

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**COMMUNITIES and HOUSING ADVISORY BOARD**

**26 February 2019**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 HOUSES IN MULTIPLE OCCUPATION**

**Summary**

**This report details the amenity standards for Houses in Multiple Occupation (HMOs) that enforcement officers will apply when inspecting HMOs to determine if the HMO is suitable for occupation by a maximum number of households or persons.**

**1.1 HMO Amenity Standards**

1.1.1 The Housing Act 2004 Part 2 section 65(2) allows the local housing authority to determine a higher standard of amenities for HMOs than those minimum standards prescribed in the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions)(England) Regulations 2006, provided they are reasonable.

1.1.2 The existing "Guidance to HMO Amenity Standards" detailing the amenity standards enforcement officers will expect in a HMO in the borough was adopted in October 2006. The guidance details standards for:

- 1) Personal washing and toilet facilities
- 2) Kitchens
- 3) Heating
- 4) Gas and electric appliances and installations
- 5) Furniture
- 6) Fire precautions
- 7) Minimum room sizes.

1.1.3 The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 introduces new conditions that must be included in HMO licences. These are:

- Mandatory national minimum sleeping room sizes; and
- Waste disposal provision requirements.

1.1.4 As a result of the legislative changes in 1.1.3 the amenity standards for HMOs has been reviewed by the local housing authorities in Kent and updated to reflect this legislative change. The updated guidance for HMO amenity standards is contained in **ANNEX 1**. The guidance will replace the existing Council adopted space and amenity standards for HMOs.

## **1.2 Conclusions**

1.2.1 The revised amenity standards for HMOs will allow enforcement officers to ensure the highest standards in HMOs are maintained with the aim that landlords provide accommodation that contributes to a safe and healthy environment. It will also provide landlords with information on what amenity standards are required in their HMOs and prevent the potential additional costs of paying out on works that are not necessary.

1.2.2 As the standards are to be adopted across neighbouring West Kent authorities, landlords will receive consistent HMO amenity standard advice if they have properties within those local authority areas.

## **1.3 Legal Implications**

1.3.1 The Housing Act 2004 Part 2 section 65(2) allows the local housing authority to determine a higher standard of amenities in houses in multiple occupation than those minimum prescribed standards.

## **1.4 Financial and Value for Money Considerations**

1.4.1 None

## **1.5 Risk Assessment**

1.5.1 HMOs are often used to house the most vulnerable in society and provide a vital source of housing, frequently for people most in need. Failure to maintain high standards within HMOs may mean the Council would be at risk of failing to meet its aim of 'improving the availability and quality of housing for people most in need'.

## 1.6 Recommendations

- 1.6.1 That Cabinet is **REQUESTED** to **ENDORSE** the amenity standards for houses in multiple occupation detailed in **ANNEX 1**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Hazel Skinner

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health