



**WYCHAVON DISTRICT COUNCIL**

**House in Multiple Occupation Policy**

**2012**

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## **House in Multiple Occupation Policy**

### **Section 1**

#### **1.1 Purpose**

The Housing Act 2004 and subsequent Houses in Multiple Occupation Regulations 2006 detail the Legislation on how to address Houses in Multiple Occupation. These documents along with LACORS Guidance provide the framework for local policies to be developed.

The purpose of this document is to set out the Councils policy on Houses in Multiple Occupation, including:

- HMO licencing Procedure
- HMO Charging
- Approach to Bed and Breakfast
- Fire Safety requirements
- Room sizes
- Provision of Facilities (kitchens and bathrooms)
- Standards (heating)
- Management
- Enforcement

#### **1.2 Aims**

In producing this policy document we aim to:

- Provide clarity of the Councils expectations in terms of standards to be met in houses of multiple occupation within the District.
- Ensure occupiers of Houses in Multiple Occupation live in safe and healthy homes by providing advice, education and financial assistance.
- Have a robust policy which supports enforcement action and is defensible against challenge

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

#### **1.3 Definition**

A House in Multiple Occupation is defined as ***'a building or part of a building which is occupied by persons who do not form a single household and who share one or more basic amenity'***, typical dwellings include shared houses, bedsits and hostels.

The exact definition is described by standard tests detailed in Section 254 Housing Act 2004. This section also covers the self contained flat test and the converted building test. Certain converted blocks of flats can also be defined as a HMO if they meet Section 257 of the Housing Act 2004.

## **1.4 National Legislation and Guidance**

The risk to health and risk of death and injury from fire is greatly increased in this type of dwelling; therefore the Government has introduced standards specific to these properties over and above those expected of standard rented dwellings. These standards are detailed in the LACORS Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing 2008.

The Housing Act 2004 introduced a mandatory licensing scheme for larger HMO dwellings to improve controls and conditions. This means that all HMO's or part of the HMO comprises of 3 or more storeys which is occupied by 5 or more persons will require licensing.

The primary legislation and guidance for enforcement purposes

- Housing Act 2004 (ISBN 0105434043)
- The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Houses in Multiple Occupation (Certain Converted Blocks of Flats) (Modifications to the Housing Act 2004 and Transitional Provisions for Section 257 HMOs) (England) Regulations 2007.
- Housing Health and Safety Rating System Guidance (version 2) (ISBN 1851127526)
- LACORS Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing 2008
- British Standard 5839 Part1 and Part 6. Fire detection and alarm systems.(ISBN 0 580 403769)

## **1.5 Background to Housing Stock within Wychavon District**

There are nearly 52,000 dwellings in the Wychavon district.

There are limited data sources to evidence the proportion of private rented stock however it falls between 7% (Stock Condition Survey 2004) and 16.5% (English Housing Survey 2010/11). Based on local demographics and data available officers estimate it is likely to be between 9% and 12% of the stock.

The private rented sector has the highest proportion of pre 1919 properties with 30% having been built before this date. The highest levels of disrepair, non-decency and fuel poverty have been evidenced in the privately rented sector within the district. This is therefore a key area of the council's activity in ensuring that households have a decent home in which to live.

Of the privately rented properties within the district it is estimated that less than 1% are houses in multiple occupation (HMO Report 2005). The Housing Act 2004 and

subsequent Houses in Multiple Occupation Regulations in 2006 set aside details on what standards a House in Multiple Occupation should meet and how to enforce when these standards are not met.

Where a house in multiple occupation is three or more storeys and occupied by 5 or more people, occupied in two or more single households, these properties are potentially subject to mandatory licencing which involves an assessment of both the property and the management standards. The HMO Report 2005 estimated there were 11 potential properties that could meet these criteria. Currently there are 19 HMO licences in place with a further 2 in the process of being awarded.

## **Section 2 - Identification and Inspection of HMO's**

### **2.1 Inspection**

Potential HMO premises will be identified through Council records, housing surveys and from local information, the details of these properties will be added to the Wychavon computer monitoring system. Local housing authorities have powers to obtain information from benefit and tax records<sup>3</sup>.

Wychavon Policy:  
To inspect all newly identified HMOs

This inspection is to be undertaken in accordance with the Health and Housing Safety Rating System as prescribed by the Housing Act 2004, a notification of any required improvements will be issued to the owner or person responsible.

Any HMO property that falls within the prescribed description for mandatory licencing (see 3.1) shall be required to apply for a license.

Wychavon Policy:  
Inspection shall be undertaken routinely for licensed properties and specified high risk HMO's. Lower risk properties will not be subject to routine inspection if they meet the required standards of occupation.

Inspection and enforcement shall be for the purpose of ensuring compliance with the current standards relating to:

- Means of escape from fire
- Other fire precautions
- Provision of amenities
- Disrepair
- Management regulations
- Compliance with licence conditions

### **2.2 HMO Identification**

A property will be an HMO if it is one of the following:

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<sup>3</sup> The Housing act 2004 (s 237)  
Update June 16

- A shared house lived in by people who belong to more than one family and who share one or more bathroom or kitchen facilities.
- A house in bedsits lived in by people who belong to more than one family and who share one or more bathroom or kitchen facilities.
- An individual flat lived in by people who belong to more than one family and who share one or more bathroom or kitchen facilities.
- A building of self-contained flats where less than two-thirds are owner occupied and do not meet 1991 Building Regulation standards.

Exemptions: (schedule 14 Housing Act 2004)

- If it is occupied by only two people.
- If it is occupied by the owner (and their family if any) and one or two lodgers.
- If it is occupied by a religious community.
- If the owner or manager is a public body (Social Landlord, Health Service, etc.)
- If the owner or manager is an educational institution which conforms with the relevant Code of Practice.
- A building of self-contained flats if two thirds or more of the flats are owner-occupied.

### **Section 3 HMO Licensing**

The aim of HMO licensing is to ensure that the poorest property standards and highest risk properties in the private rental market meet the legal standards and are properly managed.

Wychavon Policy:  
We will carry out an annual inspection of our mandatory HMO licensed properties.

#### **3.1 Mandatory HMO Licensing**

HMO dwellings that comprise three or more storeys with five or more occupants and where one or more basic amenity is shared will be subject to mandatory licensing. Persons who fail to licence premises or fail to comply with licence conditions commit an offence.

Buildings converted to flats (Section 257 HMOs) are not subject to licensing as are properties run by a local authority or other exempted organisations. Temporary exemption<sup>4</sup> may be granted to landlords who wish to change the use of a dwelling to that other than an HMO, a maximum period of six months may be granted.

Licences will be valid for five years, providing all the relevant conditions are met; the licence may not be transferred to another person. The previous licence holder must surrender the existing licence and the new licence holder must apply for a new licence.

<sup>4</sup> Temporary Exemption Notice (TEN) Section 62 of the Housing Act 2004  
Update June 16

Wychavon Policy:

An application fee of £559 will be charged at this time for licensing of mandatory HMOs.

Large institutions and educational establishments may have substantial accommodation that requires licensing if it does not comply with the Universities UK/Guild HE Code of Practice for the Management of Student Housing 2010. The Houses in Multiple Occupation (Specified Educational Establishments) (England) (No 2) Regulation 2010 lists those educational establishments which are excluded from the definition of a HMO.

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.

### **3.2 Licence Application**

Applications must be made to Wychavon District Council in writing on the application form which can be requested from the Department or is available on the Councils website [www.wychavon.gov.uk](http://www.wychavon.gov.uk) . Any incomplete or invalid application forms will be returned to the applicant for completion.

Licenses may be granted when the Council is satisfied that the property

- i) is reasonably suitable for occupation,
- ii) has adequate management arrangements,
- iii) licence holder and/or manager is a fit and proper person.

In deciding if the property 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.

In deciding if the property has adequate management arrangements the Council shall have regard for the system in place for collecting rents, undertaking repairs, and controlling anti-social behaviour.

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

- i) is appropriate and competent to carry out that function.
- ii) 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.
- iii) 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.

- iv) has contravened any provision of the law relating to housing or of landlord and tenant law;
- v) has acted otherwise than in accordance with any applicable code of practice approved under section 233 Housing Act 2004.

Applicants may be required to provide a criminal records certificate together with their application.

Before granting a licence, the Authority shall serve a notice together with a copy of the proposed licence, on the applicant for the licence and each relevant person and then consider any subsequent representations during a 14-day consultation period.

Before refusing, varying or revoking a licence, the Authority shall serve a notice, detailing the reasons, on the applicant for the licence and each relevant person, and then consider any subsequent representations during a 14-day consultation period.

The applicant or any relevant person may appeal to a residential property tribunal against a decision 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.

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 a good reason for the failure to appeal before the end of that period.

### **3.4 Licence Conditions**

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<sup>5</sup> but must be satisfactorily completed within the first licence period.

Conditions to be attached to all licences.

- i) Occupiers may only sleep in rooms recognised as bedrooms.
- ii) The total number of bedrooms and maximum number of occupants will be specified.
- iii) 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.

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<sup>5</sup> Housing Act 2004 Part 1 HHSRS  
Update June 16

- iv) Commission a competent engineer to undertake an annual service of fire alarm systems, emergency lighting and fire fighting equipment and supply to the Council an annual safety test certificate.
- v) Ensure that services including the supply of hot and cold water, gas, electricity, heating and lighting are maintained in good order and repair.
- vi) Commission a competent engineer to undertake an annual service of all oil or gas (if any) appliances in the building. Forward a copy of the annual safety certificate, for each appliance, to the Council. (OFTEC oil) (Gas Safe)
- vii) Keep electrical appliances and furniture in a safe condition and supply on demand evidence of compliance.
- viii) The Licence holder shall supply the occupiers of the house with a written statement of terms on which they occupy it. A signed and dated record of rent payments must be made in a rent book or similar where rents are collected either weekly or as cash payments.
- ix) Ensure every outbuilding, yard and garden, which belongs to the house, is in and is maintained in good repair and clean condition.
- x) Suitable and adequate refuse receptacles to be provided and suitable arrangements 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.
- xi) Occupation conditions must be in place for dealing with occupiers behaving in an anti-social manner or in a manner so as to cause annoyance or nuisance to other occupiers or neighbouring properties.
- xii) Maintain all common areas including passageways, staircases, kitchens and bathrooms and installations contained therein, in clean condition and good repair.
- xiii) The structure of the house, internal and external, must be in and maintained in good repair.
- xiv) The manager shall provide a suitable system for occupiers to notify problems, repairs and contact details in case of emergencies.
- xv) The manager shall ensure that their fire risk assessment is kept up to date and should be carried out as a result of any changes to the dwelling which may effect the risks. (*Regulatory Reform (Fire Safety) Order 2005*).

### **3.5 Temporary Exemption**

An owner or manager of an HMO may apply to the Authority for a Temporary Exemption Notice (TEN) when he notifies of his intention to take particular steps to secure the property ceases to be licensable, Section 62 and 86 Housing Act 2004. Examples of granting a TEN are:



- Putting the property on the market for sale with vacant possession.
- Evidence that the applicant intends to occupy the property as his/her own home in single occupation.
- Proposed change of use of the property from residential to some other use.
- Planning permission to convert the HMO into a single dwelling house.

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.

### **3.6 Selective Licensing**

Part 3 of the Housing Act 2004 enables the Local Housing Authority (LHA) to designate all or part of their district under which selective licensing relates. This enables the LHA to licence houses that are not HMO's. This designation can only occur when the area is, or is likely to become, an area of low demands and/or the area is experiencing a significant and persistent problems caused by anti-social behaviour that is attributed to occupiers of privately rented properties and that some or all of the private sector landlords are failing to take action that it would be appropriate for them to take to combat the problem.

### **3.7 Additional Licensing**

The Housing Act 2004 has the provisions for the Local Housing Authority to apply mandatory licensing to other HMO's with in their District. This can be an area of the district or the whole district. The LHA must identify that a significant proportion of the HMO's of which the description of which the scheme is intended to apply are being managed sufficiently ineffectively so that are causing, or having the potential to cause, particular problems for either the occupiers of the HMO's or members of the public. This also includes anti-social behaviour. Designations need to be confirmed by the Secretary of State.

### **3.8 Bed and Breakfast**

B&B's are not classed as a HMO unless a HMO declaration under section 255 has been declared. This would occur if the building or part of the building meets the Standards Test, Self Contained Flats Test or the Converted Building Test and is occupied by persons that do not form a single household, as their only or main residence and constitutes a significant use of the building.

Wychavon Policy:

Use shall be significant when 25 per cent or more of the available bed spaces are regularly occupied by people as their only or main residence.

## **Section 4 Fire Safety Requirements**

Wychavon Policy:

To adhere to the LACORS Housing – Fire Safety, Guidance on Fire safety provisions for certain types of existing housing.

NB To include those provisions detailed in 4.1 – 4.8.

## **4.1 General Requirements**

The dwelling should be designed and constructed in such a way as to

- i) minimise the risk of fires starting or spreading, and
- ii) provide a safe means of escape.

All appliances that may be a source of ignition must be properly installed and safely maintained; portable heaters that incorporate a naked flame are not permitted.

Any fixed electrical system must comply with the requirements of BS 7671:2001, the consumer unit to incorporate split load trip switches and 30mA RCD earth leakage protection. A sufficient number of power outlet sockets should be provided to reduce the need for extension leads.

## **4.2 Construction**

Walls and ceilings or floor cavities between dwellings, bedrooms and other risk rooms must be constructed of a material having a minimum  $\frac{1}{2}$  hour fire resistance, stopped tight at joints and edges (adequately fixed 12.5mm plasterboard and skim coat) the is also the case for the underside and side of staircases. Subject to a risk assessment a lower risk premises with an automatic fire detection sound conventional construction maybe acceptable.

Walls and ceilings between areas specified as being high fire risk and those divisions between commercial and residential premises may be up-rated to 1 hour fire resistance.

Any opening or passing of services through fire resistant structure must be stopped tight to prevent the spread of fire and smoke and be of the same standard of fire resistance as the partition itself.

Decorative surface finishes should comprises of fire retardant products wherever possible, finishes such as heavy flock wall paper, plastic and polystyrene tiles are not acceptable.

Gas or electric meters and/or distribution boards should ideally not be sited in escape routes. However this maybe relaxed if they are installed in accordance with the Gas Safe Regulations and IEE Regulations. It is considered best practice to enclose such equipment in fire resisting construction.

## **4.3 Means of Escape**

Where possible a suitable and safe means of escape must be provided to all parts of the dwelling. It will be assumed in all cases that a person aged 60 years and over will be using the escape route as per Housing Health and Safety Rating System Operational Guidance 2006.

The internal arrangement should be such that safe egress is possible without having to travel through risk rooms such as kitchens or living rooms. The guidance

for the maximum safe travel distance from a room exit door to a place of relative safety (a protected stairway enclosure, a separate fire compartment from which there is a final exit to a place of ultimate safety or the nearest final exit) is 9 meters however this is not a ridged standard and can be increased or decreased depending on the level of risk due to other fire prevention measures.

Secondary means of escape will be required in high risk larger buildings typically those five or more storeys. These should form access from communal areas and terminate at the ground floor at a place of ultimate safety. Temporary ladders, ropes and other emergency devices are not an acceptable escape method.

#### **4.4 Automatic Fire Detection Systems and Protected Routes**

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 should be undertaken to identify the precautions required at the property.

1. Unoccupied cellars – interlinked mains wired smoke alarm with integral battery back up.
2. Single household –
  - no more than 4 storeys – Grade D, LD3 system with interlinked mains wired smoke alarms with integral battery back up located on the escape route of all floors.
  - 5 + storeys – Grade A, LD3 system with detection throughout the common parts and in the kitchen.
3. Shared Houses –
  - No more than 4 storeys – Grade D, LD3 system with interlinked mains wired smoke alarms with integral back up located on the escape routes for all floors. Additional interlinked smoke detector to be installed in the lounge and a interlinked heat detector in the kitchen. Properties over three storeys will require a 30 minute protected route including 30 minute self closing fire doors with smoke seals and intumescent strips.
  - 5 + storeys – Grade A, LD2 system detection throughout the escape route and all risk rooms including living rooms and kitchens. Properties with 5 floor will either require lobby protection to all floors except the top floor or a secondary means of escape from the top floor. Properties with 6 floors will require lobby protection to all floors except the top floor and a secondary means of escape from the top two floors.
4. Bedsit type Houses –
  - Up to two storeys – Grade D, LD2 system with interlinked mains wired smoke alarms with integral battery back up located throughout the escape route. Where cooking facilities exist within the bedsits interlinked heat detectors with integral battery back up are to be installed in each bedsit as well as a non interlinked smoke alarm with integral battery back up also located in each bedsit. Where cooking facilities are sited in a shared kitchen not with in each bedsit then

interlinked mains wired smoke alarms with integral battery back up are to be installed with in each bedsit and interlinked heat detectors with integral battery back up to be located within each communal kitchen. A 30 minute protected route is required including 30 minute self closing fire doors with smoke seals and intumescent strips.

- 3 + storeys – Grade A, LD2 system with interlinked mains wired smoke alarms with integral battery back up located throughout the escape route. Where cooking facilities exist within the bedsits interlinked heat detectors with integral battery back up are to be installed in each bedsit as well as a Grade D non interlinked smoke alarm with integral battery back up also located in each bedsit. Where cooking facilities are sited in a shared kitchen not with in each bedsit then interlinked mains wired smoke alarms with integral battery back up are to be installed with in each bedsit and interlinked heat detectors with integral battery back up to be located within each communal kitchen. A 30 minute protected route is required including 30 minute self closing fire doors with smoke seals and intumescent strips. Properties with 5 floor will either require lobby protection to all floors except the top floor or a secondary means of escape from the top floor. Properties with 6 floors will require lobby protection to all floors except the top floor and a secondary means of escape from the top two floors.

#### 5. Houses/Buildings Converted into Flats –

- Up to two storeys – Grade D, LD2 system with coverage in the common areas and a heat detector in each flat in the room/lobby opening onto the escape route (interlinked) and Grade D, LD3 coverage in each flat (non interlinked) in the room/lobby opening onto the escape route to protect the sleeping occupants of the flat. Additional smoke alarms maybe required in rooms that present a high fire risk to occupants. 30 minute self closing fire doors with intumescent strips and cold smoke seals are required on all rooms of the flat opening onto the escape route. There is no requirement for fire doors with in the flat.
- 3+ storeys – Grade A, LD2 interlinked coverage in the common areas and a heat alarm in each flat opening onto the escape route and Grade D coverage in each flat (non interlinked) in the room/lobby opening onto the escape route to protect the sleeping occupants of the flat. Additional smoke alarms maybe required in rooms that present a high fire risk to occupants. 30 minute self closing fire doors with intumescent strips and cold smoke seals are required on all rooms of the flat opening onto the escape route. There is no requirement for fire doors with in the flat.
- 5+ storeys – Same fire detection as a 3+ storeys with additional 30 minute fire doors to all risk rooms within the flat.

#### 6. Flats in Multiple Occupation –

- Occupying a single storey – Grade D, LD3 system with interlinked mains wired smoke alarms with located in the flat internal hallway and additional interlinked heat alarm with integral battery backup located in the kitchen. 30 minute self closing fire door with smoke seals and intumescent strips on the entrance door to the flat.
- Occupying two storeys - Grade D, LD3 system with interlinked mains wired smoke alarms with located in the flat internal hallway and additional interlinked heat alarm with integral battery backup located in

the kitchen and lounge. 30 minute self closing fire door with smoke seals and intumescent strips on the entrance door to the flat.

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

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.

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

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

#### **4.5 Emergency and Escape Lighting**

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 and with switches to be located on every landing. There should be sufficient time delay to allow safe egress.

Emergency lighting operates automatically when the normal lighting fails in order to aid safe escape. Self contained non maintained three hour duration luminaires will be adequate and it must be designed to comply with BS 5266.

By fitting light bulbs with different fittings in the communal and tenanted parts, theft of light bulbs from the conventional lighting maybe reduced.

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

The emergency lighting system should be designed to cover escape routes, exits, intersections of corridors, near fire alarm call points, near fire fighting equipment, stairway enclosures and changes in floor level and direction. In buildings of up to two storeys conventional lighting will usually be adequate. In HMOs of three to four storeys it maybe appropriate when the escape route is long or complex or where there is little or no borrowed light. HMOs of five or more storeys emergency lighting will be required.

#### **4.6 Fire Doors**

Fire door assemblies are required in doorway openings in fire resisting construction and for the protection escape of routes. They are required on all entrance doors to flats and bedsit rooms.

In low risk properties where a full 30 minute protected route is not required well fitted, sound, solid conventional doors maybe accepted. Non fire resisting glazed doors or flimsy 'egg box' hollow infill type doors are not acceptable. In some circumstances an hour fire door maybe appropriate.

Fire doors are to be certified  $\frac{1}{2}$  hour fire resisting (FD30s) and hung with three  $\frac{1}{2}$  hour fire rated hinges with a maximum gap of 4mm between the door and frame. The doorframe must be either certified  $\frac{1}{2}$  hour fire resisting or of substantial construction fitted tight and securely to supporting walls. All fire doors must incorporate intumescent heat and smoke seals to jambs and door head, seals to 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  $\frac{1}{2}$  hour fire rated self-closing device that will effectively fully close the door from any angle, closing devices to comply with BS EN 1154.

Door locks must be readily operable from inside rooms without the use of a key. Letterbox openings in fire doors are to be lined with proprietary intumescent seal.

#### **4.7 Fire Fighting Equipment**

In kitchens provide a 1m x 1m, BS 6575 or equivalent compliant, fire blanket and a suitably located small dry powder extinguisher which is BS EN 3-7 compliant.

Simple multipurpose fire extinguishers should be installed on all floors of common parts. Basic advice on how to operate the extinguishers should be given at the start of the tenancy.

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.

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

#### **4.8 Signage and Notices**

In larger HMOs (over 3 storeys), those with complex or unusual layouts and those with multiple exits, signage will be required. 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. Safety signage is to comply with British Standard 5499. Any fire doors that are likely to be left open should have the works 'Fire Doors Keep Shut' displayed. Locked cupboards and meters in the escape route to have the words 'Fire Door Keep Locked' displayed.

#### **4.9 Inspection and Testing**

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.

It is good practice to test the fire alarm system and emergency lighting 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. The fire extinguishers and fire doors should also be checked regularly. All checks should be recorded. In addition a full service and testing of the emergency lighting and automatic fire alarm system by a fire safety engineer should be carried out annually. A certificate should be issued for this service.

## Section 5 :Amenity, Space and Facility Standards

Wychavon Policy:

To apply amenity, space and facility standards 5.1 – 5.5 as set out below.

### 5.1 Bedrooms

Guidance 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<sup>2</sup> (70 sq. feet) but in all cases rooms must be safe and fit for their purpose.

	<b>Separate Kitchen, bathroom and lounge.</b>	<b>Separate Kitchen, bathroom, no lounge.</b>	<b>Rooms with kitchen facilities</b>
<b>Single Room</b>	6.5 m <sup>2</sup>	8 m <sup>2</sup>	11 m <sup>2</sup>
<b>Double Room</b>	10 m <sup>2</sup>	12m <sup>2</sup>	14 m <sup>2</sup>

The need for privacy begins at eight years old. 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.

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 solid door entrance, occupation of other parts of the house for sleeping purposes is not permitted.

Each bedroom to have a minimum of one switched light and two power socket outlets.

### 5.2 Kitchens

One kitchen to be provided per 5 adult occupiers or a separate kitchen within individual units. Larger communal kitchens must provide equivalent sufficient amenities. Kitchens to be available for the exclusive use of the house occupants and be located no more than two floors distant from users bedrooms.

All surfaces to be readily cleansable with splash back to be provided at sinks.

Floor covering to be non-slip and readily cleansable.

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.



A suitable sized cooking appliance located in such a position so that its use is unobstructed.

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.

Provide within the kitchen impervious worktop of suitable size for the preparation of food and a suitable number and volume of storage units and a suitably sized fridge and freezer.

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.

Kitchen areas are to have a suitable number of lights and power outlets with a minimum of one switched light and three twin power socket outlets.

### **5.3 Bathroom and WC**

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

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.

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

Provide within each bathroom a 100mm 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.

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.

Floor covering for WC's and bathrooms are to be non-slip and readily cleansable.

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

External WC's and bathrooms are not permitted.

Windows to bathrooms and WC's shall consist of obscure glazing.

### **5.4 Heating and Insulation**

Officer to recommend that all void roof spaces to be insulated to a minimum of 270mm-thickness mineral wool or equivalent to be agreed with the Property Standards Enforcement Officer.

Officer to recommend that cavity walls be insulated with mineral wool cavity slab, thermal insulation board, blown mineral wool or polystyrene beads or similar to be agreed with the Property Standards Enforcement Officer.

The Housing Health and Safety Rating System Guidance 2004 describes that a system of suitable and sufficient heating is to be provided to all habitable rooms and circulation areas. This should be controllable by the occupant and safely and properly installed and maintained. It should be appropriate to the design, layout and construction such that the whole dwelling can be adequately and effectively heated. It must be able to heat the bedroom to 18°C when the outside temperature is -1°C. Heating systems are to comprise of either an energy efficient wet system with radiators or energy efficient electric or storage heaters.

Electrical heaters such as fans and convector heaters can be used in small rooms, such as WC's, as an alternative to a central heating system but must be splash proof and permanently fixed in a suitable safe location.

### **5.5 Furniture and Appliances**

All furniture in the house whether supplied by the Landlord or otherwise must be in clean condition and good repair, divan bases and mattresses must comply with BS 7177 and other soft furnishings with Furniture and Furnishing (Fire Safety) Regulations 1988.

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

## **Section 6 Management**

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

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.

#### **Wychavon Policy:**

Commission a competent engineer to undertake an annual service of fire alarm systems, emergency lighting and fire fighting equipment and provide annual safety certificate.

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

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

Commission a competent engineer to undertake an annual service of all oil or gas (if any) appliances in the building. Forward a copy of the annual safety certificate, for each appliance, to the Council. (OFTEC oil) (Gas Safe)

Commission an inspection by NICEIC or other approved engineer on the fixed electrical wiring system every five years, provide a safety test certificate for compliance with wiring regulations BS 7671:2001.

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

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.

The structure of the house, internal and external, must be in and maintained in good repair.

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

## **Section 7 Enforcement and Advice**

Wychavon Policy:

The main emphasis of our enforcement role will be based on education, and advice. This will be made available through information leaflets, the Council website and direct advice will be available over the telephone or in person from the Property Standards Enforcement Officer.

We shall also provide financial assistance, through the Housing Assistance Policy, for essential fire safety works where it is unreasonable for the Landlord to bear the full cost of the necessary works.

Where Landlords are not co-operative in achieving the statutory standards we shall, where appropriate, take formal action under the relevant provisions contained in the Housing Acts and The Management of Houses in Multiple Occupation (England) Regulations 2006.

Wychavon Policy:

Charging for enforcement action will be undertaken.

### **7.1 Areas of Enforcement**

The Housing Act 2004 provides under the HHSRS facilities for improving fire safety in any domestic dwelling including houses, flats and HMO's.

The act also provides a power to prescribe standards<sup>1</sup> to ensure HMO dwellings are reasonably suitable for occupation. National minimum standards apply to all high-risk HMO dwellings and this policy prescribes additional local requirements.

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<sup>6</sup> The Housing Act 2004 (s 65)  
Update June 16

The Management of Houses in Multiple Occupation (England) Regulations 2006 provides details of the duties that a Manager of a HMO must comply with.

The Hereford & Worcester Fire and Rescue Service provide consultation and technical support for fire safety in high risk HMO's. Fire Authorities also have powers under The Regulatory Reform (Fire Safety) Order 2005 and although this does not apply to private dwellings it can be used for common areas in HMO's, purpose built flats and workplace accommodation.