Wyre Forest District Council
Houses in Multiple Occupation Policy 2018

1.0 Background

1.1 This Policy responds to the legislation on Houses in Multiple Occupation (HMO). It sets the policy for licensing under the Housing Act 2004 and ensuring that all licensable HMOs have appropriate arrangements in place to ensure that they are satisfactorily managed by fit and proper persons. This Policy replaces the existing Houses in Multiple Occupation policy and applies from April 2018.

1.2 The use of specific provisions relating to the licensing of HMOs is in addition to the enforcement powers under the Housing Act 2004, Housing, Health and Safety Rating System (HHSRS). Therefore, this policy works alongside the Housing Enforcement Policy and the Private Sector Housing Assistance Policy.

1.3 A House in Multiple Occupation is defined as *'a house which is occupied by persons who do not form a single household and who share one or more facilities'*. Typical dwellings include shared houses, bedsits and hostels.

1.4 The risk to health and risk of death and injury from fire is greatly increased in this type of dwelling and persons who live in such properties tend to be more vulnerable than persons in other types of accommodation. The Government has therefore introduced a mandatory licensing scheme for certain types of HMO and has also introduced standards specific to these properties over and above those expected of normal rented dwellings.

1.5 We recognise that good quality, well managed HMOs provide a valuable source of affordable accommodation for many single people, some of whom are unable to access any other type of housing.

1.6 We aim to ensure that the occupiers of Houses in Multiple Occupation live in safe and healthy homes by providing advice, education and where appropriate enforcing the relevant provisions of the Housing Acts. We are taking a proactive approach by actively identifying and inspecting HMOs in the district and operating a licensing scheme for those HMOs that meet the mandatory licensing criteria.

1.7 This policy sets out our approach to licensing of HMOs. In particular it covers:

- How we identify and inspect HMOs in the district
- Our approach to HMO licensing
- Licensing criteria and the how the Council will make a decision to determine:
    - The property is reasonably suitable for occupation
    - The proposed licence holder and/or manager are a fit and proper person
    - There are adequate management arrangements in place
- Licence Conditions
- Fees
- Temporary Exemption
- Selective /Additional Licensing
- Licence Procedures and Appeals (Schedule 5 Housing Act 2014)

1.8 Appendix 1 sets out the Standard Fire Precaution Requirements for Houses in Multiple Occupation. Appendix 2 sets out HMO Amenity and Space Standards

1.9 This policy works alongside the following legislation:

- The Housing Act 2004
- The Housing Act 1985
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006
- The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
- The Regulatory Reform (Fire Safety) Order 2005
- The Furniture and Furnishings (Fire)(Safety) Regulations 1988
- The Gas Safety (Installation and Use) Regulations 1998
- Electrical Equipment (Safety) Regulations 1994

2. Identification and Inspection

2.1 Potential HMO premises are identified through Council records, housing surveys, referrals, complaints and from local information. The details of these properties are added to a premises database. Local Housing Authorities have powers to obtain information from certain benefit and tax records to assist with the functions under the Housing Act 2004.

2.2 The database currently shows Wyre Forest has at least 20 licensable properties and approximately 50 other HMO's. There are also other properties that fall under the definition of HMOs but are exempt from licensing and covered by other legislative provisions, for example care homes.

2.3 Licensed HMOs will have certain details regarding the property and licence holder held on a public register, available upon request to the public and the Government who monitor the Council's activities in relation to HMOs.

2.4 Following identification of an HMO or as part of the scheduled routine inspection under the licensing system, HMOs shall be inspected in accordance with the Health and Housing Safety Rating System set out in the Housing Act 2004 and assessed for compliance with standards set out in regulations made under the Act. Notification of any required improvements will be issued to the owner or person responsible.

2.5 All licensed properties will be inspected at least once in the 5 year licence period. All other HMO properties will be inspected on a risk based approach or in response to a complaint. Properties deemed to be higher risk will be inspected and any required action taken to reduce identified risks. Lower risk properties will not normally be subject to routine inspection if they meet the required standards.

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3.0 HMO Licensing

3.1 The Housing Act 2004 requires that certain HMOs will be subject to mandatory licensing. Currently these are:

- Properties occupied by 5 persons or more who do not form a single household share facilities and where the property is 3 storeys or more in height.

From October 2018, the 3 storeys or more criteria will be removed.

3.2 Applications for an HMO Licence must be made to Wyre Forest District Council in writing on the requisite form. The Council may vary or revoke a licence in accordance with the Housing Act 2004 S.69.

3.3 Licences may be granted when the Council is satisfied that:

- The house is reasonably suitable for occupation.
- The proposed licence holder and/or manager are a fit and proper person.
- There are adequate management arrangements.

Suitability for Occupation

3.4 In deciding if the house is reasonably suitable for occupation the Council shall have regard for the number of persons occupying the dwelling and whether the property complies with statutory and local prescribed standards for fire safety, overcrowding and the provision of amenities.

3.5 The Council also actively liaises with the Hereford and Worcester Fire and Rescue Service in considering appropriate fire precautions required in particular properties. The Council also uses relevant British Standards and other guidance as models for standards where appropriate, for example British Standard 5839 Part 1 and Part 6, Fire Detection and Alarm Systems.

3.6 The Standard Fire Precaution Requirements and HMO Amenity and Space Standards that all HMOs are required to meet are set out in detail in Appendices 1 and 2. Any proposed variation from these standards will only be considered on submission of a suitable and sufficient risk assessment.

Fit and Proper Person and Management of the HMO

3.7 Before the Council can issue an HMO licence, the Housing Act 2004 says that it must be satisfied that the proposed licence holder for the property is a fit and proper person. The Council must also be satisfied that the proposed manager of the HMO is a fit and proper person to manage the house. If not, the licence will be refused unless other satisfactory arrangements can be agreed.

3.8 A licence can be revoked where the Council no longer consider the licence holder to be a fit and proper person and/or that the management of the house is no longer being carried out by persons who are in each case fit and proper persons to be involved in its management.

3.9 The fit and proper person test is designed to ensure that those responsible for operating and managing the property are of sufficient integrity and good character to be involved in the management of an HMO and that as such they do not pose a risk to the welfare or safety of persons occupying the property.

3.10 In deciding that the licence holder and/or manager is a fit and proper person the Council shall in particular have regard to whether that person:

- Is appropriate and competent to carry out that function;
- Has committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- Has 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;
- Has contravened any provision of the law relating to either housing or landlord and tenant law; or
- Has acted otherwise than in accordance with any applicable code of practice approved under Section 233 Housing Act 2004.

3.11 Applicants are required to provide a Disclosure and Barring Service (DBS) basic check or other form of personal check together with their application.

3.13 Where there is evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice, the Council may decide that the person is not fit and proper. Each case will be considered on its own grounds and such evidence will not automatically lead to the conclusion that a person is not a fit and proper person. The Council will exercise its discretion and act reasonably, proportionately and consistently in its approach when making a decision. It will take into account those factors considered to be relevant in regard to holding a licence and/or manage an HMO and disregard those which it considers are not relevant.

3.14 Upon deciding upon whether evidence should lead to the conclusion that a person is not a fit and proper person, the Council will take into account, among any other relevant things, the following:-

- The relevance of the offence, any unlawful discrimination, contravention or breach of the Code of Practice in relation to the person's character and integrity and any bearing this has on the management of an HMO;
- The severity of the offence, any unlawful discrimination, contravention or breach of the Code of Practice, in terms of its impact on residents and the wider community;
- The time of the offence, unlawful discrimination, contravention or breach of the Code of Practice;
- Any mitigating circumstances;
- Any other relevant matters;

A landlord with an unspent conviction for the unlawful eviction of the harassment of tenants for example, would not normally be considered to be a fit and proper person. On the other hand, evidence of minor contraventions of housing or landlord and tenant law, will not automatically lead to the conclusion that a person is not fit and proper.

Similarly, where an offence is isolated and/or mitigating circumstances can be properly shown, the Council may not decide that a person is not a fit and proper person.

Multiple offences or a series of offences over a period of time may however demonstrate a pattern of inappropriate behaviour, which is likely to lead the Council to conclude that someone is not fit and proper. This is also more likely to be the case where the victim of an offence or vulnerable person.

Poor management practices are not wrongdoings for the purposes of the fit and proper person test, unless those wrongdoings are in themselves, an offence, unlawful discrimination, contravention or breach of Code of Practice. A person cannot be deemed unfit, simply because of poor management, although that may be relevant to determining any question concerning a person's competence to manage the building or the suitability of management structures.

Consideration of 'persons associated or formally associated' with proposed licensing holder or manager

3.15 If there is evidence that a person associated, or formally associated with a proposed licence holder or manager, has committed any of the wrongdoings specified in section 66(2) of the Housing Act 2004, that evidence may be taken into account in determining the proposed licence holders or managers fitness (even if that person has an unblemished record). The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in anyway involved in the management of the licensed properties. It would not be appropriate for a licence to be granted to someone, or for someone to be the manger of a property, if that person was merely acting as a 'front' for someone else who, if they were not unfit, would be otherwise entitled to be the manager or licence holder.

An example might be that of a husband and wife, where the husband is the landlord (or indeed both he and his partner are joint landlords), but only the wife has applied for the licence. If there is evidence that the husband has committed a relevant offence, then it is reasonable to assess whether or not he is a fit and proper person. The Council may then refuse to grant his wife a licence because of her association with him.

Likewise if a landlord with an unsatisfactory record nominated a 'managing agent' who had a clean record, but had acted for him whilst the wrongdoings were committed, the Council may consider the managing agent by association not to be a fit and proper person.

3.16 A decision that a person is not a fit and proper person and a refusal to grant a licence on that basis, will normally only be made if:

- There is actual evidence of an offence, unlawful discrimination, contravention or breach of the Code of Practice by an associated person; and
- The associate's fitness is directly relevant to the applicant, proposed licence holder or managers fitness to manage the property or hold the licence.

3.17 In relation to an offence, only unspent convictions will be taken into consideration.

Duration

3.18 If someone is found not to be a fit and proper person, this will usually remain the case for a period of 5 years. However, if a licence application is re-submitted at any time during that period, the Council will reconsider the case on the merits of the application made.

The Council will have regard to this policy and the applicant(s) will need to provide sufficient evidence that they are now a fit and proper person.

Evidence of offences, unlawful discrimination, contraventions or breaches of the Code of Practice

3.19 As an applicant for a licence must disclose information about whether they and/or a proposed manager has committed any relevant offences, practiced unlawful discrimination, contravened any provision of the law relating to housing or landlord and tenant law or breached the code of practice, the Council should normally have sufficient information to decide a persons fitness based on the application. If the Council is not satisfied that it has sufficient information to make a determination, it may require the applicant to provide further details before it can make a decision about whether or not a person is fit and proper.

The following examples are intended to give guidance about the Council's approach to the fit and proper person test and the factors to be taken into account where it has satisfactory evidence of relevant wrongdoing or that such has been disclosed to them in the licence application.

3.19.1 ***Does the contravention relate to a provision of the law relating to housing or landlord and tenant law?***

Where this is the case, careful consideration should be given to an application for a licence. Account will be taken of among things, evidence of poor management leading to contraventions, prosecutions, simple cautions, judgements and other matters where relevant, in particular under:

- The Public Health Acts 1936 and 1961
- The Building Act 1984
- The Environmental Protection Act 1990
- The Town and Country Planning Act 1990
- The Prevention of Damage by Pests Act 1949
- The Protection from Eviction Act 1977
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982
- The Housing Grants, Construction and Regeneration Act 1996
- The Local Government and Housing Act 1989
- The Housing Act 2004
- The Landlord and Tenant Act 1985

The term 'contravention' in this context could refer to a contravention following which the Council has served a statutory notice, carried out the remedial action itself by way of works in default, or taken a prosecution. The nature of the contravention and its relevance to the management of an HMO and the potential harm associated with the contravention are factors to be taken into account.

In relation to any contravention of a provision of the law relating to housing, the Council will take into account whether in relation to a proposed licence holder or manager:

- They have had a licence refused, been convicted of breaching the conditions of a licence under Parts 2 and 3 of the Housing Act 2004;
- They own or manage or have owned or managed an HMO or house which has been subject of either a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or any appropriate enforcement action described in section 5(2) of the Housing Act 2004 (in relation to category 1 hazards);

- The own or have previously owned a property that has been subject of an interim or final management order under the Housing Act 2004.

It may also be relevant to consider the circumstances surrounding the contravention, whether there has been more than one contravention, the number of them and of any evidence demonstrating good character since the contravention took place. Again, it is important to consider the merits of each individual case.

3.19.2 ***Have any offences been committed involving a fraud?***

The licence holder or manager of an HMO occupies a position of trust and their responsibilities almost certainly include a need to enter the property from time to time, be engaged in financial dealings and/or handle a tenant's personal data.

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence in which the victim has been deprived of money, property or other benefits by misrepresentation and/or deception and this includes:

- Theft
- Burglary
- Fraud
- Benefit fraud (including housing benefit fraud)
- Conspiracy to defraud
- Obtaining money or property by deception
- People trafficking
- Being struck off as a company director
- Any other similar offence

3.19.3***Have any offences been committed that have involved violence?***

A person will not normally be found to be fit and proper where they have an unspent conviction for an offence involving violence including:

- Murder
- Manslaughter
- Arson
- Malicious wounding or grievous bodily harm with intent or not
- Actual bodily harm
- Robbery
- Racially aggravated criminal damage
- Common assault whether racially aggravated or not
- Assault occasioning actual bodily harm
- Possession of an offensive weapon
- Possession of a firearm

3.19.4 ***Have any offences been committed involving drugs?***

In a deciding whether a person is a fit and proper person, careful consideration should be given to any unspent convictions for drug related offences. The nature of the offence, the quantity and

class of drugs that may have been involved and the relevance of the offence in relation to the management of an HMO must all be taken into account.

3.19.5 ***Have any sexual offences been committed?***

Offences of this kind are of particular concern because of the need for licence holders and/or their managers or others involved in the management of an HMO to visit the tenants of a property.

A person will not normally be found to be a fit and proper person where they have an unspent conviction for an offence under Schedule 3 of the Sexual Offences Act 2003.

3.19.6 ***Has any unlawful discrimination been practised?***

In deciding whether a person is a fit and proper person, careful consideration should be given to any evidence of unlawful discrimination that has been practiced by them on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.

Again the nature of the lawful discrimination and the relevance of it to the management of an HMO will be taken into account.

Most appropriate person to be the licence holder

3.20 Under the Act, the licence holder is deemed to be the most 'appropriate person', that they have management responsibility and are locally resident – this is intended to ensure that unfit landlords cannot use "front men" to apply for licences.

3.21 The licence holder could be the owner or the manager and this is likely to be the person who receives the rent (this meets the presumption under S66 (4) that the 'person having control' would be the most appropriate person).

3.22 Where an absentee landlord/owner proposes a property manager to manage an HMO whilst they are an absent licence holder an agreement should be provided to determine the cover of management in place.

3.23 If a person concerned simply lacks experience or knowledge of standards then a licence could be granted with a condition that the person undergoes relevant training.

Adequate Management Arrangements

3.24 The Council must consider licence holders, managers and others involved in the management of the property. Before granting a licence, the Council must be satisfied that the proposed management arrangements for the HMO are satisfactory.

3.25 A reliable system of management shall be in place to ensure the repair, cleaning and maintenance of kitchens, bathrooms, WC's, circulation areas, staircases and outbuildings.

3.26 All means of escape from fire in the house and all fire safety installations and fire fighting equipment are in and are maintained in good order and repair and are kept free from obstruction at all times.

3.27 The manager shall ensure a competent engineer undertakes an annual service of fire alarm systems, emergency lighting and fire fighting equipment and provide an annual safety certificate.

3.28 A person involved in the management of the property, is a person who is able to comply with any licence conditions and deal with the day-to-day issues that arise with an HMO as well as being able to deal with longer term management issues. Typically but not exclusively, these will include such matters as;

- Emergency repairs and other issues
- Routine repairs and maintenance to the property and its grounds
- Cyclical maintenance
- The management and the provision of services to the building and its grounds
- The management of tenancies or occupants, including dealing with rent matters and tenants enquiries
- The management of the behaviour of tenants, occupants and their visitors to the property
- Neighbourhood issues (including disputes)
- Engagement with the local authority, police and other agencies, where appropriate

4 Licence Conditions

4.1 Licences will be valid for five years, providing all the relevant conditions are met. The licence may not be transferred to another person, and the existing licence holder should notify the Council in writing if a change in ownership occurs.

4.2 A licence may include such conditions, as the Council considers appropriate for management, use and occupation of the house. Any required improvement, alteration or repairs to the house such as structural works or installation of fire detection system will be enforced separately but must be satisfactorily completed within the first licence period.

4.3 All licences will require at least the national minimum standards set out in regulations under the Housing Act 2004. These regulations are:

- The Management of Houses in Multiple Occupation (England) Regulations 2006.
- The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006.

4.4 The following standard conditions will be applied to all licences where appropriate:

- Compliance with this policy must be achieved and adhered to.
- Only persons deemed fit and proper shall undertake management functions as set out in this policy.
- A copy of the licence to be displayed in the property.
- Contact details for the manager/ emergency call out/ repairs to be displayed in the property.
- To keep electrical appliances and furniture made available by the licence holder in the house in a safe condition.
- To supply the authority, on demand, with a declaration by the licence holder as to the safety of the appliances and furniture detailed in condition 3.

- Ensure that all of the emergency warning systems (e.g. fire, lighting etc) within the house are kept in a safe and proper working order.
- To supply the authority with details of any changes made to the emergency warning systems within the house including locations and specifications.
- The licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it. For example, a tenancy agreement.
- Notification in writing must be submitted to the Council if there is a sale of the house, a change in ownership of the house or a change in management of the house.

4.5 In addition to the standards set out in the above regulations, the Council also specifically requires the annual submission of the following:

- Copies of safety certificates, details of occupation, works carried out in the past 12 months and works planned for the coming 12 months including annual gas safety certificate if applicable.
- A copy of the building insurance certificate.
- Copies of the fire precautions, maintenance records and safety certificate.
- Copies of any new tenancy agreements.
- Any amended or new details for the landlord, manager, emergency contact, key competent contractors used.

4.6 A fit and proper person status check is valid for 5 years (life of the licence), after which it needs to be completed again. Licence holders and managers etc, must inform the Council if they are cautioned or convicted within this time, so that their suitability can be reconsidered.

4.7 Under the Act the local authority can revoke a licence at a later date if it no longer considers a licence holder, or anyone involved in the management of the HMO, to be fit and proper.

4.8 Persons who fail to licence premises or fail to comply with licence conditions commit an offence. Offences and appeals under these provisions will be heard by a Residential Property Tribunal (RPT) who can judge cases relating to offences make fines and order the repayment of up to twelve months rent back to tenants and in the case of Housing Benefit, back to the Council
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Data Sharing

4.9 Information obtained and used for the purpose of determining whether a licence holder or manager is a fit and proper person may be shared with other councils, council departments or statutory bodies. Licence applicants consent to this when they sign the application form.

5.0 Fees

5.1 The Council is able to charge a reasonable fee to cover costs associated with the licensing scheme. The fee has therefore been determined taking into account the various administrative, inspection, assessment and liaison costs involved over the 5 year period. There will however be a reduction in the fees if the application provided is full and satisfactory given that this will reduce costs for the authority.

5.2 The fees and charges will be reviewed annually. Details of these fees can be found in the Councils Fees and Charges information on the website.

Enforcement Charges

5.3 In addition to the licensing fee, should separate enforcement action be needed, a charge may be incurred for an inspection and report where contraventions are identified. In addition any investigation costs will also be charged, for example specialist contractors used for gas and electric assessment. Additional details can be found in the Wyre Forest District Council Enforcement Policy.

6.0 Temporary Exemption

6.1 An owner or manager of a HMO may apply to the Authority for a Temporary Exemption Notice (TEN). If a TEN is granted the HMO is exempt from licensing and accordingly the owner or manager does not commit the offence of operating an HMO without a licence. A TEN can only be granted for a maximum period of three months, but in exceptional circumstances the Authority may issue a second TEN. Temporary exemption from licensing may be granted to landlords that wish to change the use of a dwelling to that other than a HMO.

7 Selective/Additional Licensing

7.1 The Housing Act 2004 and regulations made there under make provision for additional or selective licensing. This means that other HMOs and rented accommodation can be brought into a licensing scheme. However this can only be done in certain very limited circumstances through the approval of the Secretary of State and when demonstrated that a significant impact would be made upon anti-social behaviour for example. The current circumstances in the District do not warrant and would not therefore be successful in an application for selective/additional licensing. This situation will be kept under review. It is anticipated that the Government may extend the scope of licensing in due course following a review of the scheme.

8.0 Licence Procedures and Appeals (Schedule 5 Housing Act 2004)

8.1 The applicant or any relevant person may appeal to a Residential Property Tribunal against a decision made by the Local Housing Authority to refuse to grant the licence, or to grant the licence, (in relation to licence conditions) to vary or revoke a licence, or to refuse to vary or revoke a licence.

8.2 Appeals must usually be made within 28 days from the notification of decision. The Residential Property Tribunal may allow a late appeal if it is satisfied that there is good reason for the failure to appeal before the end of that period.

APPENDIX 1 Standard Fire Precaution Requirements for Houses in Multiple Occupation

Fire Detection and Warning Systems

1.1 The purpose of the alarm system is to alert occupants and enable them to move to a place of safety whilst the escape routes are clear of smoke. An assessment of the fire risks must be undertaken to identify the precautions required at the property. In buildings that are considered high risk or those that have a complicated layout consultation with the fire officer may be required.

Standard Installations

Property Description	Alarm Type	Emergency Lighting	Fire Doors
Shared house HMO of up to two storeys with shared kitchen facilities	Grade D: LD3 coverage + additional detection to the kitchen, lounge and any cellar containing a risk (interlinked)	Conventional lighting	Kitchen
Shared house HMO of three or four storeys with shared kitchen facilities	Grade D: LD3 coverage & additional detection to the kitchen, lounge & any cellar containing a risk (interlinked)	Conventional lighting. Emergency escape lighting maybe appropriate if the route of escape is complex & there is no effective borrowed light	Kitchen and all doors on the escape route
Shared house HMO of five or six storeys with shared kitchen facilities	Grade A: LD2 coverage (detection in all risk rooms i.e. bedrooms, kitchen & lounge) (interlinked)	Conventional lighting & emergency escape lighting	Kitchen & all doors on the escape route plus all doors to risk rooms on escape routes
Bedsit HMO of one or two storeys with individual cooking facilities within bedsits	A mixed system: ● Grade D: LD2 coverage in common areas & heat detectors in bedsits (interlinked) ● Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)	Conventional lighting & emergency escape lighting	All doors on the escape route & all doors to risk rooms on escape routes
Bedsit HMO of three to six storeys with individual cooking facilities within bedsits	A mixed system: ● Grade A: LD2 coverage in the common areas & heat detectors in bedsits (interlinked) ● Grade D smoke alarm in each bedsit to protect the sleeping occupants (non-interlinked)	Conventional lighting and emergency escape lighting	All doors on the escape route & all doors to risk rooms on escape routes

For any property type which is not detailed above please speak directly to a member of the Private Sector Housing Team.

Grade D of automatic fire detection and warning system as specified in BS 5832: part 6 (2004) is a system of one or more mains powered smoke (or heat) alarms each with integral battery standby supply. These are designed to operate in the event of mains failure and therefore could be connected to the local lighting circuit rather than an independent circuit at the dwelling's main distribution board. There is no control panel.

LD2 coverage is a system incorporating detectors in all circulation spaces that form part of the escape routes from the dwelling and in all rooms or areas that present a high fire risk to occupants i.e. risk rooms.

LD3 coverage, is a system incorporating detectors in circulation spaces that form part of the escape routes from the dwelling only.

Although sprinkler systems are not detailed the Council are happy to discuss should you wish to install.

1.2 Should at any time the alarm system be inoperable a temporary warning system such as battery operated alarms must be provided. The Landlord or responsible person should have in place a maintenance system to resolve alarm system faults within 8 hours from discovery.

1.3 The alarm should be loud enough to wake everyone in the dwelling, a minimum sound level of 75dB (A) should be achieved at the bed head and 65dB(A) in all other areas. Occupiers with hearing difficulties should be provided with a proprietary warning device.

1.4 The use of radio transmitter type systems will only be accepted following a manufacturer's site survey to establish suitability and submission of an agreed maintenance program.

1.5 Following installation landlords, responsible tenants and agents must be trained in the use and testing of the system and a log of system maintenance must be kept.

2.0 Emergency and Escape Lighting

2.1 Escape lighting is the normal natural or artificial lighting normally used to aid safe escape. The normal lighting should provide suitable levels of light together with accessible switches with sufficient time delay to allow safe egress.

2.2 Emergency lighting operates automatically when the normal lighting fails in order to aid safe escape. Luminaries to be minimum 1 hour maintained (on all the time) or non-maintained (activate on failure of normal lighting) units and conform to BS 5266: Part 1. Units can be standalone or be incorporated into normal light fittings, units to be mains charged with integral battery.

2.3 The requirements for emergency lighting should take into consideration the complexity of escape route, the size of the dwelling and the risk to occupiers. Other issues such as borrowed light have a bearing on the sitting and number of emergency lights.

2.4 The emergency lighting system should be designed to cover escape routes, exits, corridors,

stairway enclosures and changes in floor level and direction. One or two units may be sufficient for small dwellings with a straightforward escape route. Larger dwellings will require the input of a design engineer and the Fire Officer.

2.5 Emergency escape route lighting will automatically illuminate upon the failure of the power supply to the conventional artificial lighting, when it must;

- Illuminate the escape route to assist the occupants to move easily to exits and a place of safety
- Highlight any hazards such as stairs and changes in floor level or direction
- Enable easy identification of any fire alarm call points and fire fighting equipment throughout the escape route

2.6 Luminaries should be mounted close to two metres above floor level but not lower than two metres and should be sited in the flowing positions;

- Near any intersection or corridors
- Above each final exit door
- Near each change of direction (other than on a stairway)
- Within each stairway so that each flight of stairs receives direct light
- Near any change of floor level
- Outside any secondary escape exit if the street lighting is poor
- Near each fire alarm call point
- Near fire fighting equipment (near is normally considered to be within two metres when measured horizontally)

It should also operate when there is a localised power failure within the lighting circuit that could be hazardous.

2.7 In HMOs (except smaller shared houses) a dedicated lighting circuit should be installed so that the use of any one switch/control anywhere along the route will illuminate the entire escape route. In large properties where the escape route is divided into distinct, separated sections each section may have its own control provided it is obvious and visible under all conditions. In such cases (and where there is no borrowed light to the route) the switches themselves should be illuminated. The rule is that it should never be necessary to search for switches.

2.8 If push button slow release lighting switches are to be used careful consideration must be given to their duration setting. The rule is that people should never be plunged into darkness while using the route

2.9 Theft of light bulbs from common areas is a problem experienced in some properties. Light bulb holders with a different fitting to those within the accommodation units should be used.

3.0 Fire Doors

3.1 Fire door assemblies are required in doorway openings in fire resisting construction and for the protection of escape of routes.

3.2 Doors on escape routes and to risk rooms should be certified 1/2 hour fire resisting (FD30s/E30/BWF) and hung with three 1/2 hour fire rated hinges with a maximum gap of 4mm between the door and frame. The doorframe must be either certified 1/2 hour fire resisting or of substantial construction fitted tight and securely to supporting walls.

3.4 Where fire resisting partitions are required, any doorways within them must be fitted with fire resisting door assemblies providing fire resistance of at least to the same standard as the requirement for the partition itself, so 30 minute partitions will require a 30 minute fire resisting door and 60 minute partitions a 60 minute fire resisting door.

30 minute door sets are specified as FD30 (or E 30)

60 minute door sets are specified as FD60 (or E 60)

A letter 'S' after the figure (e.g. FD30S) or 'Sa' (e.g. E30 Sa) denotes a requirement for smoke seals to be fitted so as to restrict the passage of smoke including cold smoke.

3.5 All fire doors must incorporate intumescent heat and smoke seals to jambs and door head, seals should comply with BS EN 1634, BS 476-22 or BWF certified. All fire doors (except those to lockable cupboards and voids) to be maintained effectively self closing by a certified 1/2 hour fire rated self-closing device that will effectively fully close the door from any angle, closing devices to comply with BS EN 1154 or BS EN 1634-2.

3.6 Doors to be installed in accordance with BS8214: 1990 so that they are close fitting all round but remain readily operable by the occupants. Door locks must be readily operable from inside rooms without the use of a key. Fire door letterbox openings are to be lined with proprietary intumescent seal. Specialist and electrical door closing systems should be approved by the local Fire Authority.

3.7 The up grading on non-fire-resisting door assemblies should be avoided wherever possible as it is reliant upon strict adherence to an approved specification and upon a high standard of workmanship. Replacement with suitable, purpose designed and tested door set constructions is always preferable. There are several acceptable methods of upgrading available details of these are available from trade organisations such as TRADA and from English Heritage, whatever method is considered it must be accompanied by a valid and complete test report from a suitably qualified person

4.0 Fire Fighting Equipment

4.1 In kitchens provide a 1m x 1m, BS EN 1869 : 1997 compliant, fire blanket which should be of 'light duty' type which are capable of dealing with small fires such as cooking fires or fires involving clothing and be mounted on the wall approximately 1.5m high and closer to the room exit than the cooking facility. Also, a suitably located 1kg ABC, BS EN 3-7 compliant, type dry powder extinguisher.

4.2 In circulation areas provide a 13A rated 9ltr pressure water extinguisher, BS EN 3-7 compliant, for each 200m^2 floor area or 1 extinguisher on each floor.

4.3 Site fire fighting equipment close to fire risks in a conspicuous position but without causing an obstruction, heavy extinguishers to be hung 1metre from floor level and lighter extinguishers 1.5metres from floor level, or at a level to suit the occupant. They should be in a position that does not obstruct the escape route, be close to the exit position from each floor, not obstruct opening doors or located in recesses out of site. They should also be away from heaters or areas where they may be subject to damage.

4.4 Fire fighting equipment should be visually checked weekly for correct sitting and faults, a full engineer service to be undertaken annually and recorded on maintenance tags.

4.5 Simple multi purpose fire extinguishers and fire blankets are provided in order to provide a facility for extinguishing small fires in early stages. Basic advice should be provided to tenants at the start of any new tenancy regarding the use of fire extinguishers and fire blankets.

5.0 Inspection and Testing

5.1 All apparatus and devices provided for fire safety must be maintained in working order. The landlord must ensure that they (or a responsible person) undertake regular inspections and servicing is undertaken and any defects rectified immediately.

5.2 It is good practice to test the alarm system at the same time each week and to test different detectors or call points each time, merely testing the sounders from the panel is not sufficient. All tests should be recorded in a log for the property, available to residents and enforcement officers.

Daily Checks by Occupiers

1. Ensure escape route is kept clear
2. Check fire alarm panel
3. Record any false alarms
4. Check log book

Weekly Tests by Manager/Landlord

1. Test the fire alarm by operating a manual call point (alternate each week)
2. Check sounder audibility
3. Check extinguishers and fire blankets
4. Log actions
5. Check log book

Monthly Tests

1. Energise and test emergency lights
2. Visual check of alarm system batteries
3. Check all fire doors

Annual Test

1. Undertake full service and test by fire safety engineer, provide test certificate for alarm system including tests of all call points, detector heads and sounders, emergency lighting (discharge test) and fire fighting equipment.

6.0 Signage and Notices

6.1 A sign with the words *'Fire Door Keep Shut'* should be displayed on any fire doors.

6.2 A sign with the words *'Fire Door Keep Locked'* should be displayed on doors to cupboards, stores, boiler rooms or meters.

6.3 A sign with the words *'Fire escape Keep Clear'* should be displayed on the escape route.

6.4 Additional illuminated directional signage should be provided where the escape route is complicated or difficult to locate. In larger HMO premises fire action notices should be displayed on escape routes.

6.5 Fire fighting equipment which is obscured from view should be indicated with a sign.

6.6 Where fire safety signs are provided they should be in accordance with BS 5499 and the Health and Safety (Safety signs and signals) Regulations 1996

6.7 To comply directional signs must be pictographic. The pictogram can be supplemented by text to make the sign easily understood, but it cannot contain only text. 'Pictogram only' and 'pictogram with text' sign types should not be mixed in the same premises. They should provide clear, unambiguous information to enable people to safely leave a building in an emergency.

6.8 In long or complex escape routes, signs should be located so that a person escaping from the building will always see the next escape route sign in sight.

6.9 Signs should not be attached to fire doors by drilling methods as this will compromise the integrity of the door.

6.10 A sign detailing the person and number to contact in an emergency should be clearly displayed near to the entrance of the property.

6.11 A sign detailing the name and number of the person to report repairs to should be clearly displayed near the entrance of the property

APPENDIX 2 HMO Amenity and Space Standards

1.0 Bedrooms

1.1 These standards are distinct from any overcrowding standard that exists or may be introduced under Housing legislation.

1.2 Floor areas for bedrooms (rooms used for sleeping) are listed below. Rooms must have adequate ceiling height of minimum 2.1m and be of adequate size and shape to accommodate necessary furniture and facilities.

The minimum size for a bedroom to be let to an adult is 6.5 m^2 (70 sq. feet) but in all cases rooms must be safe and fit for their purpose.

	Separate kitchen, bathroom and lounge	**Separate kitchen bathroom, no lounge**	**Rooms with kitchen facilities**
Single Room	6.5 m^2	8 m^2	11 m^2
Double Room	10 m^2	12 m^2	14 m^2

1.3 No two persons of the opposite sex, aged 11 or more, shall share a bedroom unless they are both adults who are married or co-habiting.

1.4 All bedrooms must have a glazed window to the open air not less than 10% of the floor area with at least one opening casement. The walls, floor and ceiling must be of permanent construction with a solid door entrance, occupation of other parts of the house for sleeping purposes is not permitted. Each bedroom shall have a minimum of two double sockets in addition to a dedicated socket for electrical heating if provided.

2.0 Kitchens

2.1 One kitchen to be provided per 5 adult occupiers or a separate kitchen within individual units.

2.2 Larger communal kitchens must provide equivalent sufficient amenities. Kitchens to be available for the exclusive use of the house occupants and should be located no more than two floors distance from the user's bedrooms and also no further than 20meters distance.

2.3 All surfaces to be readily cleansable and splash backs to be provided at sinks.

2.4 The floor covering is to be non-slip and readily cleansable.

2.5 A suitable sized sink and drainer supplied with mains pressure cold water and piped hot water. Wash hand basins are not acceptable in place of sinks.

2.6 A suitable sized cooking appliance located in such a position so that its use is unobstructed. A worktop area should be located adjacent to the cooker/oven for transfer purposes. Bedsit rooms with individual kitchens may be provided with a two-ring hob and oven, for up to two people. A minimum of a four-ring hob, one oven and one grill is considered suitable for up to five persons.

2.7 Provide within the kitchen impervious worktop of suitable size for the preparation of food and a suitable number and volume of storage units (one base cupboard and one wall cupboard per occupant) and a suitably sized fridge and freezer.

2.8 Provide within the kitchen a 150mm electrical extractor fan or a glazed window, to the open air, not less than 10% of the floor area with at least one opening casement. In addition permanent ventilation to be provided and connected where a tumble dryer is provided.

2.9 Kitchen areas to have a suitable number of lights and power outlets with a minimum of one switched light and three twin power socket outlets. No socket should be located within 600mm of a water outlet. It should also be a minimum distance of 150mm above any work surface.

3.0 Bathroom and WC

3.1 Bathrooms and WC's to be available for the exclusive use of the house occupants.

3.2 Provide one proprietary bath or shower with permanent piped supply of hot and cold water per five occupants, not located more than 20m travel distance, from bedrooms.

3.3 Bathrooms to be of adequate size to allow for drying and changing.

3.4 Provide within each bathroom a 100mm electrical extractor ensuring that it produces an extraction rate of at least 25 l/s or a glazed window, which is open to the open air, not less than 10% of the floor area with at least one opening casement.

3.5 Provide one WC per five occupants, not located more than 20m-travel distance from bedroom, and wash hand basin with permanent piped supply of hot and cold water.

3.6 Floor covering to WC's and bathrooms is to be non-slip and readily cleansable.

3.7 Each bathroom to have one pull cord switched light, power outlets are not permitted.

3.8 External WC's and bathrooms are not permitted.

3.9 Windows to bathrooms and WC's shall consist of obscure glazing and have at least one opening light.

4.0 Heating and Insulation

4.1 All void roof spaces to be insulated to a minimum of 270mm-thickness mineral wool or equivalent. Cavity walls to be insulated with mineral wool cavity slab, thermal insulation board, blown mineral wool or polystyrene beads. Sloping ceilings to habitable rooms should be insulated with blown mineral wool or thermal insulation board.

4.2 A system of suitable and sufficient heating to be provided to all rooms and circulation areas. The system shall be capable of heating rooms to 18^{o} centigrade when the outside temperature is at -1^{o} centigrade. Heating systems shall comprise of either an energy efficient wet system with radiators or energy efficient storage heaters.

4.3 Electrical heaters such as fans and convector heaters can be used in small rooms such as WC's but must be splash proof and permanently fixed in a suitable and safe location.

5.0 Furniture and Appliances

5.1 All furniture in the house whether supplied by the landlord or otherwise must be in a clean condition and in good repair, divan bases and mattresses must comply with BS7177: 1996 and other soft furnishings with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989, 1993 and 2010).

5.2 All non-fixed electrical appliances in the house must be properly wired with a three-pin plug and routinely inspected for damage or faults.

5.3 Portable Appliance Testing (PAT) is the periodic testing of electrical equipment in order to provide evidence that it is suitable for the purpose for which it is used or provided. It includes electrical items such as kitchen equipment, televisions, and heaters etc that are provided for use of the occupier. This should be undertaken on an annual basis. It should be undertaken by a competent person who has undergone recognised training and is in possession of suitably calibrated testing equipment.

6. General Requirements

6.1 Ensure that services including the supply of hot and cold water, gas, electricity, heating and lighting are maintained in good order and repair.

6.2 Keep electrical appliances and furniture in a safe condition. Commission an approved contractor to undertake a fixed electrical safety check every five years.

6.3 Commission a competent engineer to undertake an annual service of all oil or gas (if any) appliances in the building.

6.4 Commission an inspection by NICEIC or other competent electrical contractor on the fixed electrical wiring system every five years (or sooner if recommended by the competent person) and provide a safety test certificate for compliance with current wiring regulations.

6.5 Provide a copy of the safety and testing certificates to the authority as soon as practical.

6.6 All circulation and common areas including shared amenities, passageways, yards and staircases shall be adequately lit by switched electrical lights.

6.7 Provide suitable and adequate refuse receptacles and ensure suitable arrangements are made for proper collection of refuse. The manager shall ensure that refuse and litter from the house are not allowed to accumulate in or around the property.

6.8 The manager shall provide a suitable system for occupiers to notify problems, repairs and contact details in case of emergencies.

Please note:
Specific circumstances may vary from the standard and the Council reserves the right to ask for a greater level of protection following consultation with the Fire Service where appropriate.

Should you believe that your property does not require the above standards or any variations requested or if alternative measures are in place which you believe to be satisfactory a fire risk assessment undertaken by a competent person will be required to demonstrate you are achieving equivalent fire risk.