

**Thurrock Council**  
**Guide for landlords of**  
**Houses in Multiple Occupation**



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## What is a House in Multiple Occupation (HMO)?

If you let your property to several tenants who are not members of the same family.

It may be a House of Multiple Occupation.

Your property is a HMO if both apply:

- at least 3 tenants live there, forming more than one household
- toilet, bathroom or kitchen facilities are shared

A household consists of either a single person or members of the same family who live together, who are married or live together and people in same sex relationships.

## Can you give me some examples of HMOs?

HMOs include:

- **shared houses and flats** – this will include bed-sit accommodation, houses rented out in rooms, or houses which are shared by friends, students or groups of professionals
- **bedsits or houses rented out in rooms** – the tenants will have no connection with each other and the landlord rents rooms separately – the tenants will have exclusive use of their own rooms but will share or lack one or more basic amenity
- **hostels** – Vulnerable occupiers who may need support to live independently
- **student accommodation** – students living within a building and sharing or lacking one or more basic amenity – student accommodation may be exempted from licensing if run by an exempted university or organisation
- **property with a residential landlord** – the owner lives in the property but rents rooms to others unconnected with him or her or with each other – this would include a situation in which lodgers live in the same property as their landlord and may or may not be provided with meals by him or her
- **certain buildings converted into flats** – falling under the definition of HMO under Section 257 of the Housing Act 2004

## Does my property need an HMO licence?

Currently in Thurrock not all HMO's require a licence. In Thurrock there is only one type of HMO licence, a Mandatory HMO. Thurrock Council Additional HMO Licensing Scheme is effective from 1 June 2019. Please see page 4 – Additional Licensing – for more information.

# Mandatory Licensing

A HMO needs a Mandatory Licence when:

- any building occupied by 5 or more persons, forming two or more households
- one or more of the basic amenities such as a bathroom, toilet or cooking facilities are shared or lacking

Please visit the Thurrock Council website for more details on Mandatory HMO Licensing:

[thurrock.gov.uk/houses-in-multiple-occupation/houses-in-multiple-occupation](http://thurrock.gov.uk/houses-in-multiple-occupation/houses-in-multiple-occupation)

## Extension of Mandatory Licensing of HMOs to all HMOs

The Government reviewed the existing mandatory HMO licensing scheme and extended it. This Order, which came into force on 1 October 2018, prescribes a description of a house in multiple occupation (HMO) to which Part 2 of the Housing Act 2004 (the Act) applies. Under Section 61(1) of the Act every HMO to which Part 2 of the Act applies must be licensed unless it is subject to either a temporary exemption notice under Section 62 of the Act or an interim or final management order under Chapter 1 of Part 4 of the Act.

The Order applies to HMOs in England but does not apply to converted blocks of flats, to which Section 257 of the Act applies. These are buildings that have been converted into and consist of self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them, and less than two-thirds of the self-contained flats are owner-occupied.

## Additional Licensing

Some areas of Thurrock have additional licensing scheme for HMOs that require a license from the council that are:

- occupied by 3 or 4 people
- have 2 or more households

This scheme is in force from 1 June 2019 to 31 May 2024.

Streets and areas affected in Thurrock can be found at:

[thurrock.gov.uk/houses-in-multiple-occupation/additional-licensing-for-hmos](http://thurrock.gov.uk/houses-in-multiple-occupation/additional-licensing-for-hmos)

## Selective Licensing Scheme

**Thurrock does not currently operate a Selective Licensing Scheme**, but may consider implementing this scheme in the future. Selective licensing can apply to any kind of privately rented residential accommodation and not just HMOs.

## **Who needs to apply for a licence?**

Normally this will be the landlord or a managing agent acting on behalf of the landlord.

## **Who will the licence holder be?**

The proposed licence holder needs to be the most appropriate person to hold the licence. This will usually be the landlord (the person in control of the property). The proposed licence holder must be considered to be "fit and proper" person before we issue a licence (see below).

## **What is a "fit and proper person"?**

Before granting a licence, the Housing Act 2004 requires that the council must be satisfied that the proposed licence holder or proposed manager is a "fit and proper" person.

The test of a "fit and proper person" is mainly concerned with whether the landlord or manager have been convicted for breaking any relevant laws or acted in a way which indicates that they are unsuitable to manage an HMO.

Local Authorities can also decide a person is not "fit and proper" as a result of them being associated with other persons who would not be considered "fit and proper" and that this would affect the management of an HMO.

## **What happens if I live outside the UK?**

Landlords living outside the UK will not be able to hold the licence themselves but may appoint a fit and proper person in the UK to be the licence holder.

## **Are there any exemptions to licensing?**

Yes, the Housing Act 2004 specifies properties which are not HMOs for the purpose of the Act. Examples of properties where under certain circumstances no licence will be required under the proposed scheme are given at the end of this guide which you can read here:

[www.legislation.gov.uk/ukpga/2004/34/schedule/14](http://www.legislation.gov.uk/ukpga/2004/34/schedule/14)

## **How can I check if the property is already licensed?**

The council holds a register of licensed HMOs on the Thurrock Council website:

[thurrock.gov.uk/houses-in-multiple-occupation/register-of-licensed-hmos](http://thurrock.gov.uk/houses-in-multiple-occupation/register-of-licensed-hmos)

## **How do I make an application for an HMO licence?**

Applications for a licence involve completing and submitting an application form to the council together with the required fee. The form will ask questions about the people involved with the property as well as about the property itself, such as the number of letting rooms or flats, shared bathrooms, toilets and kitchens as well as details of safety measures that have been put in place, such as the presence, type and extent of a fire detection system.

Any proposed licence holder or manager of the property would be required to make a declaration that they are a "fit and proper person".

Application forms should be submitted with:

- a simple floor plan showing the use and dimensions of each room – for example, bedroom, kitchen, bathroom. You can see an example of a floor plan below
- a copy of most current Landlords Gas Safety Record
- a copy of current Fire Detection and Alarm System Inspection and Servicing Report
- an Emergency Lighting Periodic Inspection and Testing Certificate, where applicable
- a copy of current Electrical Installation Condition Report
- the required fee

The application form can be completed here:

[gov.uk/apply-for-a-licence/house-in-multiple-occupation-licence/thurrock/apply-1](https://www.gov.uk/apply-for-a-licence/house-in-multiple-occupation-licence/thurrock/apply-1)

If you need some help with any aspect of this process you are advised to use the Council's assisted application process. This will make the process much quicker and more straightforward for you. If you would like to make an assisted application please contact the Private Housing team:

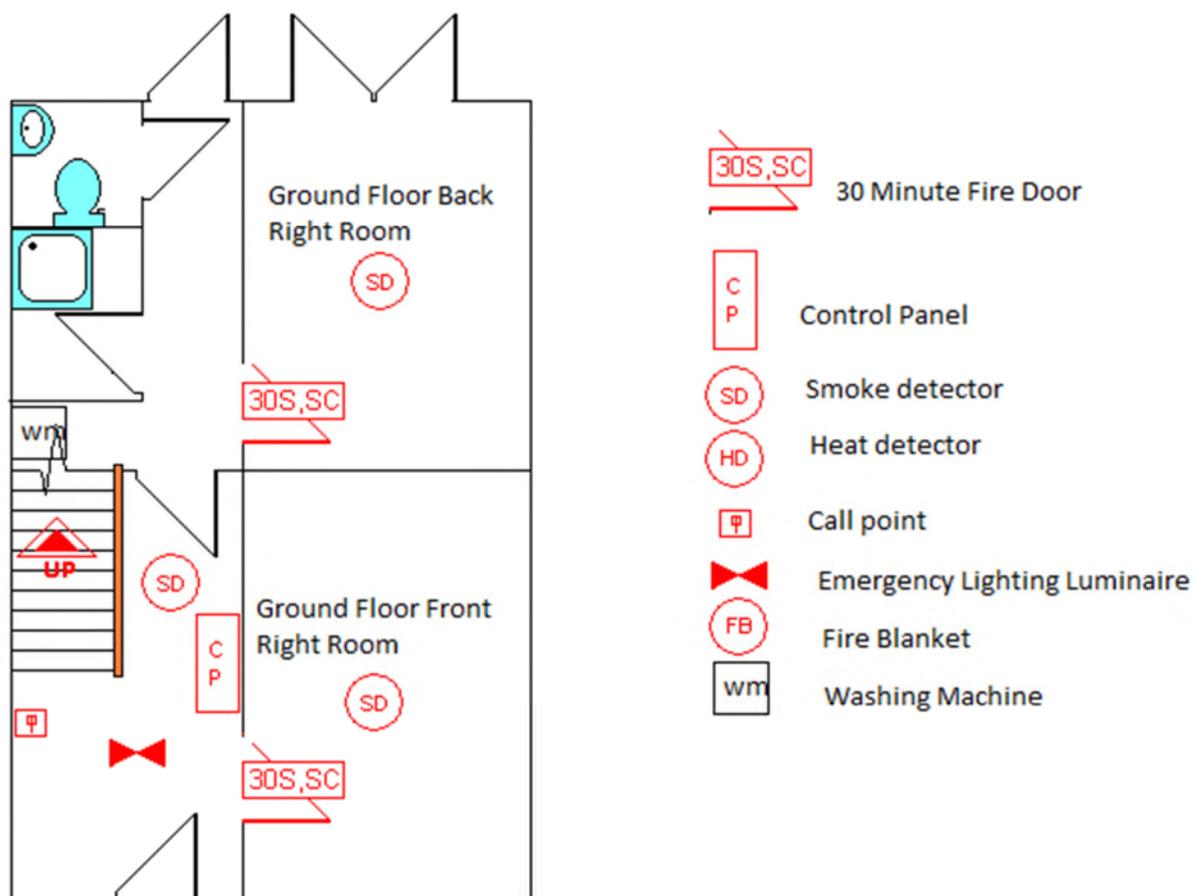
- [hmo@thurrock.gov.uk](mailto:hmo@thurrock.gov.uk)
- 01375 652 391

# Example of a floor plan

To help the Fire Authority and the Environmental Health Department assess the application, please draw a simple floor plan of the entire premises (all levels) overleaf. Please include:

- doorways and openings
- entrance and exits
- all stairways
- external and separating walls
- internal walls and columns
- description of rooms – for example, kitchens, bathrooms
- facilities – for example, toilets, baths, showers

## Example





## **When will the council inspect my HMO for licensing?**

We will carry out an inspection once a complete licence application has been made and a revisit after the licence has been granted to ensure the licence conditions are being complied with.

Inspections will be made to determine whether the premises are free from category 1 hazards. Generally this will be carried out at the pre-licence inspection and/or subsequently as a result of a complaint.

Inspections may be made in response to complaints received about a licensed HMO as and where appropriate or to inspect an HMO which should have a licence but does not have one.

## **How long will the licence last?**

In general the council will aim to grant licenses for the maximum term (5 years) unless there are good reasons why this should not be the case. There may be instances in which there are justifiable concerns with either:

- the condition of the property
- the management or the management arrangements
- the conduct – past or present – of a landlord or his associates

## **Can a HMO licence be revoked?**

If a building is no longer operating as an HMO which requires a licence, a request that the council revokes the licence can be made. The council has the power to revoke licenses at the licence holders request but does not have to do so.

The council may also revoke the licence where:

- there has been a serious or persistent breach of licence conditions
- the licence holder is no longer considered to be a fit and proper person and that the management of the house is no longer being undertaken by fit and proper persons

Before revoking the licence, the council must inform the landlord and the other relevant persons that it intends to do so and must allow a minimum period of fourteen days for representations to be made. The council cannot issue its final decision unless it has considered any representations made. If it does revoke the licence the landlord has a right of appeal against that decision.

## What conditions will be attached to a licence?

Certain conditions are attached to a licence when it is granted and a failure to comply with them is an offence.

These relate to:

- waste disposal
- gas safety
- the condition of furniture
- electrical appliances
- smoke alarms
- written terms of occupation
- anti-social behaviour from tenants
- training for landlords where appropriate
- the number of people occupying the property
- the number and type of amenities provided – for example, toilet, bathroom, kitchen facilities
- the provision and type of heating
- the energy efficiency of the property
- the means of escape from fire and other fire precautions
- security – for example, to prevent burglaries

## How can I comply with the council's waste and recycling scheme?

All bins must be stored within the boundary of the property. The landlord is responsible for ensuring they have adequate bin provision based on the number of residents in their property. Consideration should be given to the provision of an area where bins can be put outside without restricting access to the property or obstructing the public highway.

Please refer to:

[thurrock.gov.uk/household-waste-and-recycling/bin-collection-days](http://thurrock.gov.uk/household-waste-and-recycling/bin-collection-days)

Bins can be purchased at:

[thurrock.gov.uk/household-waste-and-recycling/request-new-bin](http://thurrock.gov.uk/household-waste-and-recycling/request-new-bin)

## How can I comply with the anti-social behaviour (ASB) condition?

Whilst the council appreciate that licensing will not necessarily make tenants better behaved, we regard it to be important that landlords act reasonably to deal with any tenant anti-social behaviour within the licensing framework.

The proposed condition concerning this requires no more than to investigate complaints of ASB and to take reasonable steps to resolve the problem and demonstrate that procedures are in place to accommodate this as part of their management practice.

## **Must my tenants have a tenancy agreement?**

Yes, a written tenancy agreement specifying the terms of occupation of any letting must be provided to all residents at the commencement of any rental period. We would encourage you to use a suitable model tenancy agreement. You can find such an agreement for an assured shorthold tenancy on the government's website at:

[gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy](http://gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy)

## **Should I be carrying out pre-letting checks on my tenants?**

Whilst this is not required as a condition of the licence, the licence holder is encouraged to carry out adequate pre-letting checks including the take up of suitable references. This should minimise the risk of letting to someone who is likely to behave anti-socially and the council recommends that the tenancy agreement should include appropriate clauses concerning ASB. Pre-letting checks and the inclusion of the appropriate tenancy terms concerning ASB may be considered along with other relevant material as evidence that the condition is being met and of good management practice and procedure.

Please refer to the 'Right to Rent' section on page 21.

## **What will happen if I don't licence a property and my property is licensable?**

There are strict penalties for operating an HMO subject to a licensing scheme without a licence and this is a criminal offence. Failure to apply for can result in a court prosecution. The maximum fine is currently unlimited on summary conviction. Alternatively, the council can consider imposing a Civil Penalty Notice of up to **£30,000** for specific offences under the Housing Act 2004.

The council also has the powers to take control of an HMO without a licence where conditions are very poor and where there is no realistic prospect of there being sufficient improvement within the foreseeable future.

Landlords may also have to pay back up to 12 months' rent or housing benefit payments if required to do so by a Rent Repayment Order (RRO). RROs are made by the First-tier Tribunal - Property Chamber (Residential Property).

## **What will happen if I breach a condition of my licence?**

Breaches of licence conditions are an offence and may result in a committed CPN being issued or an unlimited fine. This may include knowingly allowing the HMO to be occupied by more occupiers than it is licensed for, without a reasonable excuse. In some circumstances the licence could be revoked if you permit overcrowding.

## How much does a licence cost?

Discounts also apply for accredited landlords.

A full schedule of licensing fees can be found here:

[thurrock.gov.uk/houses-in-multiple-occupation/fees-and-charges](http://thurrock.gov.uk/houses-in-multiple-occupation/fees-and-charges)

## Can the council help me with applying for a licence?

Yes, help with applying for a licence is known as an "assisted" application and will involve an advisory visit regarding the licensing process, advice as to the essential works related to the licensing of the premises and the completion of the licensing application forms. We will also prepare a floor plan of the HMO for you.

If you need some help with any aspect of this process you are advised to use the Council's assisted application process. This will make the process much quicker and more straightforward for you.

The fees for assisted applications are also found in the fee schedule which can be found in the schedule of fees above in the 'How much does a licence cost' section.

## What happens if a licence cannot be granted or is revoked?

If the council is unable to grant a licence or the licence is revoked, they must make an Interim Management Order. The council (or their appointed service provider) then take over the management of the HMO, collect the rents and have responsibility for the tenancies and upkeep of the property.

The ownership of the HMO does not change. The Order can last for up to twelve months although it may be revoked earlier if it has been possible to grant a licence.

## Am I able to appeal against a licensing decision made by the Council?

Yes, appeals against licensing decisions can be made to the First-tier Tribunal - Property Chamber (Residential Property) where the council decides to:

- refuse to licence a premises
- grant a licence with conditions that the landlord is unhappy about
- revoke a licence i.e. takes away a licence
- vary a licence i.e. changes the licence conditions
- refuse to vary a licence

Normally an appeal against such decisions must be made within 28 days of the licence issue date.

## How do I report an HMO that I think should be licensed?

You can report an HMO by emailing the details to [hmo@thurrock.gov.uk](mailto:hmo@thurrock.gov.uk)

## Am I able to appeal against a licensing decision made by the council?

Yes, appeals against licensing decisions can be made to the First-tier Tribunal - Property Chamber (Residential Property) where the council decides to:

- refuse to licence a premises
- grant a licence with conditions that the landlord is unhappy about
- revoke a licence – that is, takes away a licence
- vary a licence – that is, changes the licence conditions
- refuse to vary a licence

Normally an appeal against such decisions must be made within 28 days of the licence issue date.

## How do I report an HMO that I think should be licensed?

You can report an HMO by emailing the details to [hmo@thurrock.gov.uk](mailto:hmo@thurrock.gov.uk)

## What if my HMO doesn't require a licence?

All HMOs and privately rented properties, whether they need a licence or not, have to be managed according to the relevant legislation. This sets out the responsibilities of both landlords and tenants.

The key enactments are:

- [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)
- [Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#)
- [The Housing Act 2004](#)
- [The Regulatory Reform \(Fire Safety\) Order 2005](#)
- [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#)
- [Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#) (as amended)

Further information about these can be found below.

## What do the HMO Management Regulations require?

The manager of an HMO is required to comply with the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 or in the case of HMOs falling within Section 257 of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

Duties of a manager include:

- that certain information is provided to occupiers and to be clearly displayed
- to take safety measures, including maintenance of fire alarms and fire-fighting equipment
- to maintain water supply and drainage
- to supply and maintain gas and electricity
- to maintain common parts, fixtures and appliances (including windows)
- to maintain living accommodation
- to provide waste disposal facilities

A person commits an offence if he/she fails to comply with the Regulations and is liable on summary conviction to an unlimited fine or a civil penalty notice of up to £30,000 for each offence.

Further information concerning these Regulations can be found at:

- [www.legislation.gov.uk/ukxi/2006/372/contents/made](http://www.legislation.gov.uk/ukxi/2006/372/contents/made)
- [www.legislation.gov.uk/ukxi/2007/1903/contents/made](http://www.legislation.gov.uk/ukxi/2007/1903/contents/made)

## **The Housing Health and Safety Rating System (Housing Act 2004)**

The Housing Health and Safety Rating System (HHSRS) was introduced under Part

1 of the Housing Act 2004, and applies to all residential premises. This is an assessment method for hazards that are most likely to be present in housing and include **fire, overcrowding, excess cold conditions, damp and mould, security and electrical safety** among others of which there are 29 in total and apply to all residential premises including houses in multiple occupation.

Where there are hazards, the assessment could show the presence of serious (category 1) hazards and other less serious (category 2) hazards. The Council has a duty to take the appropriate action in relation to category 1 hazards where these are found.

The council, regardless of licensing conditions, must seek to identify, remove, or reduce category 1 hazards in the property under Part 1 of the Housing Act 2004. Over the duration of a licence, the Licence Holder may be required to provide full access for further Housing Health and Safety Rating System (HHSRS) assessments to be carried out. Any defects found as a result of an inspection may require enforcement action to be taken.

## **Thurrock's adopted HMO Standards (Housing Act 2004)**

Even where your HMO does not require a licence, you should comply with the council's Adopted Standards for HMOs. The standards can be found here:

[thurrock.gov.uk/houses-in-multiple-occupation/standards-required-in-hmos](http://thurrock.gov.uk/houses-in-multiple-occupation/standards-required-in-hmos)

## **The Regulatory Reform (Fire Safety) Order 2005**

An owner, manager or operator of a business, will need to comply with fire safety law. The main law is the Regulatory Reform (Fire Safety) Order 2005 or "the Fire Safety Order" which applies across England and Wales and came into force on 1 October 2006.

The Order applies to virtually all buildings, places and structures other than individual private dwellings e.g. individual flats in a block or family homes, but does include the common parts of HMOs and the common parts of blocks of flats and maisonettes.

This legislation also requires the landlord to complete a Fire Risk Assessment for the property. They should make a suitable and sufficient assessment of the risks with regard to fire safety and means of escape from the property.

## **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

All private sector landlords are legally required to install at least one smoke alarm on every storey of their rented property.

A carbon monoxide detector is also required in any habitable room containing a solid fuel burning appliance, for example an open fire or a wood burning stove. This refers to all properties.

Landlords have a responsibility to make sure these alarms are in proper working order at the start of each new tenancy made from 1 October 2015 and are advised to make sure that there is a record of these alarms being tested. A new tenancy is not a renewal of an existing tenancy.

Landlords should be aware that these Regulations do not contain all of the fire safety requirements which their premises may be subject to – for example, additional alarms will be required in HMOs that do not require a licence.

For further information, go to:

[gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords](http://gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords)

## **Furniture and Furnishings (Fire) (Safety) Regulations 1988 (As amended)**

Furniture and furnishings provided must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989, 1993 and 2010). This will include any upholstered furniture such as chairs, sofas, children's furniture, beds, upholstered headboards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture.

The regulations apply to all furnished accommodation and in HMOs requiring a license, and compliance can and generally will form part of the conditions attached to the license.

For further information, visit the government's website [www.bis.gov.uk](http://www.bis.gov.uk) and use the search engine.

# Fire Safety Measures in a HMO

There is a duty on persons managing or having control of a HMO to provide adequate safety measures having regard to the design, structural condition and occupancy of the property. Therefore there is no one size fits all when it comes to fire safety in HMOs.

[The LACoRS Housing Fire Safety Guide](#) contains information about certain types of HMO and the typical fire safety measures required. This document is used nationally by local authorities when drafting schedules of works and for justifying certain fire safety measures. Essex Fire and Rescue Service are consulted when there are complex layouts or a mixture of commercial and residential usage.

Here are some examples of different types of HMO and the fire safety measures required.

## **Low risk buildings (single occupancy of up to 4 storeys and low risk shared houses)**

Replace any thin, hollow or other damaged or poorly fitted room doors with sound solid doors. Replace or properly make good any damaged or defective wall or ceiling plaster in the escape route, and leave in good condition.

Install a Grade D, LD3 fire detection and alarm system, comprising interlinked mains wired smoke detectors/alarms, with integral battery back-up located in the escape route at ground floor and each landing above.

The entire escape route in the event of a fire must be adequately illuminated, and controlled by switches that enable the lights to be operated from either direction, with suitably located switches situated on each landing. An emergency lighting installation is not required. Any timer-controlled switches shall be set so that a resident has sufficient time to reach their location before the lights switch off.

Install a 'light duty' fire blanket, by mounting it on a wall approximately 1.5m high and closer to the room exit than the cooking facility in each room containing cooking facilities.

## **Two storey house containing bed-sits with cooking facilities in bedsits:**

*These properties must have a 30 minute protected route from each room to the final exit – for example, the front door – including 30 minute self-closing doors with intumescent strips to all risk rooms, walls separating lettings should be of sound traditional construction.*

Replace or properly make good any damaged or defective wall or ceiling plaster in the escape route, and leave in good condition. Fill any gaps around cables and pipes with intumescent paste.

Install a Grade D, LD2 fire detection and alarm system, comprising inter-linked mains wired smoke detectors/alarms, with integral battery back-up located throughout the escape route and in each bedsit, and additional inter-linked heat alarms with integral battery back-up located in each shared kitchen.

The entire escape route in the event of a fire must be adequately illuminated, and controlled by switches that enable the lights to be operated from either direction, with suitably located switches situated on each landing. Any timer controlled switches shall be set so that a resident has sufficient time to reach their location before the lights switch off.

Provide a fire blanket in each area where there are cooking facilities. It is to be wall mounted 1.5m high close to an exit door and away from the cooking appliance.

## **Two storey house containing bed-sits with shared communal cooking facilities:**

*These properties must have a 30 minute protected route, including 30 minute self-closing doors with intumescent strips to all risk rooms, walls separating lettings should be of sound traditional construction.*

Replace or properly make good any damaged or defective wall or ceiling plaster in the escape route, and leave in good condition. Fill any gaps around cables and pipes with intumescent paste.

Provide and hang replacement 30 minute fire resisting doors to all lettings and the kitchen. Re-fix sound existing or new architraves tightly to the frame. On completion door to be close fitting with frame (maximum gap 4mm) and effectively self-closing to engage the latch. It is recommended that an overhead hydraulic closer is used. Hang on three steel or brass hinges with hinge blade size of 75-100mm by 27-33mm. The doors or frames are to be fitted down both jambs and along the head with intumescent strips and cold smoke seals.

The latch should have a positive latching mechanism comprising steel or brass nib (not rollerball catch) which is preferably surface mounted, secured to the door with fixings to a minimum depth of 25mm. Any lock, including deadlock, must be fitted with a turnkey mechanism, not necessitating use of a key on the room side.

The doors are to be fitted in accordance with guidance issued by the Timber Research and Development Association. On completion doors/frames to have a minimum fire resistance of 30 minutes

Install a Grade D, LD2 fire detection and alarm system, comprising inter-linked mains wired smoke detectors/alarms, with integral battery back-up located throughout the escape route and in each bedsit, and additional inter-linked heat alarms with integral battery back-up located in each shared kitchen.

The entire escape route in the event of a fire must be adequately illuminated, and controlled by switches that enable the lights to be operated from either direction, with easily accessible switches situated on each landing. Any timer controlled switches shall be set so that a resident has sufficient time to reach their location before the lights switch off.

Install a 'light duty' fire blanket by mounting it on a wall approximately 1.5m high and closer to the room exit than the cooking facility in each room containing cooking facilities.

## **Three or four storey house containing bed-sits with cooking facilities in bedsits:**

*These properties must have 30 minute protected route, including 30 minute self-closing doors with intumescent strips to all risk rooms, walls separating lettings should be of sound traditional construction. Emergency lighting not automatically required, unless the escape route is complex or there is no borrowed light.*

Replace or properly make good any damaged or defective wall or ceiling plaster in the escape route, and leave in good condition. Fill any gaps around cables and pipes with intumescent paste.

Provide and hang replacement 30 minute fire resisting doors to all lettings and the kitchen. Re-fix sound existing or new architraves tightly to the frame. On completion door to be close fitting with frame (maximum gap 4mm) and effectively self-closing to engage the latch. It is recommended that an overhead hydraulic closer is used. Hang on three steel or brass hinges with hinge blade size of 75-100mm by 27-33mm. The doors or frames are to be fitted down both jambs and along the head with intumescent strips and cold smoke seals.

The latch should have a positive latching mechanism comprising steel or brass nib (not rollerball catch) which is preferably surface mounted, secured to the door with fixings to a minimum depth of 25mm. Any lock, including deadlock, must be fitted with a turnkey mechanism, not necessitating use of a key on the room side.

The doors are to be fitted in accordance with guidance issued by the Timber Research and Development Association. On completion doors/frames to have a minimum fire resistance of 30 minutes

Employ a competent suitably qualified person or company to install a Grade A, LD2 fire detection and alarm system comprising interlinked mains wired smoke detectors/alarms, with integral battery back-up located throughout the escape route and additional inter-linked heat alarms with integral battery back-up located in each bedsit. In addition, each bedsit to have a non-interlinked smoke alarm with integral battery back-up, located on the ceiling in a position to minimise false alarms from cooking activities.

The control panel serving the fire detection and alarm system must be connected to the interlinked detectors, and manual break glass points located on each landing near to the downward staircase, and inside final exit doors, and any sounders using appropriate cables or radio-linked system.

The control panel must be located in the entrance hallway and securely fixed to a wall between 1.5 and 2m above floor level, and provided with clear instructions to residents on what to do in the event of a false alarm. The design of the installation to enable the audible fire alarm devices to achieve a sound level of 75dB(A) at each bedhead when all doors are shut.

On completion, the system to be installed, tested, commissioned and certified. A copy of the commissioning certificates issued to the client, to be supplied to the Environmental Health Officer. The installer of the system to provide the HMO with written information as set out in British, including the operation of the system, action in the event of a fire alarm system, avoidance of fire alarms, maintenance and testing of the system. The system to be subject to a maintenance contract by a competent person, with all tests and maintenance recorded in a logbook.

Adjacent to the control panel, provide a notice clearly providing instructions on "what to do in the event of a fire."

The entire escape route in the event of a fire must be adequately illuminated, and controlled by switches that enable the lights to be operated from either direction, with easily accessible switches situated on each landing. Any timer controlled switches shall be set so that a resident has sufficient time to reach their location before the lights switch off.

Provide a fire blanket in each area where there are cooking facilities. It is to be wall mounted 1.5m high close to an exit door and away from the cooking appliance.

Surface finishes on walls and ceilings throughout the protected escape route should not be combustible or encouraging the surface spread of flame. The plaster surface may be painted with emulsion paints, but multiple coats of oil based gloss etc. paints, hardboard, particle board, match

boarding and heavy flock wallpaper are not acceptable in the protected route, although they may be used in rooms. Floor coverings throughout the protected route should conform to a low radius of fire spread. It is recommended that floors and staircases within the protected route are covered with carpets comprising a mix of 80% and 20% synthetic fibre, but many vinyl, linoleum and laminate floor coverings will need to be replaced. If new carpet is being laid, it is recommended that unexpected changes in floor level are highlighted by changes in carpet colour, to reduce falls.

*Once fire precautions are installed, they must be maintained, and it is recommended that a log book is maintained and that appropriate maintenance contracts are entered into with competent persons for the maintenance of the fire detection and alarm system, the emergency lighting and fire extinguishers*

### **Three or four storey house containing bed-sits with shared communal cooking facilities:**

*These properties to have 30 minute protected route, including 30 minute self-closing doors with intumescent strips to all risk rooms, walls separating lettings should be of sound traditional construction. Use paras above to achieve standard, as necessary. Emergency lighting not automatically required, unless the escape route is complex or there is no borrowed light.*

Replace any areas of unkeyed, damp or perished wall or ceiling plaster in the escape route, and leave in good condition. Fill any gaps around cables and pipes with intumescent paste.

Provide and hang replacement 30 minute fire resisting doors to all lettings and the kitchen. Re-fix sound existing or new architraves tightly to the frame. On completion door to be close fitting with frame (maximum gap 4mm) and effectively self-closing to engage the latch. It is recommended that an overhead hydraulic closer is used. Hang on three steel or brass hinges with hinge blade size of 75-100mm by 27-33mm. The doors or frames are to be fitted down both jambs and along the head with intumescent strips and cold smoke seals.

The latch should have a positive latching mechanism comprising steel or brass nib (not rollerball catch) which is preferably surface mounted, secured to the door with fixings to a minimum depth of 25mm. Any lock, including deadlock, must be fitted with a turnkey mechanism, not necessitating use of a key on the room side.

The doors are to be fitted in accordance with guidance issued by the Timber Research and Development Association. On completion doors/frames must have a minimum fire resistance of 30 minutes.

Install a Grade A, LD2 fire detection and alarm system, comprising inter-linked mains wired smoke detectors/alarms, with integral battery back-up located throughout the escape route and in each bedsit, and additional inter-linked heat alarms with integral battery back-up located in each shared kitchen. (Install additional inter-linked smoke alarms with integral battery back-up in the cellar \* delete if inapplicable).

The control panel serving the fire detection and alarm system must be connected to the inter-linked detectors, and manual break glass points located on each landing near to the downward staircase, and inside final exit doors, and any sounders using appropriate cables or radio-linked system.

The control panel must be located in the entrance hallway and securely fixed to a wall between 1.5 and 2m above floor level, and provided with clear instructions to residents on what to do in the

event of a false alarm. The design of the installation to enable the audible fire alarm devices to achieve a sound level of 75dB(A) at each bedhead when all doors are shut. On completion, the system to be installed, tested, commissioned and certified.

A copy of the commissioning certificates issued to the client, to be supplied to the Environmental Health Officer. The installer of the system to provide the HMO with written information, including the operation of the system, action in the event of a fire alarm system, avoidance of fire alarms, maintenance and testing of the system. The system to be subject to a maintenance contract by a competent person, with all tests and maintenance recorded in a logbook.

Adjacent to the control panel, provide a notice clearly providing instructions on "what to do in the event of a fire."

The entire escape route in the event of a fire must be adequately illuminated, and controlled by switches that enable the lights to be operated from either direction, with easily accessible switches situated on each landing. Any timer controlled switches shall be set so that a resident has sufficient time to reach their location before the lights switch off.

Provide a fire blanket in each area where there are cooking facilities. It is to be wall mounted 1.5m high close to an exit door and away from the cooking appliance.

Surface finishes on walls and ceilings throughout the protected escape route must not be combustible or encourage the surface spread of flame. The plaster surface may be painted with emulsion paints, but multiple coats of oil based gloss etc. paints, hardboard, particle board, match boarding and heavy flock wallpaper are not acceptable in the protected route, although they may be used in rooms.

Floor coverings throughout the protected route should conform to a low radius of fire spread. It is recommended that floors and staircases within the protected route are covered with carpets comprising a mix of 80% wool and 20% synthetic fibre, but many vinyl, linoleum and laminate floor coverings will need to be replaced. If new carpet is being laid, it is recommended that unexpected changes in floor level are highlighted by changes in carpet colour, to reduce falls.

*Once fire precautions are installed, they must be maintained, and it is recommended that a log book is maintained and that appropriate maintenance contracts are entered into with competent persons for the maintenance of the fire detection and alarm system, the emergency lighting and fire extinguishers*

Thurrock Council also takes guidance from the document: '[Housing – fire safety guidance on fire safety provisions for certain types of existing housing](#)' from the Chartered Institute of Environmental Health.

## Who is responsible for paying council tax in an HMO?

Generally the landlord of an HMO is liable for paying council tax. But if tenants have a tenancy to occupy the entire dwelling and are jointly and severally liable to pay rent for the dwelling as a whole (usually by being on a single tenancy agreement), it is no longer an HMO by the council tax definition and the council tax liability falls to the tenants jointly and severally.

Households where everyone is a full time student do not have to pay council tax but if you do receive a bill, you can apply to the Council for an exemption. Where only some of the household are full-time students, you may still qualify for a discount.

Please visit the Thurrock Council website for more information:

[thurrock.gov.uk/council-tax](http://thurrock.gov.uk/council-tax)

## Will my mortgage be affected by licensing?

The council is not aware of any specific cases of this kind although it is good practice to check the terms of your mortgage to see if there are any restrictions. If in doubt, you should contact your lender or mortgage advisor for further information.

## Rent deposit protection

Under the Housing Act 2004 the landlord is legally required to protect the deposit with a Government approved scheme and send the Tenant certain information within 30 calendar days of receiving the deposit. Penalties apply where a landlord fails to comply.

Further information on tenancy deposit protection can be found on the government's website at:

[gov.uk/tenancy-deposit-protection/overview](http://gov.uk/tenancy-deposit-protection/overview)

## The 'Right to Rent'

Landlords must check that a tenant or lodger can legally rent your residential property in England.

Before the start of a new tenancy, you must make checks for all tenants aged 18 and over, even if:

- they're not named on the tenancy agreement
- there's no tenancy agreement
- the tenancy agreement isn't in writing

If you do not do this, you may receive a civil penalty notice and have to pay a fine. A short guide for landlords on the right to rent can be found at

[gov.uk/government/publications/landlords-right-to-rent-checks-guide](http://gov.uk/government/publications/landlords-right-to-rent-checks-guide)

## Does my property need an Energy Performance Certificate?

An Energy Performance Certificate (EPC) shows the energy rating of a building and includes recommendations on how to improve energy efficiency. EPCs are valid for 10 years.

An EPC is required on the rent, sale or exchange of a residential property.

You will need to provide an EPC for when the property is let as a separate (or self- contained) dwelling. This also applies if a whole house or flat is let to a group of sharers on one contract. It is not a requirement to provide an EPC if only a single room in a house is being let or if a house is let room by room on separate contracts. An EPC would be required if the whole property was sold or rented out.

Please note that the rules are subject to change and you should check before deciding whether an EPC is not required. Further information can be found at:

[gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-dwellings](http://gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-dwellings)

## **Other responsibilities**

Whether you are the landlord of and HMO or other kind of privately rented residential property you will have certain other responsibilities not mentioned in this guide.

Further information about this can be found on the government's website at:

[gov.uk/renting-out-a-property/landlord-responsibilities](http://gov.uk/renting-out-a-property/landlord-responsibilities)

## **Is the definition of an HMO the same for planning?**

The definition of an HMO occupied by not more than 6 persons for planning purposes is the same as that Under Section 254 of the Housing Act 2004.

## **I'm thinking of converting my property into an HMO – do I need planning permission?**

Currently HMOs with fewer than 7 occupants do not require planning permission.

For more information go [thurrock.gov.uk/planning](http://thurrock.gov.uk/planning)

## **Inspection and advice services**

If you would like advice on a proposed HMO or the suitability of your current properties for use as HMOs inspection reports are provided by the council. Go to the Thurrock Council website for fee costs of these inspection reports: [thurrock.gov.uk/hmo](http://thurrock.gov.uk/hmo)

This will enable you to have peace of mind that your property is fully compliant with the Housing Act 2004. For more information:

- email – [hmo@thurrock.gov.uk](mailto:hmo@thurrock.gov.uk)
- phone – 01375 652 391