

Public Document Pack

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 September 2018 at 5.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor G A Reynolds (Vice-Chairman), Deputy Leader of the Council and Lead Member for Leisure and Sport

Councillor Colin Clarke, Lead Member for Planning
Councillor Ian Corkin, Lead Member for Customers and Transformation
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management and Governance
Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Richard Mould, Lead Member for Performance
Councillor D M Pickford, Lead Member for Clean and Green

Also Present: Councillor Sean Woodcock, Leader of the Labour Group
Councillor Barry Richards

Apologies for absence: Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property

Officers: Yvonne Rees, Chief Executive
Jane Carr, Executive Director: Wellbeing
Gillian Douglas, Assistant Director: Housing
Louise Tustian, Team Leader, Insight Team
Kelly Watson, Assistant Director: Finance and Procurement
Richard Hawtin, Team Leader Property & Contracts
Natasha Clark, Governance and Elections Manager

30 **Declarations of Interest**

There were no declarations of interest.

31 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

32 **Minutes**

The minutes of the meeting held on 2 July 2018 were agreed as a correct record and signed by the Chairman.

33 **Chairman's Announcements**

There were no Chairman's announcements.

34 **Urgent Business**

There were no items of urgent business.

35 **Adoption of new House in Multiple Occupation (HMO) Standards Policy and new House in Multiple Occupation (HMO) Licensing Policy**

The Assistant Director Housing submitted a report which sought adoption of revised and updated versions of the Council's House in Multiple Occupation (HMO) Standards Policy and its HMO Licensing Policy.

In response to comments by the Leader of the Labour Group regarding the need to enforce the policies, the Lead Member for Housing confirmed that he was confident there was adequate staff and resource in place.

Resolved

- (1) That House in Multiple Occupation (HMO) Standards Policy 2018 (annex to the Minutes as set out in the Minute Book) be adopted in place of the 2012 version with effect from 1 October 2018.
- (2) That the House in Multiple Occupation (HMO) Licensing Policy 2018 be adopted in place of the 2012 version with effect from 1 October 2018.

Reasons

The proposed policies are necessary updates to existing policies which take account of legislative changes. We have also taken the opportunity to update and refresh the policies but those changes are limited and largely evolutionary in nature.

These policies are necessary to ensure effective delivery of the Council's licensing responsibilities and effective enforcement of standards in HMOs.

Alternative options

The first alternative option would be not to adopt the proposed HMO Standards Policy. That course of action would leave the Council at risk of challenge if it sought to apply space standards or waste disposal standards in licences from 1/10/18 and would also mean the Council was disregarding relevant legislation. That course is not recommended

The second alternative option would be not to adopt the proposed HMO Licensing Policy. That would leave the Council continuing to operate with an unnecessarily elderly current policy that could prove insufficiently accurate if challenged and which would also leave future licence fee setting to be made

by means of Lead Member Decision rather than made part of the Council's annual fees and charges setting process. That course is not recommended.

The third option would be not to adopt both the proposed policies. That course would result in all of the implications described in both the first and second options and is not recommended.

36 **Council Tax Reduction Scheme and Council Tax Discounts 2019 - 2020**

The Executive Director Finance and Governance (Interim) submitted a report to provide members with a review of Council Tax discounts and to seek approval to recommend the proposed level of Council Tax discounts for the 2019-2020 financial year to Council.

The report also provided an update on the Council Tax Reduction Scheme for 2018-2019 and sought approval to recommend a Council Tax Reduction Scheme for the financial year 2019-2020 to Council.

Resolved

- (1) That the contents of the report and any financial implications for the Council be noted.
- (2) That the option of no change to the Council Tax Reduction Scheme (CTRS) for 2019-2020 (and therefore no consultation is required) and the Council Tax Reduction Scheme Regulations for pensioners in line with uprating announced by DCLG and to uprate the Working Age Regulations in line with those announced by Department for Work and Pensions (DWP) be recommended for the Council.
- (3) That Council be recommended to give delegated authority to the Executive Director Finance and Governance, in consultation with the Lead Member for Financial Management, to make any changes to the CTRS Regulations up to and including 31 January 2019.
- (4) That, having given due consideration, the following proposed level of Council Tax discounts for 2019-2020 be recommended to Council:
 - Retain the discount for second homes at zero.
 - Retain the discount for empty homes (unoccupied and substantially unfurnished) at 25% for 6 months and thereafter at zero.
 - Retain the discount for empty homes undergoing major repair at 25% for 12 months and thereafter at zero.
 - Retain the empty homes premium of an additional 50% for properties that have remained empty for more than 2 years.

Reasons

From April 2013 Council Tax Benefit was abolished and replaced with a local Council Tax Reduction Scheme. The Council is required to agree a scheme based on the reduced level of funding from Government

Members are now required to recommend a Council Tax Reduction Scheme to Council and it is recommended that members put forward option one which is a no change Council Tax Reduction Scheme for the 2019-2020 financial year. This option meets the objective of continuing to support residents whilst ensuring the scheme remains affordable.

Alternative options

Option 1: To not recommend any of the options for a scheme for 2019-2020. This would have financial implications for the Council and those residents affected by Welfare Reform.

Option 2: To decrease the level of support to Working Age claimants. This would have an impact on some of the most vulnerable residents in the district and may significantly impact on collection rates.

37 Monthly Performance, Finance and Risk Monitoring Report - July 2018

The Assistant Director: Performance and Transformation and Assistant Director: Finance and Procurement submitted a report which summarised the Council's Performance, Risk and Finance monitoring position as at the end of each month.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report be noted.

Reasons

The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

Alternative options

Option 1: This report illustrates the Council's performance against the 2018-19 business plan. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

The meeting ended at 5.45 pm

Chairman:

Date:

Cherwell District Council HMO Standards 2018

1. Introduction

- 1.1. This document sets out the House in Multiple Occupation (HMO) standards which apply in the Cherwell District. These standards were first introduced in 2008 and revised in 2012. This 2018 version is the third revision.
- 1.2 They are the standards the Council will use to determine the ‘suitability for occupation’ of HMOs for licensing purposes in accordance with the provisions of the Housing Act 2004, the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended), The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, and its own *HMO Licensing Policy*.
- 1.3 The Council will also use the bedroom space-standards in this document as the relevant standard for overcrowding enforcement in all other HMOs.
- 1.4 The Council expects the standards in this document to be achieved in all HMOs and they will inform the Council’s enforcement decisions. In the case of licenced HMOs, compliance is a legal requirement.

2. Definition of a House in Multiple Occupation

- 2.1 An HMO is defined in law as a house or flat in which three or more unrelated persons forming two or more households share an amenity such as a bathroom, toilet, or cooking facilities. A “household” is defined as either a single person or members of the same family who are living together. This includes shared houses and bedsits. An HMO is also a building which has one, or more, non-self-contained units. A non-self-contained unit is where one, or more, of the facilities is not within the occupant’s room. This applies even if the facility is for exclusive use of the occupant.
- 2.2 Certain buildings converted into flats are also HMOs (section 257 HMOs): If they have been converted into self-contained flats, less than two-thirds of which are owner occupied, and the conversion does not meet the appropriate Building Regulations, the building is an HMO. If the property was converted before June 1991 the appropriate Building Regulations are the 1991 Regulations and if the property was converted after June 1992, the conversion must meet whichever Building Regulations were in force at the time of conversion.
- 2.3 **Legal Standards in HMOs**
- 2.3.1 The Housing Act 2004 and associated Regulations state the minimum standards in HMOs. This guide will explain the legal requirements and sets out the Council’s approach as to how those standards should be achieved whether licensed or not.
- 2.4 **Management Regulations**
- 2.4.1 All HMOs are subject to relevant Management Regulations whether or not they require a licence.

3. Space Standards

- 3.1 *The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018* specify the legal minimum size of bedrooms

in licensable HMO's. For a bedroom occupied by one person aged over 10 years the minimum is 6.51m² and for two people aged over 10 years is 10.22m².

3.2 Shared houses

3.2.1 Cherwell District Council has decided that the following space standards are the appropriate requirements for shared houses in its district. (Shared houses are those where occupiers share facilities such as a bathroom and kitchen).

(The size requirements for bedsits (where occupiers have exclusive use of facilities) are given in section 3.3 below.)

Minimum bedroom size	Total number of people in HMO	Minimum kitchen size	1 to 2 storey HMO minimum living space	3+ storey HMO minimum living/dining room
1 occupant over 10 years 6.51m ² Or 1 occupant under 10 years 4.64m ²	3-5 people	7m ²	11m ² separate living room Or 18m ² combined kitchen/living room	Either: 11m ² separate living room within 1 floor distance Or: 13m ² kitchen/diner and 11m ² living room elsewhere; Or: 18m ² combined kitchen/living/dining room
Or 2 occupants 11m ²	6-10 people	10m ²	14m ² separate living room; Or 24m ² combined kitchen/living room	Either: 14m ² separate living room within 1 floor distance of kitchen; Or: 16m ² kitchen/diner and 14m ² living room elsewhere; Or: 24m ² combined/kitchen/living/dining room
1 occupant over 10 years 8.5m ² Or 1 occupant under 10 years 6.51m ²	3-5 people	7m ²	No additional communal living space required	Either: 13m ² kitchen/diner; Or: 11m ² separate dining room within 1 floor distance of the kitchen; Unless: all bedrooms within 1 floor distance of kitchen
Or 2 occupants 14m ²	6-10 people	10m ²	No additional communal living space required	Either: 16m ² kitchen/diner; Or: 14m ² separate dining room within 1 floor distance or kitchen; Unless: all bedrooms within 1 floor distance of kitchen
<ul style="list-style-type: none"> • The minimum kitchen area must be provided in all cases. • A living room will be accepted as a dining room and vice versa, provided the minimum space requirements (given above) are fulfilled. • Rooms less than 4.64m² must not be used as bedrooms in any circumstances. 				

3.3 Bedsits

3.3.1 A bedsit is a unit of accommodation in which sleeping, living and cooking amenities are provided for exclusive use by occupants within the unit of accommodation (i.e. one room). Cherwell District Council has decided that the following space standards are the appropriate requirements for bedsits in its district.

3.3.2 A bedsit can be occupied by a maximum of two persons who must be a single household.

- 3.3.3 The minimum size for a 1 person bedroom/sitting room/kitchen is 14m².
- 3.3.4 The minimum size for a 2 person bedroom/sitting room/kitchen is 18m².
- 3.4 **Buildings converted entirely into self-contained flats (“Section 257” HMOs)**
- 3.4.1 Section 257 HMOs are buildings converted entirely into self-contained flats each occupied by a single household (or up to two people from two households). (See section 2.2). Cherwell District Council has decided that the following space standards are the appropriate requirements for Section 257 premises in its district.
- 3.4.2 Bedrooms must meet the size standards in 3.2 and/or 3.3 as applicable.
- 3.4.3 Where the kitchen is provided in a room separate from the bedroom/sitting room:
- In flats occupied by one or two people the kitchen must be a minimum of 4m².
 - In flats occupied by three or more people the kitchen must meet the standards given in 3.2.
- 3.5 **Matters applying to all rooms regardless of HMO type**
- 3.5.1 In order to be counted, floor-space must be “usable space”. Space occupied by chimney breasts and bulkheads will not be counted as usable space but skirting boards will be ignored. Any part of a floor which has a ceiling height of less than 1.5m² (5ft) will be disregarded for the purpose of measuring the total space in the room. Fitted wardrobes may be counted as useable space provided the remaining free space and utility are not compromised (see below).
- 3.5.2 Rooms must be able to accommodate the required amount of appropriate furniture, allow its effective use and provide sufficient space for movement around the room. Where this is judged not to be the case, for whatever reason, including unusually irregular or narrow layout, or the number and relative location of doorways, additional floor space over and above the minimum may be required.
- 3.5.3 The space standards given in this document are the minimum acceptable but there may be exceptional circumstances in which some variation is appropriate. Any permissible variation will be confirmed in writing.

4. Heating

- 4.1 The Council will assess the suitability of heating in all habitable rooms, bathrooms and shower rooms by means of the Housing Health & Safety Rating System (HHSRS); but will, in particular, take into account the adequacy of thermal insulation, the adequacy of heat output, the control available, affordability and the suitability of arrangements for payment of fuel bills so as to secure continuity of supplies.
- 4.2 Pre-payment meters which control power supplies to shared facilities (such as fire detection, lighting, heating and hot-water) are unsuitable for use in HMOs because of the potential for disputes over responsibility for payment and the likelihood that supplies will be interrupted when credit payments expire. They are not recommended in any HMOs and will not be accepted in licensed HMOs¹. Pre-

¹ The Management of HMOs (England) Regulations 2006 place a duty on managers of all HMOs to maintain gas & electricity. Failure to do so is an offence. The Council may also take enforcement action in connection with any HMO if arrangements for the supply of gas or electricity are judged to give rise to a serious hazard assessed using the Housing Health & Safety Rating System.

payment meters serving only independent facilities within a letting room, which are not required by or accessible to other residents, may be accepted. All space heating appliances must be fixed. Portable or removable appliances are not acceptable.

5. Fire Protection

- 5.1 The Council will assess the suitability of means of escape and other fire precautions by means of the Housing Health & Safety Rating System (HHSRS); but will, in particular, take into account national guidance on fire safety standards issued by LACORS, Building Regulations and such other guidance as it judges appropriate.
- 5.2 Requirements will vary according to assessed risk. Matters taken into account will include: the size of the property; number of storeys; layout; number of occupants; type of accommodation, and any particular characteristics applying to the intended tenant group. Assessed risk may vary if occupation changes.
- 5.3 An inadequate number of power points or their unsuitable location can result in increased fire risk as a result of overloading or the use of inappropriate or unsuitable extension leads. As a minimum the Council would specify two double sockets suitably located in each letting unit. The Council will assess the adequacy of power-points on the basis of the guidance provided by the most recent edition of the IET Wiring Regulations.

6. Ventilation

- 6.1 The Council will assess the suitability of ventilation by means of the Housing Health & Safety Rating System (HHSRS), taking into account its impact on matters such as Pollutants and Hygrothermal Conditions, but will require the following:
- 6.2 All habitable rooms, kitchens, bathrooms and toilet compartments should be ventilated directly to external air by a window which has an openable area equivalent to one-twentieth of the floor area. Where reasonably practicable, kitchens, bathrooms and toilet compartments should have mechanical extract ventilation ducted to the outside air. Mechanical ventilation must comply in with Building Regulations.

7. Water supply

- 7.1 The Council will assess the suitability of water supply to all appliances including those in kitchens, letting rooms, WC cubicles, bathrooms and shower rooms, by means of the Housing Health & Safety Rating System (HHSRS); but will, in particular, take into account the following: supplies must be wholesome, sufficient and uninterrupted. Water for drinking purposes should draw directly from a mains supply².

8. Drainage

- 8.1 The Council will assess the suitability of drainage by means of the Housing Health & Safety Rating System (HHSRS), taking into account its impact on matters such as Personal Hygiene, Sanitation and Drainage, but will expect dwellings to be provided with an effective system both above and below ground for the drainage of

² The Management of HMOs (England) Regulations 2006 place a duty on managers of all HMOs to maintain water supply and drainage. Failure to do so is an offence. The Council may also take enforcement action in connection with any HMO if arrangements for the supply of water or drainage are judged to give rise to a serious hazard assessed using the Housing Health & Safety Rating System.

foul, waste and surface water. All new drainage works must comply with current Building Regulations.

9. Personal Washing Facilities and WCs

9.1 Location

9.1.1 Shared facilities must be accessible from a suitable common area.

9.1.2 WC cubicles, bathrooms and shower-rooms should not be more than one floor distance from the letting-rooms they serve.

9.2 Room dimensions

9.2.1 Rooms of the following dimensions are likely to be judged acceptable for the proper and safe use of the amenities shown. Where they fall short of these requirements, are irregular in layout or unduly narrow, they may be judged unsuitable:

Room containing only	Dimensions
Shower	1600 x 900mm
Bath	1700 x 1400mm
Shower & basin	2000 x 900mm
Bath & basin	1700 x 1600mm
Shower, WC & basin	1900 x 1700mm
Bath, WC & basin	2000 x 1700mm
WC & basin	1500 x 800mm

9.2.2 The Council will also have regard to the dimensions of facilities and amenity space (the space next to a facility needed to allow safe and unhindered use). Where facilities or available space fall short of these requirements they may be judged unsuitable:-

Amenity	Amenity size	Activity space*
Shower	800 x 800mm	900 x 700mm
Bath	1700 x 700mm	1100 x 700mm
Basin in WC cubicle	Hand-wash size only	-
Basins in other locations	500 x 400mm	1000 x 700mm
WC	700 x 400mm	800 x 600mm

(*Note: activity spaces may overlap)

9.2.3 WC cubicles, bathrooms and shower-rooms must be laid out in such a way to enable safe unhindered use of the facilities. Bathrooms and shower-rooms must, in particular, have sufficient 'activity space' to allow users to undress, dry themselves, and dress in a safe manner.

9.2.4 Provision of en-suite facilities must not reduce the area of the associated habitable room below the minimum areas specified in Section 3.2 of these standards, and must not compromise the layout or appropriate use of the habitable room.

9.2.5 In the case of en-suite facilities in rooms occupied by one person only, the Council may accept a reduction in the activity space within the en-suite, provided the following requirements are met: 1) the en-suite bath/shower-room is accessed directly from the habitable room in question; 2) the habitable room can provide appropriate activity space, and 3) that use of the facilities is not judged unreasonably compromised or hazardous. Reduction in the activity space for WCs is least likely to be acceptable. Any agreed variation to the standard activity space will be confirmed in writing.

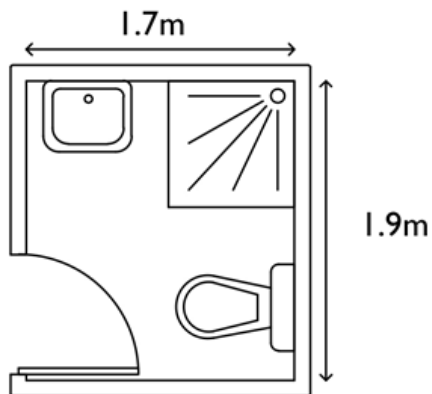
En-suite Bathroom Layout Guidance

A bathroom must be capable of accommodating:

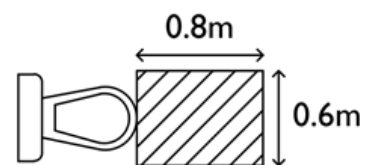
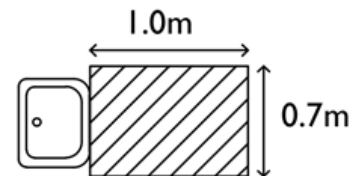
- a minimum 800x800mm shower tray
- a basin
- a WC
- a radiator towel rail
- an inward opening door that does not foul the space required for use of the sink or WC
- natural or artificial lighting and ventilation
- 1m² circulation space which is uninterrupted by any of the elements of the bathroom suite

The minimum dimensions capable of accommodating this are 1.9m x 1.7m (measured on the internal walls), as illustrated below.

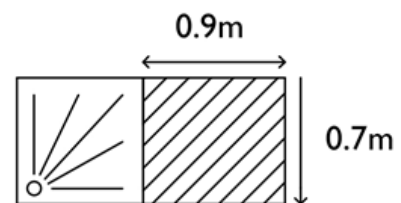
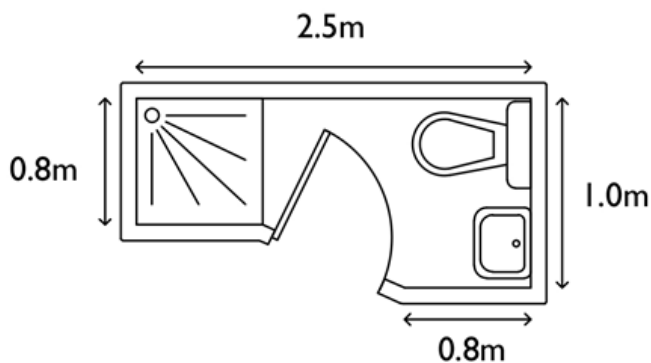
The example below sets out the expected standard for an en-suite bathroom for a 2 person letting room.



Usable space required for each piece of bathroom suite shown in hatching



The example below sets out the expected standard for an en-suite bathroom for a 1 person letting room.



9.3 **Bath & shower rooms**

- 9.3.1 Each bath and shower must be provided with a constant supply of hot and cold running water. The supplies must be adequate and capable of effective temperature control.
- 9.3.2 Baths must be provided with an appropriate tiled splash-back to all abutting walls and must be sealed to the splash-back to prevent leakage. Showers must be provided with fully tiled walls (or an acceptable purpose made cubicle enclosure) and fitted with a suitable water-resistant curtain or shower-cubicle door.
- 9.3.3 Bathrooms and shower-rooms must be provided with easily cleaned, non-slip flooring.
- 9.3.4 Bath and shower rooms must be capable of being used in privacy. In particular, doors must be capable of being secured from the inside, and any glazing must be suitably obscured.

9.4 **WC cubicles and rooms containing WCs**

- 9.4.1 Rooms containing WCs must have smooth, non-absorbent wall and ceiling finishes which can be readily and easily cleaned. The floor covering must be slip-resistant flooring and, where the cubicle or room is in shared use, must be impervious and capable of being readily and easily cleaned.
- 9.4.2 WC cubicles and rooms containing WCs should not open directly onto the area of a kitchen where food is prepared.
- 9.4.3 Separate WC cubicles must be fully compartmented with obscured glazing as necessary, and have a lockable door.

9.5 **Wash basins in rooms**

- 9.5.1 A wash basin with continuous supplies of hot and cold running water, and a tiled splash-back should be provided within each letting in HMOs let as bedsits, unless there is a sink in the letting, or the occupant has sole access to a room containing a basin or sink.

9.6 **Wash basins in bathrooms and WCs**

- 9.6.1 A wash basin with continuous supplies of hot and cold running water and with a tiled splash-back must be provided in each separate toilet compartment, and each bathroom or shower-room containing a toilet.
- 9.6.2 Wash basins with continuous supplies of hot and cold running water and with a tiled splash-back should be provided in all shared bathrooms/shower rooms (whether or not a WC is present) unless basins are provided within separate letting rooms.

9.7 **Sharing ratios**

- 9.7.1 WCs and bathrooms/shower-rooms in shared use must be provided in the numbers specified in the following table.
- 9.7.2 A minimum of one suitable bathroom containing a full size bath with appropriate supplies of hot and cold water must be provided in all HMOs providing accommodation for children aged under 10 years old.

Number of people sharing (irrespective of age)	Facilities required (minimum)
1 - 4	<p>1 bathroom and 1 WC with wash basin (the bathroom and toilet may be combined)</p> <p><i>-minimum provision is one bathroom containing toilet, basin and bath or shower.</i></p>
5	<p>1 bathroom <i>and</i> 1 separate WC (the WC may be contained in a second bathroom)</p> <p><i>-minimum provision is one bathroom containing toilet, basin, bath or shower and one separate toilet, but two bathrooms with toilet, basin, bath or shower is acceptable.</i></p>
6 - 10	<p>2 bathrooms <i>and</i> 2 separate WCs with wash basins (but one of the WCs may be contained within one of the bathrooms).</p> <p><i>-minimum provision is two bathrooms containing toilet, basin and bath or shower and one separate toilet.</i></p>
11 - 15	<p>3 bathrooms <i>and</i> 3 separate WCs with wash basins (but two of the WCs may be contained within two of the bathrooms).</p> <p><i>-minimum provision is three bathrooms containing toilet, basin and bath or shower and one separate toilet.</i></p>
Bedrooms with en-suites	<p>Where a room is provided with a complete en-suite facility (bath/shower, toilet, and wash hand basin) for exclusive use of that occupant, then that occupant will be disregarded when considering the provision of sanitary facilities.</p> <p>e.g. Property with six occupants, one of which has exclusive use of a fully equipped en-suite. The requirement for the remaining occupants would be for five people.</p> <p>If, however, the en-suite only provides one facility (a WHB, bath/shower or a WC) then the occupant will not be disregarded for the missing amenity.</p>

10. Facilities for the Storage, Preparation and Cooking of Food

10.1 Location

10.1.1 Each occupant must have access to a suitable kitchen which should be no more than two floors distance from the letting-room(s). Occupants should not have to go outside in order to access kitchen facilities.

10.2 Availability

10.2.1 Kitchen facilities must be available for use 24-hours a day.

10.3 Layout, dimensions and space

10.3.1 Each kitchen must be large enough and laid out in such a way as to enable safe, unhindered use of the facilities. In particular, there must be adequate space for cookers, sinks and worktops and these must be placed in appropriate positions in the room and in relation to each other.

10.3.2 Kitchens must be a minimum of 1.8m wide so as to allow safe circulation and sufficient room for items to be safely retrieved from the oven.

10.3.3 Cookers must be located away from doors, door-openings and windows.

10.3.4 Sinks, worktops and immediately adjacent walls and floors should be non-porous and smooth, so as to facilitate cleaning. Walls abutting cookers, sinks and worktops should be provided with tiled splash-backs.

10.3.5 Where 2 sets of facilities are provided in one kitchen, the layout must allow both sets to be safely used at the same time. No more than 2 sets will normally be acceptable in a single room.

10.3.6 In cases where more than one kitchen is provided, each must be equipped with a suitable sink, traditional cooker and appropriate worktop.

10.3.7 The Council's Guidance note entitled: *Kitchen Layouts and Supplementary Kitchen Guidance* (below) sets out the relative location of appliances and the location and extent of worktop we expect to be achieved. Kitchens which fail to comply with this guidance are likely to be judged unsuitable.

10.4 Kitchen Facilities

10.4.1 Each kitchen must be provided with the facilities set out below, which comprise a 'set of facilities'. Where the number of users is such that 2 or more kitchens are required (see Sharing Ratios below), each kitchen will require a 'set of facilities'. Similarly, (where the size of the room permits it) the provision of 2 kitchens in a single room will require provision of 2 full sets of the facilities below.

10.5 Food preparation facilities

10.5.1 A stainless-steel sink with integral drainer, on a secure base, provided with constant supplies of hot and cold running water and connected to a drainage system. Both water supplies must be adequate and capable of effective temperature control. The cold supply must be direct from the mains supply. A tiled splash back must be provided to walls abutting the sink and drainer.

10.5.2 A minimum of one undivided and securely supported worktop measuring 1000 x 600mm plus additional lengths of worktop necessary to ensure provision on both sides of each cooker and next to each sink bowl (in accordance with the Council's guidance provided sheet entitled *Kitchen Layout*). A tiled splashback must be provided to walls abutting all worktops.

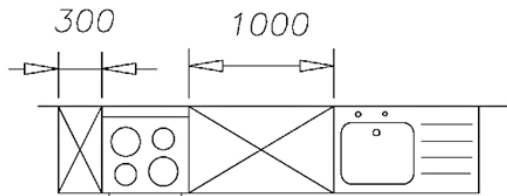
- 10.5.3 All kitchens should have a gas or electric cooker with 4 rings/burners, oven and grill, all of which are capable of simultaneous use. Electric cookers must be connected to the mains circuit by means of a fused spur connection.
- 10.5.4 A minimum of 3 twin 13amp sockets provided at appropriate heights directly above fixed worktop(s) plus such additional sockets, in appropriate locations, as are needed to serve fixed appliances such as washing-machines and fridges. Sinks, worktops and immediately adjacent walls and floors should be non-porous and smooth, so as to facilitate cleaning. Walls abutting cookers, sinks and worktops should be provided with tiled splash-backs.

KITCHEN LAYOUTS

Good Practice

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 splashbacks and power-points must be suitably located.

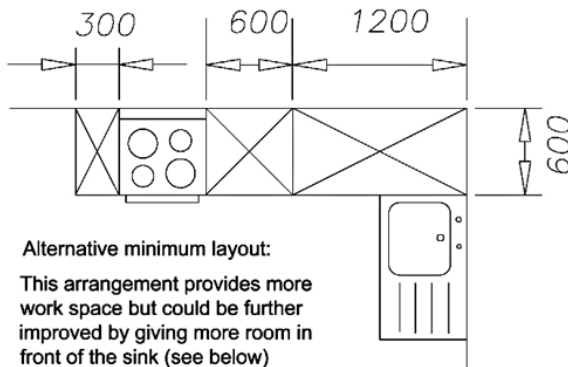
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This is the minimum provision for a kitchen. It incorporates worktop on both sides of the cooker and working space both sides of the sink-bowl

Note: The 300mm worktop is a minimum and should be made wider where possible.

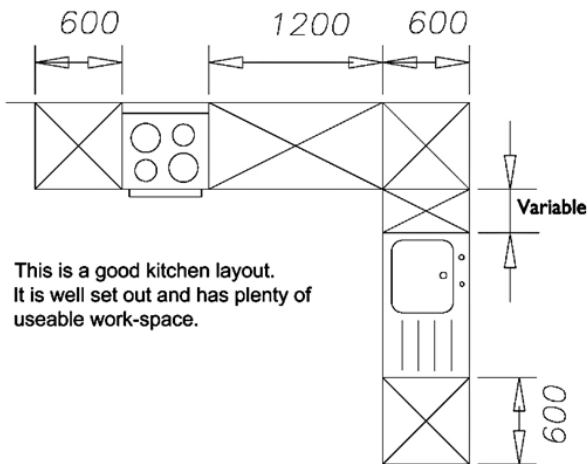
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Alternative minimum layout:

This arrangement provides more work space but could be further improved by giving more room in front of the sink (see below)

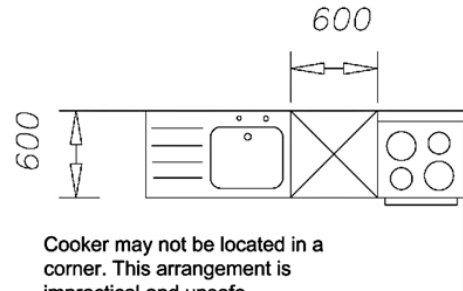
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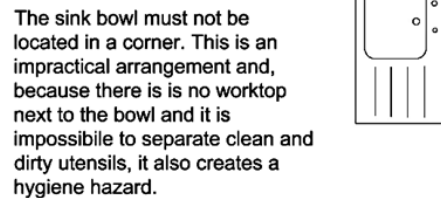
This is a good kitchen layout. It is well set out and has plenty of useable work-space.

Unacceptable

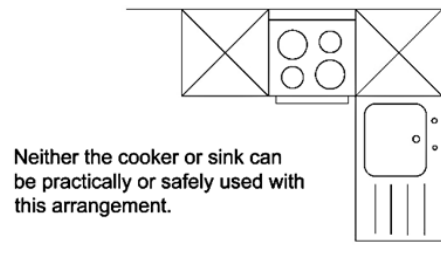
Cookers cannot be safely used if they are located in corners, do not have adequate worktop on both sides or are too close to sinks. Sinks require space to put dirty utensils on one side and clean on the other.



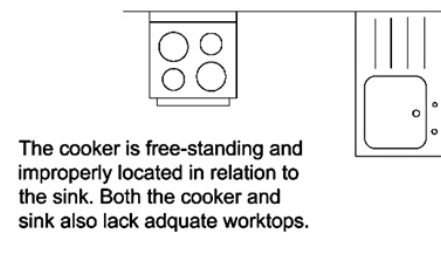
Cooker may not be located in a corner. This arrangement is impractical and unsafe.



The sink bowl must not be located in a corner. 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.



Neither the cooker or sink can be practically or safely used with this arrangement.



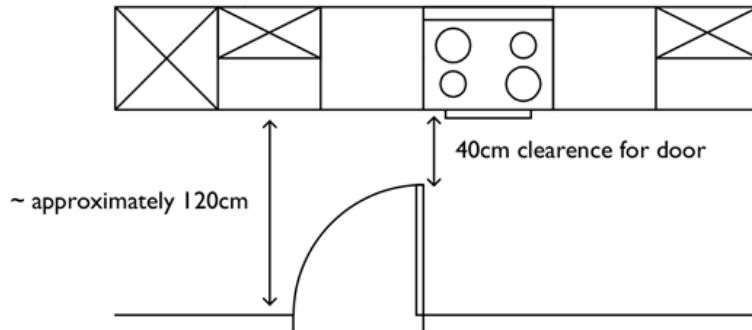
The cooker is free-standing and improperly located in relation to the sink. Both the cooker and sink also lack adequate worktops.

This arrangement is impractical and unsafe. Adding worktops will still not give a practical and safe kitchen.

Supplementary Kitchen Guidance

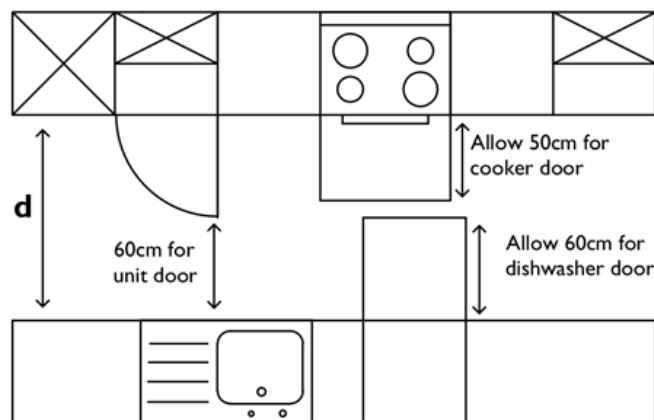
Ensure that there is at least 40 cm clearance between a kitchen door and the nearest units.

This roughly means allowing for 120 cm between the units and the wall with the door



If you have a room less than 180 cm wide you cannot comfortably use standard 60 cm deep units. Some manufacturers offer 50 cm deep units but they may be difficult to combine with appliances.

Ensure at least 120 cm clearance between runs of kitchen units.



Most unit doors open up to a maximum of 60 cm. Dishwashers doors usually open by 60 cm and oven doors usually about 50 cm.

The distance **d** between runs of kitchen units should be a minimum of 120 cm. If more than one person is working in the kitchen **d** should ideally be 140 cm or more.

10.6 Sharing ratios

10.6.1 Kitchens in shared use must be provided according to the following tables (and must be provided with a full 'sets of facilities' in each case). Any household with exclusive access to a kitchen (bedsits) will be excluded from this assessment.

Please refer to section 3.2 for kitchen sizes.

Number of people sharing (irrespective of age)	Facilities required (minimum)
3-5	1 kitchen (as above)
6-7	2 complete sets of kitchen facilities However <ul style="list-style-type: none">• a combi microwave (with oven and grill function) is acceptable as a second cooker• a dishwasher is acceptable as second sink
8-10	2 complete kitchen set of kitchen facilities as above with a 2000mm x 600mm work surface
11+	At least 2 separate kitchens, containing 3 complete sets of kitchen facilities as above, each kitchen with 500mm x 600mm of work surface.

10.7 Mini-kitchens

10.7.1 A number of manufacturers make compact all-in-one mini-kitchens typically comprising sink, fridge, storage and some form of cooking facility (most usually hot plates). Unless these units satisfy the requirements for kitchen provision set out above, they will not be judged to provide adequate facilities for the storage, preparation and cooking of food. They are, in particular, unlikely to provide sufficient worktop, food storage or an appropriate cooker. As a result the provision of typical mini-kitchens will not be accepted as an alternative to the kitchen and cooking provisions set out in the sections above. However, mini-kitchens can provide an additional level of facilities welcomed by residents, and may allow some limited reduction in the provision of sinks, cookers and microwaves in shared kitchens. Any such revision will be determined following an assessment of the circumstances of each case and confirmed in writing.

10.7.2 Mini-kitchens must be securely fixed and appropriately connected to services. Cold water supplies must be directly from the cold-water main. Their installation must avoid the creation of actionable hazards identified by means of the HHSRS.

10.7.3 Mini-kitchens will not be acceptable if the available free floor space in the room is reduced below 8.5m² as a result of their installation.

10.8 Provision of meals by employer

10.8.1 In the case of premises provided as staff accommodation and where some meals are provided to employees as part of their employment, the employees must have the use of kitchen facilities whenever meals are not available. Ideally this will be through the provision of exclusive use or shared facilities as set out in section 10 above.

10.8.2 In certain circumstances the use of the commercial kitchen may be possible. However, for this arrangement to be acceptable, the Council will have to be satisfied that access by the occupants to the kitchen is available at all times. In addition, the Council's Public Protection Team will have to be satisfied that there is

appropriate and effective management of the kitchen, that all of the users have adequate food safety training to be using the commercial kitchen and that all users are complying with all applicable food hygiene regulations.

Note: Failure to meet these obligations could result in prosecution under legislation concerned with food safety and hygiene.

- 10.8.3 In addition each occupant must be provided with:
- A refrigerator (of notional size (h) 850 x (w) 580 x (d) 580mm, such as is intended to fit under standard worktop) incorporating an adequate freezer compartment. (The refrigerator must be connected to a dedicated socket.)
 - A food storage cupboard, minimum (minimum size 600mm x 500mm x 600mm)
 - Provision to make hot and cold drinks at all times.

11. Recycling and Waste Management

11.1 Waste and recycling storage facilities

- 11.1.1 Landlords must ensure that suitable and sufficient facilities are provided at the HMO for the storage of household waste and recycling pending collection by the Local Authority.
- 11.1.2 The number and type of bins must be adequate for the requirements of each household and provided in accordance with the Council's waste and recycling policies and guidance.
- 11.1.3 The minimum bin allocation is a green bin for rubbish, a blue bin for recycling, a brown bin for garden waste and a brown caddy for food waste collections. The rubbish bins are collected one week, with the recycling and garden/food waste bins collected the following week and so on.
- 11.1.4 .For large multi-occupancy dwellings and flats, the Council will typically provide communal bins for rubbish and recycling that tenants share. The number and size of bins will be calculated by the council, depending on the size of the property, the number of occupants and access to the property.
- 11.1.5 Flats and other multi-occupancy dwellings may require specially constructed bin stores to house the bins. The size and design of these are usually decided at the planning and development stage and separate guidelines are available for this.
- 11.1.6 Landlords/managing agents/housing associations should not source their own bins and should contact the council if any of the bins are damaged or go missing. Bins remain the property of the council at all times.

11.2 Information to occupiers

- 11.2.1 Landlords must ensure that suitable instructions are given to all occupiers regarding the correct use of all waste and recycling containers. In particular, the following information must be provided to all occupiers upon their moving into the HMO:
- 11.2.2 The number and colour of bins at the property, and the types of waste which should be placed into each bin; and where and when each bin should be stored, placed for collection, and returned after collection.
- 11.2.3 A notice clearly summarising this information must be prominently displayed within a communal area of the HMO at all times. We recommend you use the Council's waste and recycling posters and other resources, available from www.cherwell.gov.uk/recycling

House in Multiple Occupation (HMO) Licensing Policy 2018

The policy was first introduced in 2006 and revised in 2008 and 2012.

This 2018 version is the third revision.

1. Introduction

- 1.1. The Housing Act 2004 (the Act) defines houses in multiple-occupation (HMOs) in Part 7 and introduced HMO Licensing in Part 2. Certain buildings which are exempt from HMO Licensing are prescribed in Schedule 14 and associated regulations¹.
- 1.2. National regulations have required the Mandatory Licensing of large HMOs since 2006².
- 1.3. From 1st October 2018, HMOs occupied by five (5) persons forming two (2) or more households are subject to Mandatory Licensing³. Landlords of any such HMO must apply for an HMO Licence by this date.
- 1.4. Licences may only relate to a single HMO and are non-transferrable.

2. Applications for licences

- 2.1 To be considered a valid application, the following information must be provided to the Council in an acceptable format.
 - Licence application form completed in full, including all information specified by Regulations¹, plus any further information required by the Council; and
 - A declaration signed by the applicant (and also the proposed licence holder where different); and
 - The specified fee paid in full.
- 2.2 Where an HMO already has a licence in force, and a valid application is submitted before expiry and the same Licence Holder is proposed, a renewal application will be accepted and a reduced fee applied.
- 2.3 In all other cases, a new application form must be completed.
- 2.4 When the Council receives an application, it must decide whether to grant or refuse to grant an HMO Licence by reference to the following matters:
 - The house or flat in question is reasonably suitable for occupation by the intended number of occupants (either the number specified in the application or another number set by the Council) or can be made suitable by the imposition of licence conditions.
 - The proposed licence holder and manager are fit and proper persons.
 - The proposed licence holder is the most appropriate person to hold the licence
 - The manager is either the person having control or an agent or employee of the person having control.
 - The proposed management arrangements are satisfactory.

¹ The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 No. 373

² The Licensing of HMOs (Prescribed Descriptions) (England) Order 2006 No. 371

³ The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 No. 221

2.5 The following sections explain how the Council will reach its decisions on these matters.

3. Reasonably suitable for occupation

3.1 In reaching this decision the Council will take account of standards set by Regulations⁴ made under section 65(3) of the Act. Where these Regulations are not specific (for example where they require the Council to judge adequacy, suitability or practicability), we will use our adopted HMO Standards Policy, and will have regard to such other standards as we judge relevant, e.g. Building Regulations and British Standards.

4. Fit and proper person

4.1 In order to issue a licence the Council must be satisfied that the proposed licence holder is a fit and proper person and the most appropriate person to hold the licence.

4.2 The Council must also be satisfied that the proposed manager of the house is the person having control, or is an agent or employee of the person having control of the house, and is a fit and proper person.

4.3 The Council will generally consider a person to be fit and proper unless evidence to the contrary is found.

4.4 The Council must have regard to any of the following relating to the proposed Licence Holder or proposed Manager:

- Any unspent convictions that may be relevant to their role as either licence holder or manager and, in particular, any conviction involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- They have been found by a court or tribunal to have practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- They have contravened any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law (including Part 3 of the Immigration Act 2014) which led to civil or criminal proceedings resulting in a judgement being made against them.
- They have ever had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 or 3 of the Act; or have acted otherwise than in accordance with a Code of Practice approved under section 233 of the Act that concerns a property in their ownership (whether or not in the Council's district).
- They own or have previously owned or managed property that has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004.
- They require leave to enter or remain in the United Kingdom but do not have it.
- They are insolvent or an undischarged bankrupt.

4.5 In addition, the Council may also take in to account whether any other person proposed to be involved in the management of the house, plus any person

⁴ Principally the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 No. 373

associated or formerly associated with the applicant or manager has done any of these things, if we consider this information relevant.

- 4.6 Where any evidence of the above is subsequently found, the Council will review the person's fit and proper status and may revoke their licence.

5. Satisfactory management arrangements

- 5.1 In order to issue a licence the Council must be satisfied that the proposed management arrangements for the house are satisfactory. If we are to be satisfied, we will expect, in particular, the licence holder to have in place the following arrangements:

- A person to whom the tenants can report defects at the HMO, including an emergency contact, and for this information to be displayed in written form in the premises.
- An established system for periodically inspecting the HMO to identify any repairs or maintenance.
- The ability to finance and to undertake repairs and maintenance in an appropriately timely fashion.
- Where the manager is not the owner of the property, the manager must be able to fund and implement urgent repairs in those situations where it is not possible to obtain the owner's approval without undue delay.
- A system to deal with any anti-social behaviour caused by tenants or their visitors, which causes nuisance or annoyance to people living in the vicinity.

- 5.2 The Council may also consider whether any person proposed to be involved in the management of the house has a sufficient level of competence. In this regard the Council may take into account matters such as the frequency and nature of any validated complaints we receive in connection with the property or its management, and the adequacy of any required response.

6. Inspections

- 6.1 Council Officers will generally inspect HMOs following receipt of a valid new application in order to assess the suitability of the HMO for the proposed number of occupants and households, and compliance with the prescribed standards and HMO regulations, having regard to the Council's HMO Standards Policy. HMOs will also be prioritised for assessment under the Housing Health and Safety Rating System (HHSRS). The Council will seek to ensure that all properties are inspected at least once every 5 years to ensure properties are free from significant hazards and complying with the HMO Regulations.
- 6.2 Further inspections may be undertaken throughout the lifetime of the licence, and may include (but are not restricted to) visits to check compliance with licence conditions, to assess ongoing confidence in management, or to investigate complaints.

7. Licence Conditions

- 7.1 Licences may include such conditions that the Council considers appropriate for regulating any aspect of the HMO's management, use, occupation, conditions or contents. Licences issued by the Council will include conditions which fall one of the following categories:

7.1.1 Mandatory Conditions

The Housing Act 2004 Schedule 4 (as amended) prescribes Mandatory Licence Conditions which must be included in all HMO licences.

7.1.2 Discretionary Conditions (General)

A set of standard conditions will be included in all licences issued by the Council. The general purpose of these conditions is to secure the effective management of the licensed HMOs across the district.

7.1.3 Discretionary Conditions (Specific)

Licences may also contain conditions designed to regulate specific matters relating to the licensed HMO in question.

8. Issuing of Licences

8.1 Draft licences (the 'Intention Notice') must be issued within a reasonable period of time following receipt of a valid application. Our aim is to issue Intention Notices within 12 weeks of the application.

8.2 The applicant will be given at least 14 days after the date of service of the Intention Notice to make any representations regarding the proposed licence. Any representations received will be reviewed by a senior officer and a written response provided before the Council proceeds to issue the actual licence (the 'Decision Notice').

8.3 Licences will generally be issued for 5 years, except in cases where we have concerns relating to the management of the property, including non-compliance with licence conditions, breaches of the HMO Management Regulations or contraventions of other relevant legislation. In such cases, licences will generally be issued annually and the length of licence reviewed upon renewal.

9. Licence fees

9.1 The Council will charge a fee for each licence. The fee will periodically be reviewed and will be set in accordance with available best-practice guidance. The Council may determine that different fees will apply in different situations and may, for example, set a lower rate for licence renewals, or a higher fee for new HMOs found operating without a licence. Fees will be reviewed and revised as necessary through the Council's fees and charges setting procedures and as required by any legislative changes.

10. Variation of licences

10.1 The Council may vary a licence either with the agreement of the licence holder or without agreement if it considers there has been a change of circumstances since the licence was granted. Change of circumstances will be taken to include the discovery of new information.

11. Revocation of licences

11.1 The Council may revoke a licence either with the agreement of the licence holder or in the following circumstances:

- Where the Council considers that the licence holder or any other relevant person has committed a serious breach of a licence condition or repeated breaches of a condition, or
- Where the Council no longer considers that the licence holder is a fit and proper person to hold the licence, or

- Where the Council considers that the management of the premises is no longer being carried out by fit and proper persons;
- Where the premises has ceased to be an HMO requiring a licence, or
- Where the Council considers that, were the licence to expire at that time, it would not grant a further licence because of the structure of the premises.

12. Appeals

12.1 The licence applicant, anyone with an estate or interest in the premises, a person managing the premises or anyone on whom the licence would place any restriction or obligation, may appeal to the First-tier Tribunal against the Council's decision to either grant or refuse to grant a licence, or in connection with decisions in relation to revocation or variation. The appeal period is set as 28 days.

13. Temporary Exemption Notices (TENs)

13.1 Where a landlord or manager makes an application in writing, the Council may issue a Temporary Exemption Notice (TEN) for three months if we are satisfied that particular steps are genuinely being taken to ensure either that the building will cease to be an HMO, or that it will become an HMO that is no longer subject to licensing.

13.2 A suitable step could include entering into a contract for the sale of the building with vacant possession for use other than as an HMO. However, simply putting, or proposing to put an HMO on the market for sale will not normally be sufficient for the Council to agree to issue a TEN.

13.3 TENs will be refused in cases where it appears the application has only been sought with the aim of avoiding or evading licensing, since that would be contrary to the purpose of the Act.

13.4 The Council will confirm its decision in writing by serving a Notice giving the reasons for its decision whether or not to grant the exemption. Applicants may appeal the decision to the First-tier Tribunal within 28 days.

13.5 Temporary exemption can only be granted for a maximum of three months, although in exceptional circumstances it can be renewed for a further three months on further application to the Council.

13.6 If the licence holder dies while the licence is in force the licence ceases and for three months from the death the building will be treated as having a temporary exemption notice granted. During that period the licence holder's personal representatives may apply to the Council for an extension to the exemption for a further three months whilst affairs are being sorted out. Whilst the Council does not have to grant a further extension, consent is unlikely to be unreasonably withheld in such cases.

14. Enforcement

14.1 It is an offence to:

- Have control of or manage an HMO which is required to be licensed but is not so licensed.
- Have control of or manage an HMO which is licensed and to knowingly permit another to occupy the house with the result that the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence.

- Be a licence holder or a person on whom restrictions or obligations are imposed under a license and fail to comply with any condition of the licence.
- Fail to comply with the HMO Management Regulations.

14.2 These offences carry a range of punitive actions which the Council may wish to pursue, including:

- Prosecution resulting in an unlimited fine on summary conviction
- Seeking Banning Orders following successful convictions
- Financial penalties of up to £30,000 for each offence
- Rent Repayment Orders to recover Housing Benefit/Universal Credit
- Assisting tenants to apply for Rent Repayment Orders
- Entering landlords and agents into the 'Rogue Landlords Database'
- Interim or Final Management Orders

14.3 Any decision to pursue enforcement action will be taken in line with the relevant Enforcement Policies.
