.1 Legal space standards for sleeping rooms are that they must be at least 6.51m<sup>2</sup> for one person and 10.22m<sup>2</sup> for two people. For children under 10, sleeping accommodation must be at least 4.64m<sup>2</sup>. See Table 1.

Table 1: Standard for sleeping rooms	
Minimum sleeping room size (m <sup>2</sup> )	Who can occupy
6.51	One person
10.22	Two persons
4.64	Child under 10

4.1.3 Amenity requirements are set out in legislation in [The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006 \(as amended\)](#). This legislation states that kitchens, bathrooms, and toilets are to be of adequate number for the occupancy and sufficiently spacious and suitably equipped. Spelthorne’s standards on how to achieve this are described in this handbook.

4.1.4 Note that this legislation relates specifically to the consideration of the suitability of an HMO for licensing, but our standards set out in this handbook include smaller HMOs that do not require a licence.

4.1.5 It should be noted that if there are no shared living spaces, bedrooms may need to be larger. Ensuites must not be included in the room size measurements, and any floor space where the ceiling height is less than 1.50 m<sup>2</sup> must be disregarded

### 4.2 Bedroom sizes in relation to communal living spaces

4.2.1 Table 2 below sets out Spelthorne's minimum acceptable combinations of bedroom sizes and communal living area space in HMOs where occupiers share kitchen facilities, considering the number of occupiers and storeys.

**Table 2 - Spelthorne's minimum space standards for bedrooms, kitchens and communal living spaces in HMOs where occupiers share kitchen facilities**

Total number of people in HMO	Minimum bedroom size	Minimum kitchen size	Minimum shared living/dining space			
			1 or 2 storey HMO options		3 or more storey HMO options	
3 to 5	1 person 6.51m <sup>2</sup>	7m <sup>2</sup>	• Separate living room	11m <sup>2</sup>	• Separate living room where kitchen within one floor distance	11m <sup>2</sup>
	2 persons 10.22m <sup>2</sup>		• Living/dining combined with kitchen	18m <sup>2</sup>	• Kitchen/diner size where separate living room (of 11m <sup>2</sup> ) is more than one floor distance from it	13m <sup>2</sup>
					• Combined kitchen/living/dining room	18m <sup>2</sup>
6 to 10	1 person 6.51m <sup>2</sup>	10m <sup>2</sup>	• Separate living room	14m <sup>2</sup>	• Separate living room where kitchen within one floor distance	14m <sup>2</sup>
	2 persons 10.22m <sup>2</sup>		• Living/dining combined with kitchen	24m <sup>2</sup>	• Kitchen/diner size where separate living room (of 11m <sup>2</sup> ) is more than one floor distance from it	16m <sup>2</sup>
					• Combined kitchen/living/dining room	24m <sup>2</sup>
3 to 5	1 person 8.5m <sup>2</sup>	7m <sup>2</sup>	No shared living space required	No shared living space required unless all bedrooms are more than one floor distance from kitchen in which case options are:	• kitchen/diner	13m <sup>2</sup>
	2 persons 14m <sup>2</sup>				• Separate dining room within one floor distance of kitchen	11m <sup>2</sup>
6 to 10	1 person 8.5m <sup>2</sup>	10m <sup>2</sup>	No shared living space required	No shared living space required unless all bedrooms are more than one floor distance from kitchen in which case options are:	• kitchen/diner	16m <sup>2</sup>
	2 persons 14m <sup>2</sup>				• Separate dining room within one floor distance of kitchen	14m <sup>2</sup>

## 4.3 Heating

4.3.1 Heating requirements are set out in legislation in [The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006 \(as amended\)](#). This legislation states that each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

4.3.2 To ensure this standard is met and to reduce the risk of the hazards of damp and mould and excess cold in the HMO, Spelthorne Borough Council has established the following minimum standard for heating:

- An efficient and safe fixed space heating appliance that is capable of maintaining each room at a minimum temperature of 19°C when the outside temperature is -1°C must be provided. The fixed space heating appliance may be radiators forming part of a central heating system or alternatively a fixed hard-wired electrical appliance.

- The heating appliances and system must be controllable by the occupiers for timings and temperature settings.

4.3.3 [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) require a carbon monoxide detector to be fitted in any living accommodation containing a fixed combustion appliance other than a cooker (this includes gas boilers)

## 4.4 Personal Washing Facilities

4.4.1 To ensure bathrooms\* are of adequate size, layout, and appropriate for their intended use, and meet the prescribed standards in the legislation, Spelthorne Borough Council has established the following minimum standards:

- Bathrooms must meet standards suitable for their intended purpose and be easily accessible, ideally located no more than one floor away from any user, and shared facilities must be accessed from a communal area within the building.
- All bathrooms are required to be of sufficient size and arranged to allow users to undress, dry off, and dress safely and privately.
- All baths and wash basins must feature a tiled splash-back of at least 300mm. Shower cubicles require fully tiled walls and a suitable water-resistant curtain or door. Additionally, bathrooms must have smooth, impervious wall and ceiling surfaces that can be easily cleaned. Flooring must also be easy to clean and slip-resistant.
- Each bath, shower, and wash hand basin must have a continuous and adequate supply of hot and cold running water with reasonable temperature control.
- Adequate lighting of a type that is suitable for use in an area with high moisture, with an appropriate IP rating for its use must be provided, and installed by an electrician.
- A reliable and safe fixed space heating appliance with temperature controls is required to all bathrooms, and is to be installed by an electrician.
- Bathrooms must be equipped with mechanical ventilation, venting to outside air, with a minimum extraction rate of 15 litres per second, supplementing any openable windows. The ventilation may operate via the light switch with an appropriate over-run period or utilise a properly calibrated humidistat, and is to be installed by an electrician.
- In properties housing five or more occupiers, where reasonably practicable, a wash hand basin with appropriate splash-back must be installed in each separate unit of accommodation (such as every bedroom or bedsit) that does not already contain a sink
- All properties accommodating children under 10 years old must include a bath in a bathroom or ensuite for use by the household of any child under 10.

*\*Any reference to bathroom includes shower rooms*

<b>Table 3 – minimum dimensions for sanitary fittings in bathrooms</b>	
<b>Sanitary fitting</b>	<b>Minimum dimensions</b>
Bath	1700mm x 700mm
Shower	800mm x 800mm

## 4.5 Toilet facilities

4.5.1 To ensure toilet facilities are of adequate size, layout, and appropriate for their intended use, and meet the prescribed standards in the legislation, Spelthorne Borough Council has established the following minimum standards:

- The rooms shall have smooth, impervious wall and ceiling surfaces, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip resistant.
- Toilets shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a communal area. Facilities must be inside the building and constructed to ensure privacy.
- Separate toilet compartments should be a minimum dimension of 1300mm × 900mm with 750mm in front of the toilet.
- Each toilet in a separate compartment is required to have a window that opens equivalent to 1/20th of the floor area or mechanical ventilation to the outside air at a minimum extraction rate of six litres/second.
- A reliable and safe fixed space heating appliance with temperature controls is required to all bathrooms, and is to be installed by an electrician.
- A wash hand basin with appropriate splashback must be provided in the same compartment as the toilet.

## 4.6 Sharing ratios for bathrooms and toilet facilities

4.6.1 For properties where four or fewer occupiers share facilities, at least one bathroom containing a fixed bath or shower and a toilet (which may be located within the same room) within the main building is required.

4.6.2 Where there are five or more occupiers sharing facilities, the following minimum standards apply:

- One separate toilet with a wash hand basin must be provided for every five occupiers.
- One bathroom (which may contain a toilet) with a fixed bath or shower must be provided for every five occupiers.

4.6.3 **Ensuite facilities:** the occupier/s of any room with ensuite or their own exclusive facilities will be disregarded when considering overall provision of bathroom and toilet facilities. Such facilities are required to be for exclusive use, suitably enclosed in a ventilated room within, or in reasonable proximity to the living accommodation. They are to be adequately laid out with a toilet and wash hand basin, bath or shower with constant hot water supply.

Table 4 – Minimum bathroom and toilet facilities required according to number of occupiers	
Number of people (regardless of age*)	Facilities required
3 to 4	• 1 bathroom containing bath or shower, toilet and wash hand basin (and may be in same room)
5	• 1 bathroom containing bath or shower (with or without a toilet together with wash hand basin) <b>and</b> • 1 toilet together with wash hand basin in <b>separate room</b> (may be located in a second bathroom)

Table 4 – Minimum bathroom and toilet facilities required according to number of occupiers	
Number of people (regardless of age*)	Facilities required
6 to 10	<ul style="list-style-type: none"> <li>• 2 bathrooms containing bath or shower (with or without toilets together with wash hand basins) <b>and</b></li> <li>• 2 toilets together with wash hand basins (one at least of which must be in <b>separate room</b> to bathrooms)</li> </ul>
11 to 15	<ul style="list-style-type: none"> <li>• 3 bathrooms containing bath or shower (with or without toilets together with wash hand basins) <b>and</b></li> <li>• 3 toilets together with wash hand basins (one at least of which must be in a <b>separate room</b> to bathrooms)</li> </ul>
Bedrooms with ensuite	<ul style="list-style-type: none"> <li>• Where a room is provided with <b>complete</b> ensuite facilities (bath/shower, toilet and wash hand basin), the occupier/s of that room will be disregarded when considering the provision of bathroom and toilet facilities</li> <li>• Where there are <b>partial</b> ensuite facilities, the occupier/s are disregarded for just those facilities</li> </ul>
<p><i>* Note that if a child under the age of 10 lives in the property, a bath must be provided that is accessible to the household with the child.</i></p>	

## 4.7 Shared kitchens

4.7.1 To ensure kitchens are suitably located, of adequate size, layout, and equipped with suitable and sufficient facilities, and meet the prescribed standards in the legislation, Spelthorne Borough Council has established the following minimum standards:

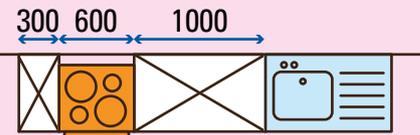
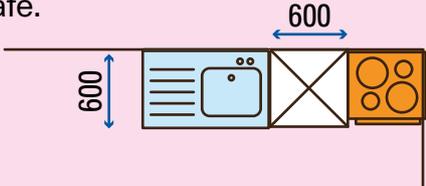
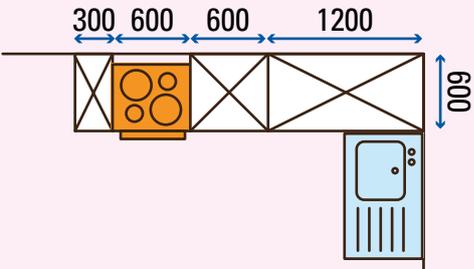
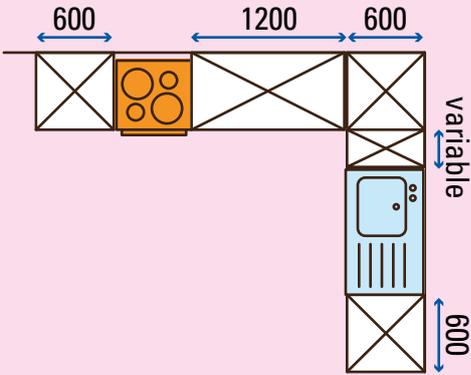
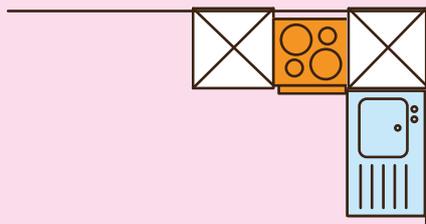
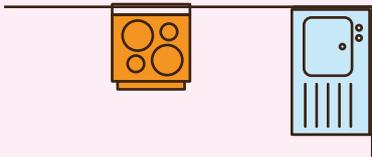
### 4.7.2 Kitchen location

- Kitchens must be contained within the main building and located no more than one floor away from the bedrooms.
- In HMOs of up to three storeys and accommodating no more than 10 persons, communal kitchens may be situated up to two floors away from some bedrooms if necessary.

### 4.7.3 Kitchen layout

- The kitchen layout must be safe, practical, and designed to support good hygienic storage, preparation and cooking of food.
- Cookers must not be positioned directly beneath windows.
- Cookers should be placed away from doorways, with sufficient floor space to allow items to be safely removed from the oven.
- Users must be able to stand directly in front of both the cooker and sink, with clear surfaces available on both sides for placing utensils.
- Where two sets of facilities are provided in a single kitchen, the layout must allow both to be used safely and simultaneously.

**Table 5 - examples of acceptable, good and also unsatisfactory layouts of facilities in shared kitchens**

<p>✓ <b>Good practice</b></p>	<p>✗ <b>Unacceptable</b></p>
<p>A satisfactory kitchen must be safe, convenient and must allow good hygiene practices. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each. Worktops must be secure, level and impervious and must be of adequate size. Adjacent walls require splash-backs and power points must be suitably located.</p>	<p>Cookers cannot be safely used if they are located in corners, do not have adequate worktop on both sides or are too close to sinks. Sinks require space to put dirty utensils on one side and clean on the other.</p>
<p>✓ <b>This is the minimum provision for a kitchen.</b> It incorporates worktop on both sides of the cooker and working space both sides of the sink bowl. Note 300mm is a minimum width and should be made wider where possible.</p>  <p>The diagram shows a kitchen layout with a 300mm wide section on the left, a 600mm wide section containing a cooker, and a 1000mm wide section containing a sink. The total width is 1900mm.</p>	<p>✗ <b>Cooker may not be located in a corner.</b> This arrangement is impractical and unsafe.</p>  <p>The diagram shows a 600mm wide section containing a cooker, with a 600mm wide section to its right containing a sink. The cooker is in a corner with no worktop on its left side.</p>
<p>✓ <b>Alternative minimum layout.</b> This arrangement provides more workspace but could be further improved by giving more room in front of the sink (see below).</p>  <p>The diagram shows a kitchen layout with a 300mm wide section on the left, a 600mm wide section containing a cooker, a 600mm wide section, and a 1200mm wide section containing a sink. The total width is 2700mm. The height of the sink section is 600mm.</p>	<p>✗ <b>The sink bowl must not be located in a corner.</b> This is an impractical arrangement and because there is no worktop next to the bowl and it is impossible to separate clean and dirty utensils, it also creates a hygiene hazard.</p>  <p>The diagram shows a sink bowl located in a corner with no worktop next to it.</p>
<p>✓ <b>This is a good kitchen layout.</b> It is well set out and has plenty of usable workspace.</p>  <p>The diagram shows a kitchen layout with a 600mm wide section on the left, a 1200mm wide section containing a cooker, a 600mm wide section, and a section containing a sink with a 'variable' height. The total width is 2400mm. The height of the sink section is 600mm.</p>	<p>✗ Neither cooker nor sink can be practically or safely used with this arrangement.</p>  <p>The diagram shows a cooker and a sink arranged in a way that neither can be safely used.</p>
	<p>✗ The cooker is free-standing and improperly located in relation to the sink. Both the cooker and sink also lack worktops. This arrangement is impractical and unsafe. Adding worktops will still not give a practical and safe kitchen.</p>  <p>The diagram shows a free-standing cooker and a sink with no worktops.</p>

#### 4.7.4 Kitchen size

- Kitchens shared by three to five occupiers must have an area of at least 7m<sup>2</sup>.
- For six to ten occupiers, the kitchen should be at least 10m<sup>2</sup>.
- The minimum kitchen width is 1.8m to ensure occupiers can move safely.

#### 4.7.5 Kitchen facilities and sharing ratios

One full set of kitchen facilities as detailed below shall be provided for every five occupiers that are sharing\*:

- **Sink:** A stainless-steel sink with an integral drainer set in a base unit, with tiled splashback behind sink and drainer. It must have constant hot and cold running water and be properly connected to the drainage system. The cold water must come straight from the main supply. There should be enough space to stand directly in front of the sink and place utensils on both sides.
- **Cooker:** A gas or electric cooker with four ring burners, an oven, and a grill, all usable at the same time. The cooker must be situated away from doorways, with at least 300mm of worktop space on either side, and allow someone to stand directly in front of it.
- **Electrical sockets:** A minimum of three double 13-amp electrical sockets, in addition to those used for built-in appliances like washing machines or dishwashers.
- **Worktop:** A secure, level, and impervious worktop that measures at least 1000mm in length by 600mm in width.
- **Storage:** A food storage cupboard for each occupier, either a base unit at least 500mm wide or a wall unit at least 1000mm wide. Storage beneath the sink and drainer does not count. This storage may also be provided in each occupier's room.
- **Fridge/freezer:** A refrigerator with a minimum capacity of 130 litres plus a freezer with a minimum capacity of 60 litres. If not in the kitchen, the fridge/freezer must be freely accessible and adjoining the kitchen, but not in the hallway or a landing.
- **Refuse disposal:** Adequate provision must be made for the storage and disposal of refuse.
- **Ventilation:** Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres per second or 30 litres per second if the fan is sited within 300mm of the centre of the hob. This is in addition to any openable windows.

*\* Note, no kitchen may contain more than two sets of facilities*

**Table 6 - the minimum provision of kitchen facilities according to the number of occupiers within an HMO**

Number of occupiers (regardless of age)	Minimum provision of kitchen facilities
3 to 5 people	One complete set of kitchen facilities
6 to 7 people	2 complete sets of kitchen facilities (which may be within 1 kitchen, and <b>in this case:</b> <ul style="list-style-type: none"> <li>• worktop dimensions can be a total of 1500mm x 600mm</li> <li>• a combination microwave is acceptable instead of a 2nd cooker</li> <li>• a dishwasher is acceptable instead of a 2nd sink)</li> </ul>
8 to 10 people	2 complete sets of kitchen facilities with a 2000mm x 600mm worktop
11 to 12 people	3 complete sets of kitchen facilities (which may be within at least 2 separate kitchens, and <b>in this case:</b> <ul style="list-style-type: none"> <li>• Worktop to each kitchen of 2500mm x 600mm</li> <li>• a combination microwave is acceptable instead of a 3rd cooker</li> <li>• a dishwasher is acceptable instead of a 3rd sink</li> <li>• 2 x 130 litre refrigerators with an additional 20 litres capacity of refrigerator space per person over 10 persons</li> <li>• 2 x 60 litre freezer space with an additional 10 litres capacity of freezer space per person over 10 persons)</li> </ul>
13 to 15 people	At least two separate kitchens containing three complete sets of kitchen facilities, each kitchen with 5000mm x 600mm of work surface

#### 4.8 Kitchens for exclusive use (bedsits)

4.8.1 A bedsit is where sleeping, living, and cooking amenities are provided for exclusive use by occupiers within a single unit of accommodation (i.e. one room).

4.8.2 The principles of safe kitchen design apply equally to bedsits as to shared kitchens. Cookers must not be positioned near doorways or beneath windows to minimise safety risks.

4.8.3 To ensure kitchen facilities contained within a bedsit meet the prescribed standards in the legislation where the occupier/s of it are not sharing kitchen facilities, Spelthorne Borough Council has established the following minimum standards for the bedsit kitchen\*:

- **Sink:** A stainless-steel sink with an integral drainer set in a base unit, with tiled splashback behind sink and drainer. It must have constant hot and cold running water and be properly connected to drainage system. The cold water must come straight from the main supply. There should be enough space to stand directly in front of the sink and place utensils on both sides.
- **Cooker:** A gas or electric cooker with at least a two-ring hob, oven, and grill.
- **Electrical sockets:** A minimum of two double 13-amp electrical sockets at worktop height for portable appliances, exclusive of those used by fixed kitchen appliances. Additionally, two further double sockets must be positioned elsewhere within the bedsit.
- **Worktop:** A secure, level, and impervious worktop that measures at least 500mm in depth and 1000mm in length is required, with a minimum of 300mm of space on either side of the cooking appliance to accommodate utensils and pans. All worktops must be securely supported, non-porous, and easy to clean.

- **Storage:** A minimum of one food storage cupboard (base units must be 500mm wide; wall units must be 1000mm wide). The sink base unit is not to be used for food storage purposes.
- **Fridge/freezer:** A suitable refrigerator with freezer compartment, sufficient for the household's needs
- **Refuse:** A suitable receptacle for refuse and food waste
- **Ventilation:** Mechanical ventilation to the outside air must be provided, achieving a minimum extraction rate of 60 litres per second, or 30 litres per second if the fan is located within 300mm of the centre of the hob. This is required in addition to any existing openable windows

*\*Proprietary micro-style kitchenettes incorporating the above features may be suitable in certain situations, following consultation with a case officer.*

## 5. Fire safety standards

### 5.1 The legislation

- 5.1.1 Requirements in relation to fire precaution facilities and equipment are set out in legislation in [The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006 \(as amended\)](#). This legislation states that appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.
- 5.1.2 [The Regulatory Reform \(Fire Safety\) Order 2005](#) sets out the requirement for HMOs to have a suitable and sufficient fire risk assessment conducted by a competent person. For licensed HMOs, significant findings from this assessment must be documented, making a written risk assessment mandatory.
- 5.1.3 [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) require that a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation. This applies to all rented properties. It should be noted that many HMOs will require additional fire detection provision, and even a full fire alarm system depending on size, layout and risk. **It should be noted that failure to comply with these regulations is an offence which may result in a penalty of up to £5,000.**
- 5.1.4 [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) require that fire-fighting equipment and fire alarms be kept in proper working order.

### 5.2 National fire safety guidance

- 5.2.1 Spelthorne Borough Council refers to the national LACoRS fire safety guidance in determining required fire precautions and equipment in domestic dwellings, including HMOs. The guidance adopts a risk based approach to fire safety.
- 5.2.2 This guidance offers advice to landlords and fire safety enforcement officers within both local housing and fire and rescue authorities on ensuring adequate fire safety. This can be found here [guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf](#).

### 5.3 Fire risk assessment

- 5.3.1 This is required for all HMOs, and should be carried out by a competent person. For licensed HMOs, it must be written down and submitted during the licensing process.

- 5.3.2 It involves a systematic review of the premises, activities conducted there, and any potential fire risks and their impact on those present. Hazards must be identified, along with appropriate measures to ensure that these hazards are controlled. This includes fire precautions and management procedures to keep people safe in the event of a fire.
- 5.3.3 Qualified assessors for undertaking fire risk assessments can be found through registration schemes, including the following:
- The Institution of Fire Engineers ([www.ife.org.uk](http://www.ife.org.uk))
  - Warrington Fire ([www.warringtoncertification.com](http://www.warringtoncertification.com))
  - The Institute of Fire Safety Managers ([www.ifsm.org.uk](http://www.ifsm.org.uk))
  - Fire Industry Association ([www.fia.uk.com](http://www.fia.uk.com))
- 5.3.4 Measures identified in the fire risk assessment to reduce risk and keep people safe should be actioned, and the assessment must be periodically reviewed. For more information on conducting a fire risk assessment, see [Fire safety risk assessment: sleeping accommodation \(accessible\) - GOV.UK](#)

## 5.4 Fire precautions

### 5.4.1 General

The following points give a summary from the LACoRS fire safety guidance to help landlords understand their responsibilities and the requirements for fire safety in HMOs, but landlords should be aware that if a property is used differently from its original design, even if it previously met Building Regulations, or if there are additional risk factors in terms of the use, layout, size of the property or vulnerable occupiers, then extra fire safety measures may be needed. Exact requirements can only be confirmed after a full inspection.

### 5.4.2 Protected route

The 'means of escape' is the route that occupiers will need to take to leave the building in a fire situation and often includes landings, stairs and hallways. In an HMO, it should be designed to remain free from smoke and fire for sufficient time to allow occupiers of the building to pass safely along it to a place of safety ('protected route'). All walls, floors, and partitions bordering the route, and doors opening onto it, must provide robust protection, usually to a standard of 30 minutes fire resistance. This also includes cupboards and the soffit (underside) of the staircase. The protected route should be free from obstructions and flammable materials.

### 5.4.3 Fire doors

These are engineered to withstand fire and inhibit smoke transmission, typically providing 30 minutes fire resistance (FD30 rating) to control fire spread and give time for people to get out. They are notably more heavy than standard doors, and newer models can be identified by a colour code near the hinges. Standard timber panels or inexpensive modern flush-panel doors constructed from plywood, hardboard, or hollow cores do not meet requirements, as they may fail rapidly under fire conditions.

Requirements for fire doors are that they:

- must fit closely within their frames
- include a suitable self-closing mechanism
- be fitted with three hinges
- have intumescent strips\* fitted to door or frame

- usually need smoke seals\*\* fitted to door or frame (can be integrated with intumescent strip)
- be fitted in accordance with the current relevant British Standard, and hardware and seals and strips be fitted in accordance with manufacturers' instructions.

In low-risk HMOs (eg 2 storey, shared house HMOs with no cooking in rooms, standard construction and layout, and no other risk factors including vulnerable occupiers), solid, well-constructed close-fitting doors in sound condition may be acceptable instead of fire doors to bedrooms.

*\* Intumescent strips respond to high temperatures by expanding, thereby sealing gaps between the door and frame, and helping contain the spread of fire within a room.*

*\*\* Smoke seals restrict the passage of smoke into the escape route from the room where the fire is. They are designed to only block smoke and not fire (which is purpose of the intumescent strip). They will be required to fire doors for many HMOs but should not be fitted in situations where the fire detection system is restricted to the escape route. This is because their benefit will be outweighed by smoke detectors in the escape route only being activated when the fire is at an advanced stage and beginning to breach the fire door. At this point the alarm may be so late that the smoke has already affected the escape route.*

#### 5.4.4 Fire resistant materials

In an HMO, there should usually be a minimum of 30 minutes fire resistance between units of accommodation, and between units of accommodation and high fire risk rooms (such as kitchens and communal living spaces). The same applies for protected routes. Standard constructed wall or ceiling partitions of 12.5 mm plasterboard either side with skim coat if in sound condition will usually provide 30 minutes fire resistance. If an HMO shares a wall with, or is located above commercial premises, the dividing partition must provide 60 minutes fire resistance. Gaps around pipework or cables that pass through a wall or ceiling will need to be carefully sealed with a suitable intumescent material to prevent fire and smoke transmission. Surface finishes such as timber, flock wallpaper or polystyrene ceiling tiles may not be suitable.

#### 5.4.5 Automatic fire detection and warning systems (fire alarm systems)

These are essential in HMOs, helping to save lives and prevent injuries, and can range from interconnected smoke detectors to fully commissioned alarm networks with control panels. Alarms should be installed along every part of the protected route and emit a distinct sound of at least 75dB(A) at bed-heads when doors are closed. Routine testing and maintenance are crucial. Depending on the type of system, they should be tested weekly (Grade A system) or monthly (Grade D and E systems) and these tests recorded in a log book. Additionally, at least annual testing of the system should be carried out by a fire alarm engineer who will provide a certificate of testing. Any faults must be remedied to ensure the system remains in proper working order.

#### 5.4.6 Emergency lighting systems

These are generally required in large HMOs or where the layout is not straightforward. If installed, they should be tested regularly, and a full system test and service must be completed annually by a competent person in line with [BS5266](#).

#### 5.4.7 Fire blankets

Fire blankets can stop a small fire becoming a major disaster and should be in every kitchen area within the property. They are to be wall mounted and easily accessible. Instructions on their use should be provided and easily readable.

#### 5.4.8 Firefighting equipment

Generally firefighting equipment such as fire extinguishers are not recommended in units of accommodation as they require training to use and could result in a person delaying escaping from the property by attempting to fight a fire. One multi-purpose extinguisher is acceptable on each landing, but must be maintained in proper working order and all occupiers must be given training on their use where provided. They must be checked periodically to make sure they are in place and available for use, and tested and maintained on an annual basis in accordance with BS 5306-3.

#### 5.4.9 Locks on doors

Locks to doors that provide escape from the property (including doors to bedrooms/bedsits/flats, and all doors providing exit from the building, including patio doors) must be of a type that do not require a key for them to be unlocked from the inside, such as thumb turn locks.

#### 5.4.10 Inner rooms and unusual layouts

A layout which is unusual and compromises the means of escape in a fire situation for any occupier in the property should be avoided. For example, an inner room, where an occupier has to pass through another room that is not part of their accommodation to get out of the property. If the inner room is on the ground floor and has a window fitted that meets the requirements of an escape window, then in certain circumstances, this may be considered an acceptable alternative means of escape. Another solution where the property layout is not straightforward or there are other factors that increase the risk is a water suppression (sprinkler) system. Advice should be sought in these circumstances from a fire safety specialist.

## 6. HMO management regulations

- 6.1 All HMOs, regardless of size and whether or not they require a licence are subject to specific management regulations. [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) apply to all HMOs except those made up entirely of self-contained flats. For HMOs comprised solely of self-contained flats, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 are relevant.

These regulations impose duties on the manager of the HMO (defined in s.263(3) of the Housing Act 2004). The main requirements are:

- Provide and display contact information for occupiers.
- Implement safety measures, including maintain fire safety
- Maintain water supply and drainage systems
- Ensure uninterrupted supply and maintenance of gas and electricity.
- Maintain communal areas, fixtures, fittings, and appliances in clean, safe and working condition.
- Maintain living accommodation in good repair working order and clean at start of occupation
- Provide adequate waste storage and disposal facilities and arrangements

- 6.2 HMO occupiers also have a duty under these regulations to take reasonable care not to damage the property or prevent the manager from fulfilling their duties.

- 6.3 It is important to note that that failure to comply with any requirement of the regulations is an offence, for which the Council may impose a financial penalty of up to £30,000, or prosecute, which could result in an unlimited fine for each offence under the regulations.

## 7. Housing Health and Safety Rating System (HHSRS)

- 7.1 The Housing Health and Safety Rating System (HHSRS) is a risk based approach to assessing hazards within any residential property, including HMOs. It enables local authorities to identify and mitigate potential health and safety risks arising from any deficiencies present within dwellings.
- 7.2 The HHSRS sets out 29 hazards, a few of the most commonly identified being:
- **Damp and mould growth**  
Houses should be warm, dry, and well-ventilated, and maintained free from rising, penetrating and persistent condensation. There should be adequate provision for the safe removal of moisture-laden air to prevent damp and mould growth.
  - **Excess cold**  
Houses should be adequately insulated to prevent excessive heat loss; in particular, roof spaces should be properly insulated and windows and doors draught proofed. The property should have an efficient and controllable heating system capable of maintaining a suitable temperature.
  - **Entry by intruders**  
Houses should be capable of being secured to deter against unauthorised entry. Windows and doors should be robust and fitted with adequate security. Externally, the curtilage of the property should be restricted and be properly gated. Sheds or outbuildings should be maintained in good order and made secure.
  - **Flames, hot surfaces etc.**  
Heating and cooking appliances should all be maintained in a safe condition and be suitably located so as not to create a risk of burns.
  - **Personal hygiene, sanitation, and drainage**  
Bathroom and kitchen surfaces should be easy to clean. Exterior areas must be in good repair and protected from pests. Provide suitable indoor waste storage and outdoor bins.
- 7.3 Further guidance can be found on [HHSRS at Housing health and safety rating system \(HHSRS\): guidance for landlords and property-related professionals - GOV.UK](#)

## 8. Requirement for planning consent under Article 4 Direction

- 8.1 An Article 4 Direction is a specific planning regulation enacted by local planning authorities to enhance control over development within designated areas. This measure removes certain permitted development rights relating to minor alterations, extensions, and changes of use to standard residential dwelling homes in Planning Use category C3.
- 8.2 Article 4 Directions are typically implemented in response to the concentration of Houses in Multiple Occupation (HMOs) within a locality. If you are considering purchasing a property to let as an HMO, it is essential to familiarise yourself with the regulations applicable in your area.
- 8.3 Different types of dwelling are categorised into planning classes as follows.
- C3 - standard residential dwelling house
  - C4 - small HMOs housing between three and six people.
  - Sui Generis - large HMOs of seven people or more
- 8.4 Moving between C3 and C4 class falls under permitted development, so in most cases, a small C4 HMO will not require planning permission, unless there is a planning condition on the property restricting its use. However, in an Article 4 area, planning permission is required to convert a C3 single dwelling property into a small C4 class HMO.
- 8.5 To move in and out of the Sui Generis class, you will always need planning permission, so any HMO with seven or more people living in it will require planning permission regardless of location.
- 8.6 **Further information**  
Owners and managers are encouraged to visit our website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk) or contact the Planning Service for more details. [planning.dm@spelthorne.gov.uk](mailto:planning.dm@spelthorne.gov.uk)

## 9. Applying for an HMO licence

### 9.1 Application process

- 9.1.1 You can apply for an HMO licence online [Apply for a House in Multiple Occupation \(HMO\) Licence - Spelthorne](#) and [guidance](#) is available to assist with completing the application [HMO application form-info guide A4-v6.pdf](#). If you would prefer to complete a paper form, you can request a licence pack by contacting the Environmental Health Residential team on [eh.residential@spelthorne.gov.uk](mailto:eh.residential@spelthorne.gov.uk) or 01784 446251.
- 9.1.2 For the application to be valid, you need to provide:
- a completed application form
  - a current gas safety certificate (if there is gas)
  - a current electrical installation condition report (EICR)
  - a test certificate for the automatic fire detection system and emergency lighting system (if these systems are at the property).
  - a written fire risk assessment carried out by a competent person (if you have one. If not, you will be required to produce one within 6 months of your licence being issued)

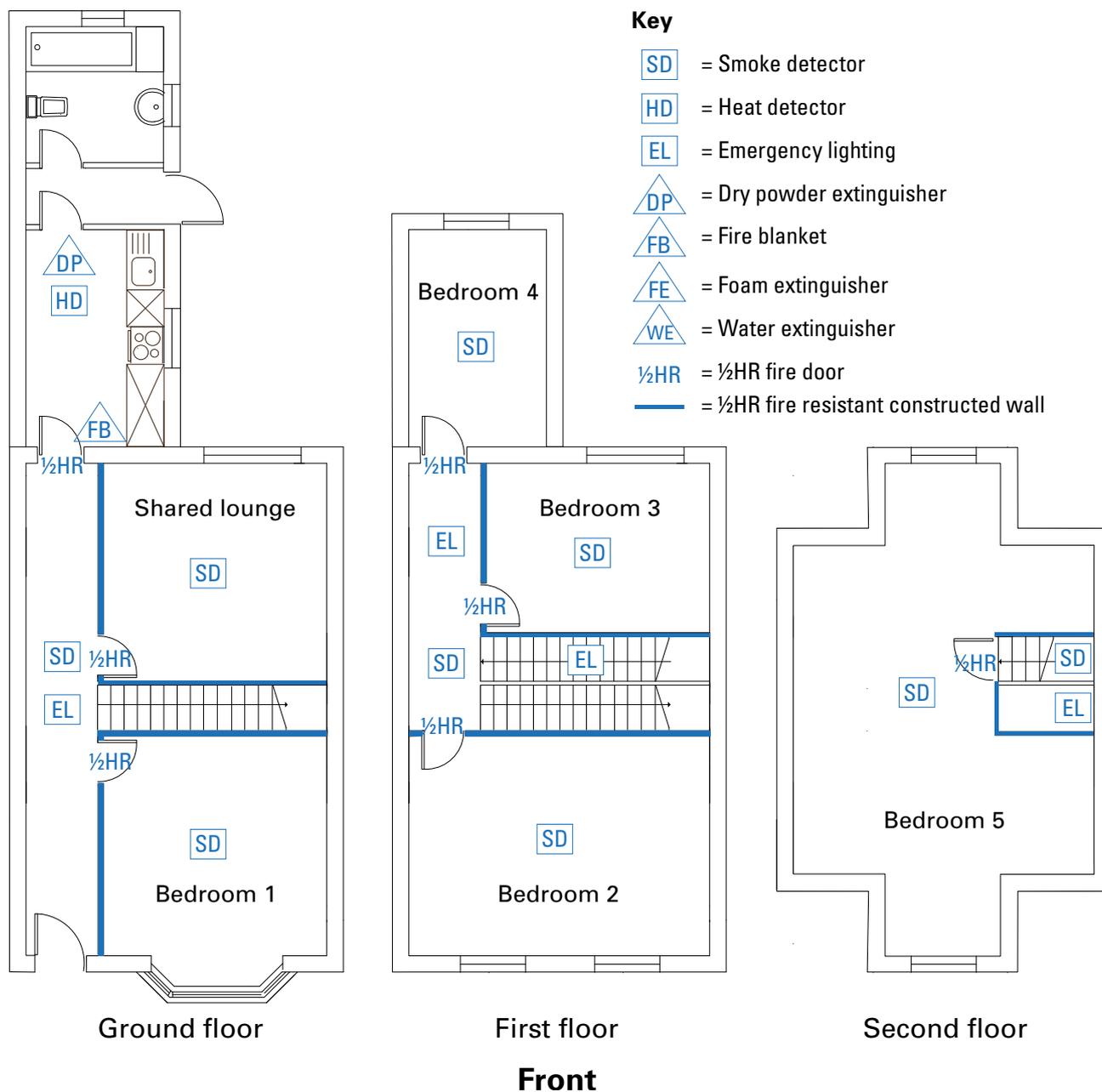
- a detailed floor plan (see 'property plans' below for further details of what is required)
- a blank copy of the tenancy agreement that is given to tenants
- the appropriate fee which can be found on our website [Houses in Multiple Occupation \(HMO\) | Spelthorne Borough Council](#)

- 9.1.3 If the application is invalid, such as if there is missing documents or information, you will be notified, but please note that there is a fine for submitting an incomplete application which will be imposed if the missing information is not received within the time frame given in the notification.
- 9.1.4 As part of the licence application process, a pre-licence inspection will be carried out to verify the details in the application and confirm the suitability of the property as an HMO as well as identify any concerns, which will inform our risk assessment process to determine the licence duration which is detailed below.
- 9.1.5 You will then, along with any other relevant parties, receive a notice of intention to either grant or refuse a licence (along with a draft licence if the intention is to grant a licence). There is a two-week consultation period to make representations about the intention or draft licence and conditions.
- 9.1.6 Any representations made will be reviewed, and may affect the Council's decision to grant or refuse the licence, or result in a change to the proposed conditions or term of the licence before issuing the licence. There is a right of appeal to the First Tier Tribunal within 28 days of the Council's decision.
- 9.1.7 An HMO licence is valid for either one, or three or five years from the date of issue. See details below about the Council's risk-based scheme and variable licence term. If the property will continue to be a licensable HMO when the licence expires, you must make a valid application to renew your licence before the current licence expires.

## 9.2 Property plans

- 9.2.1 When applying for an HMO licence, floor plans must be submitted with the application. These must show the following:
- where the front of the property is
  - identify each storey
  - identify the rooms and their use or proposed use
  - room dimensions (in metres) for each room (exclude ensembles from measurements and any area where ceiling height is below 1.5m. These can be marked on the drawing or provided in a table as part of the plan
  - room layouts and locations of all amenities including baths, showers, washbasins, toilets, kitchen sinks, cookers, and work surfaces
  - windows and doors
  - fire safety features such as fire doors, alarms, fire-resistant construction, emergency lighting, fire-fighting equipment, and fire blankets.
  - a key defining any symbols used

**Table 7 gives an example of a floor plan that would be acceptable to accompany an HMO licence application**



Room	Dimensions	Floor area
Shared lounge, ground floor rear right	4 x 4m	16m <sup>2</sup>
Shared kitchen, ground floor back addition	4 x 2.5m	10m <sup>2</sup>
Shared bathroom, ground floor back addition	2.5 x 2.5m	6.25m <sup>2</sup>
Bedroom 1, ground floor front right	4 x 4m	16m <sup>2</sup>
Bedroom 2, first floor front	4 x 5.5m	22m <sup>2</sup>
Bedroom 3, first floor rear right	4 x 3m	12m <sup>2</sup>
Bedroom 4, first floor back addition	4 x 2.5m	10m <sup>2</sup>
Bedroom 5, second floor	5.5 x 6m	33m <sup>2</sup>

## 9.3 Risk based scheme and variable licence

- 9.3.1 The Council has introduced a risk-based system for determining the term of any HMO licence granted. The scoring of HMO applications according to risk encourages landlords of HMOs to ensure good standards and that their HMOs are well managed and maintained. The level of risk will determine the duration of the licence that is granted, which could be for one, three or five years.
- 9.3.2 The cost of the licence remains the same regardless of the term of the licence. This is to reflect the level of Council intervention involved and the need to ensure accommodation for our residents is safe and of a good standard, and is well managed for the benefit of the HMO residents and the neighbourhood.

For further information in relation to HMO standards or HMO licensing requirements, please visit our website [Houses in Multiple Occupation \(HMO\) | Spelthorne Borough Council](#) or contact Environmental Health at [eh.residential@spelthorne.gov.uk](mailto:eh.residential@spelthorne.gov.uk) or 01784 446251

## 10. Building Control

- 10.1 Works of alteration and/or improvement, including those requested by the Council such as drainage works to provide additional bathroom facilities, window replacement or alterations to the electrical installation, may require Building Regulation or Building Notice approval.

For more details:

[building.control@spelthorne.gov.uk](mailto:building.control@spelthorne.gov.uk)

01784 451499

Building Control, Spelthorne Borough Council, Council Offices, Knowle Green, Staines-upon-Thames, TW18 1XB

## 11. Recycling and Waste Management

- 11.1 Accumulations of domestic rubbish and other waste can become a significant problem if not well managed, leading to public health issues such as pest infestations and flies, and cause nuisance to neighbours.
- 11.2 Due to the larger number of households in HMOs and often higher turnover of occupiers, accumulations of rubbish can quickly build up, and large items such as unwanted furniture, mattresses and appliances can be discarded in or around the property. The storage and disposal of waste at the property must therefore be carefully managed. It must be ensured that there are sufficient bins for the number of households, that suitable arrangements are in place for refuse disposal from the property as well as to collect and legally dispose of any large items left at the property. The generation of additional waste should be anticipated, and extra arrangements made as necessary, when occupiers move in or out of the property.
- 11.3 [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#) require HMO landlords to provide sufficient bins for refuse storage, and make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard the Council's refuse collection service.
- 11.4 Spelthorne Borough Council supplies HMOs with the same bin specifications as single households, regardless of property size or number of occupiers. HMOs do not receive extra bin capacity. The standard household bin allocation is shown in Table 8 below.

**Table 8 Standard household bin allocation**

1 x	7 litre indoor food caddy
1 x	23 litre outdoor food recycling bin
1 x	240 litre light green recycling wheeled bin
1 x	240 litre dark green rubbish wheeled bin

11.5 The Council will only collect recycling or refuse if it is in the correct bin as specified. Existing bins from before a property's HMO conversion can remain, but only the allocated number will be serviced; extra Council bins may be removed without notice. Lost or damaged bins matching the specification can be purchased—contact Neighbourhood Services at 01784 446411 or [neighbourhoodservices@spelthorne.gov.uk](mailto:neighbourhoodservices@spelthorne.gov.uk) to arrange payment and delivery.

**For new builds:**

- Developers must purchase rubbish and recycling bins from the Council before the property is occupied.
- Food recycling bins and caddies are provided free of charge.

**If standard bins are not enough (e.g., HMOs with more than five occupiers):**

- The landlord or licence holder must supply extra bins.
- They must also arrange a commercial waste contract with an independent provider.

# 12. Further information

## 12.1 Foam filled furniture

12.1.1 Materials used for filling, covering, or constructing furniture may pose a fire hazard due to their high flammability. In certain circumstances, these materials can generate significant quantities of toxic gases such as cyanide or carbon monoxide during combustion. [The Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988 \(as amended\)](#) require all furniture and furnishings provided through business activities, including the letting of furnished accommodation, to comply with British Standard tests related to combustion and fire spread.

## 12.2 Gas safety

12.2.1 [The Gas Safe \(Installation and Use\) Regulations 1998](#) require all gas appliances in rented properties undergo annual inspection by a Gas Safe registered engineer. A certificate confirming the safety of these appliances must be made available to tenants. For licensed HMOs, it is a condition of the licence that copies of these certificates are submitted to the Council.

## 12.3 Electrical safety

12.3.1 [The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector \(England\) Regulations 2020](#) require that electrical installations in rented residential premises are inspected and tested at intervals of no more than 5 years by a qualified person. A copy of the report to be given to each existing tenant of the residential premises within 28 days of the inspection and test. New tenants must receive a copy of the report before they occupy the property.

12.3.2 The report, known as the Electrical Safety Condition Report (EICR) must be from a contractor who is registered with an approved electrical inspection organisation, e.g. NICEIC, NAPIT or equivalent. Details of the Government's competent person electrical scheme and a search facility to find a competent, registered electrician can be found at [electrical competent person uk](#)

## 12.4 Right to Rent

12.4.1 [The Immigration Act 2014](#) requires landlords in England to check that tenants or lodgers have the legal right to rent. Learn more: [www.gov.uk](http://www.gov.uk), '[Check your tenant's right to rent](#)'.



**[www.spelthorne.gov.uk/hmo](http://www.spelthorne.gov.uk/hmo)**

[eh.residential@spelthorne.gov.uk](mailto:eh.residential@spelthorne.gov.uk)

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