Sentinel Lettings

Maximum Occupancy Policy

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Maximum Occupancy Policy

1. Purpose

This policy helps Sentinel agents decide the maximum lawful and safe occupancy of a property before marketing, letting, renewing, adding an occupier, or approving a layout change.

The key rule is:

Maximum occupancy is the lowest number allowed by law, licence, room sizes, local authority standards, fire safety, amenities, and the actual household make-up.

Agents must not rely on “number of bedrooms” alone.

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2. Scope

This applies to:

Single lets, joint tenancies, HMOs, room lets, permitted occupiers, children, partners moving in, existing tenants requesting an additional occupier, and properties being assessed for HMO conversion.

This sits alongside Sentinel’s Tenant Compliance and Referencing Policy, which already applies to all tenancy types including single lets, HMOs and joint tenancies, and requires lawful pre-letting checks, Right to Rent, identity checks, referencing and non-discrimination throughout the letting process.

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3. What the law says

A. Single Let

A single let is usually a whole property let to **one household**, such as one person, a couple, or a family. It can also include two unrelated sharers, but once there are **three or more occupiers from more than one household sharing facilities**, the property is likely to be an HMO.

For single lets, the law does not give one simple "maximum occupancy" number. Agents must apply statutory overcrowding rules under the Housing Act 1985, consider the Housing Health and Safety Rating System, and check any selective licensing or local authority standards. Statutory overcrowding is assessed using the **room standard** and **space standard**; a dwelling is overcrowded if either is breached.

The **room standard** is breached if two people of opposite sex must sleep in the same room, unless they are cohabiting, married or civil partners. Children under 10 are ignored for this particular test. Living rooms and bedrooms **are included** when assessing available sleeping accommodation.

The **space standard** looks at the number and size of rooms available as sleeping accommodation. The lower of the two calculations applies:

1. the number of sleeping/living rooms, or
2. the floor area of those rooms.

Children under 1 are ignored; children aged 1 to under 10 count as half a person; people aged 10 or over count as one person.

B. HMO

For Birmingham, a HMO is generally a property occupied by three or more people forming two or more households, where facilities such as a kitchen, bathroom or toilet are shared. A mandatory HMO licence is required where the property is occupied by five or more people forming two or more households and sharing facilities. Birmingham also operates an additional HMO licensing scheme, so smaller HMOs with three or four occupiers forming two or more households and sharing facilities may also require a licence. The same may apply to other local authorities so it is important to check the relevant council guidelines.

Agents must therefore treat any Birmingham property with three or more unrelated occupiers, or a couple/family plus another unrelated occupier, as a licensing risk and check the licence position before advertising or approving the tenancy.

For HMO licensing, the property must be suitable for the number of occupants, taking into account size and facilities, and the council can add licence conditions. Renting an unlicensed HMO can result in an unlimited fine.

As a general rule, Sentinel do not manage HMOs with more than one occupant in a room, even if the licence allows up to two.

National HMO minimum sleeping room sizes are:

HMO sleeping room	**National minimum**
One person aged over 10	6.51m²
Two persons aged over 10	10.22m²
One child under 10	4.64m²
Room under 4.64m²	Must not be used for sleeping

When measuring, any part of the room where the ceiling height is **below 1.5 metres** should not be counted.

Local authorities can impose higher standards in HMO licence conditions, but not lower standards. It is important to check for specific conditions and standards.

Local authority	1 person with suitable communal living room	1 person without suitable communal living room	Key point for agents
Birmingham	6.51m²	10m²	Birmingham applies higher standards where there is no separate communal living room.
Tamworth	6.5m²	10m²	Very similar to Birmingham for shared houses.
Coventry	6.51m²	Under 10m² cannot be occupied;	
Kidderminster / Wyre Forest	6.5m² single	8m² single	More generous than Birmingham/Tamworth if no lounge, but still uplifts rooms where no lounge exists.
Wolverhampton	6.51m²	Not separately stated in uploaded licence	
Sandwell	6.51m²	Not separately stated in uploaded licence	National minimums and says the licence maximum must not be exceeded.
Walsall	6.51m²	Not separately stated in uploaded licence	Communal space cannot compensate for undersized rooms.

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4. Process

Before confirming occupancy, the agent must calculate the maximum under each heading below and use the lowest resulting number.

Step 1 — Identify the proposed occupiers

Record:

- ☐ The number of adults;
- ☐ The number of children;
- ☐ The number of permitted occupiers;
- ☐ Each occupier's age bracket;
- ☐ Relationship between occupiers;
- ☐ Whether they are one household or more than one household;
- ☐ Whether any person is a partner, family member, lodger, carer, or permitted occupier;
- ☐ Whether any adult occupier will be named on the tenancy.

All adults aged 18 or over must pass Right to Rent checks before occupation, whether they are tenants or permitted occupiers. Sentinel's Tenant Compliance and Referencing Policy requires Right to Rent checks for every adult occupier aged 18 or over and says no tenancy may commence without valid Right to Rent clearance.

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Step 2 — Classify the property

Use this test:

Occupancy type	Classification
One person, couple or family	Single let / one household
Two unrelated adults sharing	Not normally a HMO, but not a single household; monitor carefully
Three unrelated friends sharing	HMO
Couple plus one unrelated friend	HMO
Family plus one unrelated lodger or non-family adult	Likely HMO if three or more people and facilities are shared
Five or more occupiers from two or more households	Mandatory HMO licence likely required
Live-in landlord with three or more lodgers	HMO risk; check council position

Tamworth's HMO guidance gives useful examples: three unrelated friends are three households even if they occupy on one tenancy, while two unrelated single people are not classed as an HMO.

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Step 3 — Check licence status before marketing

For every property, check:

- ☐ The local authority licensing page;
- ☐ Whether mandatory HMO licensing applies;
- ☐ Whether additional HMO licensing applies;
- ☐ Whether selective licensing applies to single lets;
- ☐ Any existing HMO licence and permitted occupancy;
- ☐ Any Article 4 or planning restriction; and
- ☐ Any licence condition limiting households, persons, rooms, use of living rooms, amenities or waste provision.

Agents must not advertise, offer, or agree a letting that would exceed an existing licence condition. Birmingham's HMO licence conditions state that the licence holder must not permit occupation by more than the number of households or persons specified in the licence and must consult the council before material layout or occupation-limit changes.

Step 4 — Measure rooms properly

Measure every bedroom, bed-sitting room, living room, dining room and any proposed sleeping room. Do not count bathrooms, toilets, corridors, hallways, landings, kitchens, cellars, roof spaces, garages, sheds or outbuildings as bedrooms.

For HMOs, floor area below 1.5m ceiling height must be excluded when assessing room size. Coventry's HMO conditions expressly apply this rule, and similar wording appears in local licence conditions.

Step 5 — Apply single let overcrowding rules

For single lets, agents must check both:

The **room standard**, especially opposite-sex occupiers over 10 who are not partners; and the **space standard**, using the number and floor area of rooms available as sleeping accommodation.

For the space standard, the statutory benchmark is:

Room count available for sleeping	Maximum persons
1 room	2
2 rooms	3
3 rooms	5
4 rooms	7.5
5+ rooms	10 plus 2 for each room over 5

Floor area of each room	Persons counted
Less than 50 sq ft / 4.65m²	0
50–69 sq ft / 4.65–6.5m²	0.5
70–89 sq ft / 6.5–8.35m²	1
90–109 sq ft / 8.36–10.21m²	1.5
110 sq ft / 10.22m² or more	2

Source: statutory overcrowding "space standard" in section 326 of the Housing Act 1985.

These statutory standards are not generous. A property can still be unsuitable under HHSRS (Housing Health and Safety Rating System) even if it is not technically statutorily overcrowded. The HHSRS is used to identify and assess risks to occupiers' health and wellbeing, and local authorities can take action where crowding and space create a hazard.

Step 6 — Apply HMO room-size and local authority standards

For HMOs, apply the stricter of:

National HMO minimum sleeping room sizes; the HMO licence; local HMO standards; fire risk assessment; amenity standards; and any council correspondence.

As Sentinel operates heavily in the West Midlands, agents should be especially careful with local standards. Birmingham and Tamworth commonly apply higher practical standards where no separate living room is available. For example, Birmingham Category B shared-house standards require 6.51m² for one person where there is a separate communal living room, but 10m² where there is not; two-person rooms require 11m² with a communal living room and 15m² without one. Tamworth's shared-house standards use the same practical approach: 10m² for one person if there is only a shared kitchen, or 6.5m² if there is a shared kitchen and living room; two-person rooms require 15m² or 11m² respectively.

Step 7 — Check amenities

Occupancy can be reduced by insufficient facilities even where bedrooms are large enough. Agents must check kitchen size and layout, cooker/hob provision, fridge/freezer space, bathrooms, WCs, wash hand basins, refuse storage, heating and fire safety.

For example, Birmingham's HMO standards state that a single kitchen would not normally be suitable for more than 15 persons regardless of size, and set stepped kitchen sizes according to the number of occupiers. Tamworth standards also require minimum shared kitchen, living room and dining room sizes depending on total residents.

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5. Living room used as an extra bedroom

Single Let

A living room can count as "available as sleeping accommodation" under statutory overcrowding rules if it is the type of room normally used locally as a bedroom or living room. Shelter Legal notes that this can include living rooms, dining rooms and home offices, but bathrooms, toilets and corridors are not treated as bedrooms.

Sentinel policy: do not treat a living room as an additional bedroom unless the Lettings Director has approved it in writing after checking room size, heating, ventilation, natural light, escape route, privacy, HHSRS crowding and space risk, licence status, planning position, mortgage/headlease restrictions, insurance, and whether the household would still have adequate living space.

HMO

For HMOs, a shared living room must not be used casually as a bedroom. Birmingham licence conditions specifically state that common areas, including shared living rooms, kitchens, hallways and landings, must not be used for sleeping by occupiers or guests.

Sentinel policy: if a landlord wants to convert an HMO living room into a bedroom, this is a material change. The agent must not advertise or let it until the council has approved the revised layout or licence variation where required, the fire risk assessment has been reviewed, amenity provision has been recalculated, and the new room-size standard has been applied. Removing the only communal living room may increase the required bedroom size from 6.51m² to around 10m² for a single room, and from around 10.22/11m² to 15m² for a double room, depending on the council's local standard.

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6. Age, gender and relationship status

Agents must consider age, sex/gender and relationship only where needed to assess lawful sleeping arrangements, HMO household status, or room-sharing rules. Do not make assumptions. Do not use protected characteristics as a tenant-selection shortcut.

For overcrowding, the key trigger is usually whether opposite-sex occupiers over 10 would be forced to share a room, unless they are a cohabiting, married or civil-partnered couple. For HMOs, local standards often go further: Birmingham Category A conditions state that no room is to be occupied by more than two persons, opposite-sex persons over 10 are not permitted to share unless married or living as partners, and unrelated people sharing a room is not permitted. Wolverhampton's licence conditions state that where a room is suitable for two people, this is based on occupation by a cohabiting couple or equivalent only.

Sentinel's default position is:

A single HMO room is for one occupier only unless the licence and room size clearly allow two. A double HMO room is normally only suitable for a couple or two people forming one household, not two unrelated sharers. Sentinel **does not** manage HMO rooms for more than one occupant even if the licence permits it.

Children and permitted occupiers must be counted when assessing occupancy.

Adult permitted occupiers require Right to Rent checks.

The Equality Act 2010 protects people against discrimination when renting property, and the Renters' Rights Act 2025 rental discrimination rules prevent landlords and agents from treating renters unfairly because they have children or receive benefits. GOV.UK guidance confirms landlords and anyone acting on their behalf, including letting agents and referencing services, must not make a tenant less likely to rent because they have children or receive benefits.

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7. Sentinel approval rules

Agents may approve a straightforward occupancy only where all of the following are clear:

The property is correctly classified; no licence is required or the correct licence is in place; the proposed number does not exceed the licence; all room sizes meet national and local standards; amenities are sufficient; fire safety is suitable for the number; no living room is being used as a bedroom without written approval; and all adult occupiers will pass compliance checks before move-in.

The Lettings Director must approve:

Any HMO; any property with three or more unrelated occupiers; any use of a living room as a bedroom; any room under 6.51m²; any child or permitted occupier arrangement that changes occupancy; any property near licence thresholds; any landlord request to increase occupancy; any unclear household relationship; and any property where the council standards differ from the landlord's expectations.

Director approval is also required where:

A licence variation may be needed; the property may move from C3 to C4 or large HMO use; the council has given inconsistent advice; there is a potential overcrowding risk; a landlord wants to exceed Sentinel's recommended occupancy; or an agent feels pressured to approve a borderline let.

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8. Required record on CoHo and file

Before marketing or approving a tenancy, upload a **Maximum Occupancy Assessment** showing:

Property address; local authority; tenancy type; proposed number of occupiers; names or applicant IDs; ages or age bands; relationship/household status; room measurements; floor plan; licence status; permitted maximum on licence; amenity check; fire-risk notes; calculation result; final approved maximum occupancy; manager approval; and any council correspondence.

The approved number must be recorded in the tenancy notes and reflected in the advert, tenancy agreement, permitted occupier consent, and landlord advice.

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9. Risks

Do not proceed where:

The landlord says "it has six bedrooms" but the licence says five persons; a living room is being presented as a bedroom in an HMO; three friends want a "single let"; a partner or adult child is moving in after tenancy start; children make the sleeping arrangement unclear; a room is under 6.51m²; the property has no communal living room but small HMO bedrooms; the property is in an additional or selective licensing area; there is no up-to-date floor plan; or the landlord wants to "let first and sort the licence later".

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10. Simple agent decision tree

1. **How many people will live there?** Count tenants, permitted occupiers, children, partners and lodgers.
2. **How many households?** Couple/family = one household; unrelated friends = separate households.
3. **Is it an HMO?** Three or more people, two or more households, shared facilities = likely HMO.
4. **Is a licence required?** Five or more people = mandatory HMO licence likely; smaller HMOs may still need licensing.
5. **What does the licence allow?** Never exceed the licensed number of persons or households.
6. **Do the rooms qualify?** Measure usable floor area and apply national and local minimums.
7. **Is there a communal living room?** If not, local HMO bedroom-size requirements may increase.
8. **Are amenities sufficient?** Kitchen, bathrooms, WCs, refuse, heating and fire safety must match occupancy.
9. **Does the age/relationship mix work?** Check opposite-sex over-10 sharing, couples, families and unrelated sharers.
10. **Record and approve.** If any doubt, escalate before advertising or agreeing the tenancy.

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11. Example wording for agents

To landlord:
"Based on the room sizes, local authority standards and the current licence position, we can only market this property for up to [X] occupiers. We cannot rely only on the number of rooms or beds. If you want to increase the occupancy or use the living room as a bedroom, we would need to reassess the layout, amenities, fire safety and licence position before advertising."

To applicant:
"Before we can confirm whether the property is suitable, we need to check the number of people who would live there, their ages, and how they are related or connected. This is to

make sure the property is not overcrowded and that the tenancy complies with licensing and safety rules."