



# *Oadby and Wigston Borough Council*

## **TO COUNCILLOR:**

G S Atwal  
Ms A R Bond  
G A Boulter  
Mrs L M Broadley  
F S Broadley

Ms K Chalk  
Miss M V Chamberlain (Vice-  
Chair)  
M H Charlesworth  
R F Eaton  
B Fahey

J Kaufman  
Mrs H E Loydall (Chair)  
K J Loydall  
R H Thakor

Dear Councillor et al

I hereby summon you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 14 APRIL 2016** at **7.45 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**06 April 2016**

Mark Hall  
Chief Executive

## **AGENDA**

## **PAGE NO'S**

- 1. Apologies for Absence**
- 2. Appointment of Substitutes**
- 3. Declarations of Interest**

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

- 4. Minutes of the Previous Meeting held on 14 January 2016** **1 - 8**

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.

- 5. Petitions and Deputations**

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.

- 6. Food Safety and Health and Safety Service Plan 2016/2017** **9 - 19**

<b>7.</b>	<b>Review of Fees and Charges for Environmental Health - Private Sector Housing</b>	<b>20 - 27</b>
<b>8.</b>	<b>Fire and Amenity Standards for Houses in Multiple Occupation</b>	<b>28 - 92</b>
<b>9.</b>	<b>Redress Schemes for Lettings Agency Work and Property Management Works</b>	<b>93 - 95</b>
<b>10.</b>	<b>Smoke and Carbon Monoxide Alarm (England) Regulations 2015</b>	<b>96 - 100</b>

**MINUTES OF A MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD AT  
THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 14 JANUARY 2016  
COMMENCING AT 7.00 PM**

<b><u>IN ATTENDANCE:</u></b>		
Chair - Councillor Mrs H E Loydall Vice-Chair - Councillor Miss M V Chamberlain		
<b><u>COUNCILLORS (10):</u></b>		
G S Atwal G A Boulter F S Broadley Ms K Chalk	M H Charlesworth R F Eaton B Fahey J Kaufman	K J Loydall R H Thakor
<b><u>OFFICERS IN ATTENDANCE (3):</u></b>		
S J Ball	S Eyre	J Mortell

Min Ref.	Narrative	Officer Resp.
18.	<b><u>APOLOGIES FOR ABSENCE</u></b>  An apology for absence was received from Councillors Mrs L M Broadley and Ms A R Bond.	
19.	<b><u>APPOINTMENT OF SUBSTITUTES</u></b>  None.	
20.	<b><u>DECLARATIONS OF INTEREST</u></b>  Councillor G S Atwal declared that he was a private hire vehicle (taxi) driver by profession licensed by Leicester City Council.	
21.	<b><u>MINUTES OF THE PREVIOUS MEETING HELD ON 01 OCTOBER 2015</u></b>  <b>RESOLVED THAT:</b>  The minutes of the previous meeting of the Committee held on 01 October 2015 be taken as read, confirmed and signed.	
22.	<b><u>PETITIONS AND DEPUTATIONS</u></b>  None.	
23.	<b><u>12-MONTH MOTOR INSURANCE CERTIFICATES CONSULTATION</u></b>  The Committee gave consideration to the report and appendices (at pages 6 - 9) as delivered by the Interim Licensing Team Leader which should be read together with these minutes as a composite document.  The Interim Licensing Team Leader stated that at a meeting of this Committee on 22 July 2015, it was resolved by Members, in accordance	

	<p>with Section 12 of the Taxi Licensing Policy (as adopted), that only 12-month motor insurance certificates (“certificates”) were to be accepted henceforth. It was reported that in response, it was the insurance companies’ intention to instigate judicial review proceedings challenging the resolution on the grounds that, amongst other things, the Council did not consult upon the same. Members were advised that it was this Council’s formal counter-response to therefore undertake a full consultation upon the subject-matter for a six-week period (as recommended at 2 at page 6). With reference to the draft consultation document at appendix 1 (at pages 8 - 9), it was stated that the document sought to invite comments from primarily three consultee-groups (viz. current hackney carriage/private hire vehicle licence holders, the police and insurance companies/brokers), the results of which would be brought back to the next meeting of this Committee on 07 April 2016. It was reiterated that it remained the position of the Council to seek to end operating a 7-day certificate arrangement for the reasons outlined in the draft consultation document at (a)-(c) (at page 8).</p> <p>With reference to the draft consultation document at (a) and the heading marked ‘The Trade; respectively, the Chair proposed two amendments, namely that: (i) the added cost implication of the “administrative work” be itemised; and (ii) the practice of accepting 7-day certificates be so-described as creating an “extra administrative workload” due to the additional provision of time and personnel. The Chair further raised a concern regarding, and enquired as to, whether this Council, its licence holders and, or, Private Hire Operators (PHO) would be jointly-responsible in ensuring licensed vehicles are fully-compliant in respect to insurance.</p> <p>The Interim Licensing Team Leader stated that the added cost implication would ultimately, and necessarily, have to be subsidised by the licence holder and that licence holders ought to be made aware of the same. He advised that although there was a duty incumbent upon this Council, as the Licensing Authority, to ensure its licensed vehicles are appropriately-insured, that responsibly is equally borne primarily by individual licence holders (as policyholders) and secondarily by PHO’s.</p> <p>Councillor J Kaufman enquired as to what the adopted practice was by other local Licensing Authorities in Leicester/shire and, as such, whether a six-month motor insurance certificate option could be offered by way of compromise.</p> <p>The Interim Licensing Team Leader advised that, as far to his knowledge, the majority of other local Licensing Authorities in Leicester/shire (including North West Leicester District Council) do accept a temporary cover note upon the understanding that a 12-month motor insurance certifies shall be provided. It was, however, reported that a small number of Licensing Authorities in Leicester/shire did accept 7-day certificates.</p> <p>The Member stated that he was in favour of ceasing the practice of accepting 7-day certificates for the reasons outlined. He further enquired as to whether the insurance companies’ intention to instigate judicial review proceedings had hitherto incurred any cost to this Council in responding to the same.</p> <p>The Interim Licensing Team Leader advised that a cost had been incurred.</p>	
--	---	--



	<p>Councillor G A Boulter proposed that those licence holders who were minded to opt for 7-day certificate ought to be charged a commensurately-higher rate inasmuch to reflect the extra administrative workload and added cost implication thereof. He emphasised that this additional financial burden should not fall on the taxpayers of this Borough for the effective purpose of subsidising the voluntary business activities of other individuals.</p> <p>The Chair stated that approximately 10% of all current licence holders licensed by this Council were affected by the subject-matter in question and that, although the Member's aforementioned proposal could only be considered once the consultation had concluded, an itemised reference to the added cost implication would be nevertheless be explicitly made in the consultation document.</p> <p>Councillor B Fahey enquired as to how long 7-day certificates have hitherto been accepted by this Council.</p> <p>The Chair advised that the subject-matter in question came to her attention approximately 18-24 months ago to whom she had raised concerns (as similarly outlined in the draft consultation document at (a)-(c)) to the Licensing Officer in-post at that time. It was said that she had been assured by the then Officer that an approximate one or two licensed vehicles were affected and that an informal working-arrangement existed in respect of the licence holders. The Chair stated that the subject-matter again materialised upon that Officer's departure from this Council and that item was now before Members of this Committee for resolution.</p> <p>The Licensing Officer sought to clarify that a vehicle licence is strictly issued upon the presentation to the Licensing Authority of a valid certificate of motor insurance (or temporary cover note) by the licence holder and, or, his chosen insurance provider.</p> <p>Councillor B Fahey disagreed with the 7-day insurance operating practice of licence holders insofar as it is not an accepted practice afforded to ordinary policyholders.</p> <p>Councillor M H Charlesworth reiterated that any licensing-regime should operate on a cost-recovery vis-a-vis a punitive basis. He further questioned the motives upon which insurance companies' intention to instigate judicial review proceedings was founded, suggesting that insurance brokers had a possible long-term financial interest in continuing to renew motor insurance certificates every seven days. If such was the case, the Member disapproved of motives and industry practices in terms of the unnecessary financial burden being placed on this Council to respond.</p> <p>The Interim Licensing Team Leader advised that the insurance companies' intention to instigate judicial review proceedings was taken on its face value.</p> <p>The Member enquired as to whether the consultation exercise would serve to mitigate against the prospect of judicial review proceedings being instigated.</p> <p>The Interim Licensing Team Leader advised that such would be the anticipated outcome. He further reported that if all 153 current licence holders opted for a 7-day certificate, an approximate five minute data-entry</p>	
--	--	--

	<p>exercise per licensed vehicle would amount to an additional administrative burden of approximately 13 hours per week.</p> <p>Councillor K J Loydall expressed his discontent insofar the ongoing operational impact this subject-matter was having upon this Licensing Authority despite this Council's full compliance with the regulatory governance aspect(s) of the same most notable in respect of the scale of fees and charges. With reference to the draft consultation document, the Member sought to substitute the word 'accepts' with 'operates' so to more accurately denote the Licensing Authority's current practice.</p> <p>The Interim Licensing Team Leader advised Members that although the scale of fees and charges pursuant to inter alia the Licensing Act 2003 is prescribed, the scale of fees and charges in respect of the hackney carriage/private hire vehicle regime are variable.</p> <p>The Chair sought to clarify that the antecedents obtaining to the subject-matter in question did not involve or otherwise implicate any Officer in-post at neither the current time nor any Officer in attendance at this meeting of this Committee.</p> <p>The Interim Licensing Team Leader advised that if Members were minded to approve the six-week consultation exercise, that the draft consultation document would in addition be considered by the Council's department ahead of its circulation.</p> <p>The Chair stated that the consultation period would be held within the six-weeks between the time elapsing between this meeting and the next meeting of this Committee on 07 April 2016.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>(i) A six-week consultation period take place; and</p> <p>(ii) The Committee support the consultation.</p>	
24.	<p><b><u>PRIVATE HIRE OPERATORS' LICENCE FEES UPDATE</u></b></p> <p>The Committee gave consideration to the report (at pages 10 - 11) as delivered by the Interim Licensing Team Leader which provided an update to the report as resolved by Members at the previous meeting of this Committee held on 01 October 2015. This should be read together with these minutes as a composite document.</p> <p>The Interim Licensing Team Leader reported that pursuant to the changes in legislation on 01 October 2015, a default obligation was incumbent upon this Council to now issue Private Hire Operator (PHO) and Combined Hackney Carriage/Private Hire (CHC/PH) driver licences for a valid licence period of five and three years, respectively, and that the effects of Deregulation Act 2015 ("the Act"), Section 10 afforded the discretionary option to Licensing Authorities to issue licences for a shorter licence period. It was reiterated that although no changes were proposed in respect of any existing fees for the default licence periods, a new and approved PHO fee structure was required in order to account for the shorter PHO license periods on a pro-rata basis as outlined in the report at 3 (at page 10).</p>	

	<p>As such, the Interim Licensing Team Leader reminded Members that the change in licence fees for a PHO licence was to be advertised in a local newspaper by way of Public Notice circulating in the area, and 28 days allowed from the date of the Notice for any objections to be received to the proposed fee ("the objection notice period"). The Public notice, dated 02 October 2015, was said to have been placed in the 08 October's edition of the Leicester Mercury. The objection notice period was therefore said to have commenced on 02 October and ended on the 06 November 2015. As previously resolved at (4) (Minute Reference 16 at page 4), the Interim Licensing Team Leader stated that if any objections were received, that the Chair, Vice-Chair and a third Member under delegated authority were to consider the same and decide upon whether to implement the original proposed fee, or implement a revised fee, within two months of the end of the objection period (i.e. by the 05 January 2015).</p> <p>The Interim Licensing Team Leader further reported that a complaint had initially been received on 28 September 2015 (together with several similar e-mails thereafter) which formed the latter part of the report presently before Members. He advised that the complaint was currently being investigated by the Chief Executive, in conjunction with the Director of Services, as an escalation from a Level One to a Level Two Complaint in accordance with the Council's Compliments, Comments and Complaints Policy and Procedure ("the Complaints Policy") and that the complainant had been advised of the same. It was stated that despite numerous attempts inviting the complainant to speak to Officers in person and, or, to attend the Council Offices to discuss the concerns raised in his complaint, the complainant was neither forthcoming with any contact telephone details, nor has agreed to an appointment on terms acceptable to this Council and that no reply been received to an e-mail send to the complainant by the Interim Licensing Team Leader on the 17 December 2015.</p> <p>The Interim Licensing Team Leader recommended as at 2b of the report (at page 10) that the approved PHO licence fee structure ought to be introduced as proposed and previously resolved at (1) (Minute Reference 16 at page 4) unless the Members of this Committee were minded to consider such a decision to be unsafe.</p> <p>The Chair enquired as to however many PHO's were licensed in the Borough and, of those PHO's, if any objections were received by the same within the objection notice period.</p> <p>The Interim Licensing Team Leader advised that there were approximately ten PHO's licensed in the Borough and that, of those licensed PHO's, no objections were received. He reiterated that only the one aforementioned complaint had initially been received on 28 September 2015 and, as such, was currently being dealt with as a Level Two Complaint in accordance with the Council's Complaints Policy.</p> <p>The Chair stated that having not received any objections from the PHO's licensed in the Borough, and given the aforesaid complainant's reluctance to engage with Officers in a constructive dialogue, she moved the recommendation at 2b of the report for the approved PHO licence fee structure to be introduced as proposed.</p> <p>Councillor M H Charlesworth opined that he considered there to be no</p>	
--	---	--

	<p>impropriety committed on the part of the aforesaid complainant insofar as expressing an opinion has formed part of a complaint that is currently being duly investigated. He stated that he agreed with the Chair's motion and that the item of business before this Committee was now one that ought to be dealt with expediently as was previously resolved by Members. The Member further sought clarification as to the grantable licence periods for PHO and CHC/RH driver licences.</p> <p>The Interim Licensing Team Leader reiterated that the default licence periods for PHO and CHC/PH driver licences were five and three years, respectively, and that the Act afforded the discretionary option to Licensing Authorities to issue licences for a shorter licence period upon the presentation of a reasonable business-case.</p> <p>Councillor K J Loydall seconded the recommendation at 2b of the report.</p> <p>Councillor G A Boulter enquired as to whether the regulatory governance aspect of the decision to introduce the approved PHO licence fee structure was satisfied.</p> <p>The Chair reiterated that the necessary regulatory governance requirement of the decision to introduce the approved PHO licence fee structure was already satisfied by virtue of Members' earlier resolution at (1) at the previous meeting of this Committee held on 01 October 2015 (Minute Reference 16 at page 4) and to which the Chief Executive and Director of Services were said to have given their support.</p> <p><b>UNANIMOUSLY RESOLVED THAT:</b></p> <p>The approved Private Hire Operator licence fee structure be introduced as proposed.</p>	
25.	<p><b><u>CHILD SEXUAL EXPLOITATION (VERBAL UPDATE)</u></b></p> <p>The Committee gave consideration to the verbal update as delivered by the Interim Licensing Team Leader.</p> <p>The Interim Licensing Team Leader reported that since the previous meeting of this Committee on 01 October 2015, there had been considerable movement on Child Sexual Exploitation (CSE) assessment briefings for hackney carriage and private hire vehicle drivers in Leicester/shire. It was said that the content of the proposed training and assessment package, as led by Leicester City Council, had been adopted by the majority of the other District and Borough Councils across the County. He advised that a matter for decision by this Council was whether the costs associated in delivering CSE assessment briefings was to be borne by the Council itself or by its licence holders: if the latter, it was advised that any changes to the Taxi Licensing Policy and Scale of Fees and Chagres would need to be resolved by Members, accordingly. He stated that he was at the present time unaware of the associated-costs of delivering the CSE assessment briefings in this Borough.</p> <p>The Chair requested that a report outlining the same be put before the next meeting of this Committee on 07 April 2016 for Members' consideration and resolution.</p>	

	<p>Councillor G A Boulter stated that provision within the Committee budget would need to be made as soon as possible, ahead of the imminent finalisation of the Council's Overall Draft Budget for 2016/17 due before a meeting of the Policy, Finance and Development Committee on 02 February 2016, in order for the scheme to be realised in the new municipal year.</p> <p>Councillor K J Loydall advised the Interim Licensing Team Leader to liaise with this Council's Community Safety and Tenancy Manager and, or, Licensing Officers at Leicester City Council in order to ascertain the associated-costs.</p> <p>The Chair stated that the other District and Borough Councils across the Country would be in similar budgetary-positions and working within the same timeframes.</p> <p><b>RESOLVED THAT:</b></p> <p>The verbal update be noted by Members.</p>	
26.	<p><b><u>MISCELLANEOUS LICENSING MATTERS (VERBAL UPDATE)</u></b></p> <p>The Committee gave consideration to the verbal update as delivered by the Interim Licensing Team Leader.</p> <p>The Interim Licensing Team Leader reported that the former Legal and Licensing Assistant had resigned her post as of the 01 December 2015 and that temporary cover was presently being provided by existing personnel from within the Council. It was said that a post for a Licensing Enforcement Officer was currently being advertised (the closing date for applications being 24 January) and that the permanent position of Licensing Team Leader was set to be advertised from week-commencing 18 January with a provisional start-date in April 2016.</p> <p>The Interim Licensing Team Leader reported that the Office for Low Emission Vehicles had extended the deadline for bids under the Ultra-Low Emission Vehicle Taxi Scheme to mid-February 2016 thus affording the appointed consultant more time to undertake more work in respect of the joint-bid (as resolved at a previous meeting of this Committee held on 01 October 2015). It was said that the consultant was confident in being able to delivery under the partnership bid.</p> <p>The Interim Licensing Team Leader reported that the reviewed Gambling Statement of Licensing Policy had been adopted at the meeting of the Council held on 08 December 2015 and subsequently published in the local newspaper and on the Council's website ahead of its enforcement commencing on 31 January 2016.</p> <p>The Interim Licensing Team Leader reported that recent changes in regulations effective as of 01 January 2016 have increased the limit of Temporary Event Notices (TEN's) a single premises is permitted to apply for from 12 to 15 occasions in a single calendar year.</p> <p>The Chair expressed her gratitude to the Interim Licensing Team Leader for the interim-cover provided to this Licensing Authority, alongside the</p>	

	Licensing Officer, and further commended the work of the former Legal and Licensing Assistant.	
--	--	--

**THE MEETING CLOSED AT 7.55 PM**



.....  
**CHAIR**  
.....

.....  
**THURSDAY, 07 APRIL 2016**  
.....



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 07 April 2016</b>	<b>Matter for Information and Decision</b>
---	------------------------------------	--

**Title:** Food Safety and Health and Safety Service Plan 2016-2017

**Author:** Mike Arnold - Interim Environmental Health Team Leader

## 1. Introduction

The Environmental Health Team is responsible for applying the legislation concerning Food Safety and Health and Safety in the workplace. The national regulatory bodies for these functions are the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) both of which require enforcement authorities to prepare an annual service plan.

## 2. Recommendation

That Members approve the Borough of Oadby and Wigston Food Safety and Health and Safety Service Plan 2016-2017 (as set out at Appendix 1).

## 3. Information

- 3.1. The Borough of Oadby and Wigston is the enforcing authority for Health and Safety at commercial premises in the Borough. Similarly the Borough is the enforcing authority for food safety legislation.
- 3.2. The HSE and FSA are the national authorities for the strategic direction of the two services and they both require local enforcing authorities to follow mandatory guidance for the provision of the services. This power is exercised through "Section 18" guidance in the case of HSE and "the Food Law Code of Practice" issued by the FSA.
- 3.3. Both agencies require the enforcing authorities to produce an annual service plan. As the information required in the plans is similar and, in the case of this authority the services are delivered by the same staff in the Environmental Health Team, the plans are combined into one document.
- 3.4. The Service Plan is a statement of service objectives that identifies key service delivery issues, links to resource planning, sets objectives and provides a means of managing performance and performance comparisons. Because the staffing arrangements for the Team will not be fully completed before the start of the financial year there are elements of the plan that will need to be reviewed during the year but the core services should not be affected by this.
- 3.5. The 2016/17 Plan is attached in Appendix 1 and the 'Leicestershire Food Liaison Group - Work Plan 2016' is attached in Appendix 2 for Members' information.

**Email:** mike.arnold@oadby-wigston.gov.uk

**Tel:** (0116) 257 2613

<b>Implications</b>	
Financial	The financial implications of providing the base services are taken into account in the annual budget. Any unplanned events such as a major food poisoning outbreak or death at work investigation would be subject to separate financial controls.
Legal	The Council is required to adopt the plans and to provide the relevant services within the legislative framework of the central agencies.
Risk	There would be a reputational risk in not properly controlling the health risks to the public and of public action by the agencies in not adopting plans.
Equalities	The plans apply equally to all relevant premises and persons in the Borough.





# *Borough of Oadby & Wigston*

## **Food Safety and Health and Safety Service Plan 2016-2017**

### **Summary**

The food and health and safety regulatory functions play a vital role in ensuring the health of those that live, work and visit the Borough and in meeting the Corporate Aims and Objectives. We do this through ensuring safe food is produced, that workplaces are safe and by supporting businesses. The priority is to manage the risk in high risk, poorly performing businesses and by so doing protect the health of the public.

This is achieved through a range of different actions including giving advice, coaching and more rarely enforcement activity.

This plan explains the background to the food safety and health and safety regulatory services, identifies the scope of the services and resources that have been allocated to meet the service requirements. The plan meets the requirements of the Food Law Code of Practice and Health and Safety Section 18 Guidance.

The Council is committed to improving health and safety and food safety outcomes from the interventions that it undertakes. We target these interventions on those stakeholders and duty holders that can most influence the reduction of health and safety and food safety risk with an emphasis on stopping those who seek to take economic advantage from non compliance with legislation. At all times we will give priority to those activities giving rise to the most serious risk and where the risks are most poorly controlled.

We also seek to engage with a variety of partners in the public and private sector in order to deliver this plan.

This document is approved by the relevant Committee of the Council and this plan supports the Corporate Strategy

### **Services to be provided in 2016/17**

There will be a risk based regulatory approach to both services meeting the requirements of the Food Law Code of Practice and the regulatory guidance issued by the Health and Safety Executive.

There will be a focus on poorly performing food premises that are not broadly compliant with food safety law and on premises where intelligence is gathered that shows them to be operating unsafely.

The team will continue to support all businesses helping them to be safe.

Leicestershire Local Authorities have agreed upon county wide work plans for both Health and Safety and Food Safety. Oadby and Wigston will contribute to achieving both of these plans. (Appendix 1).

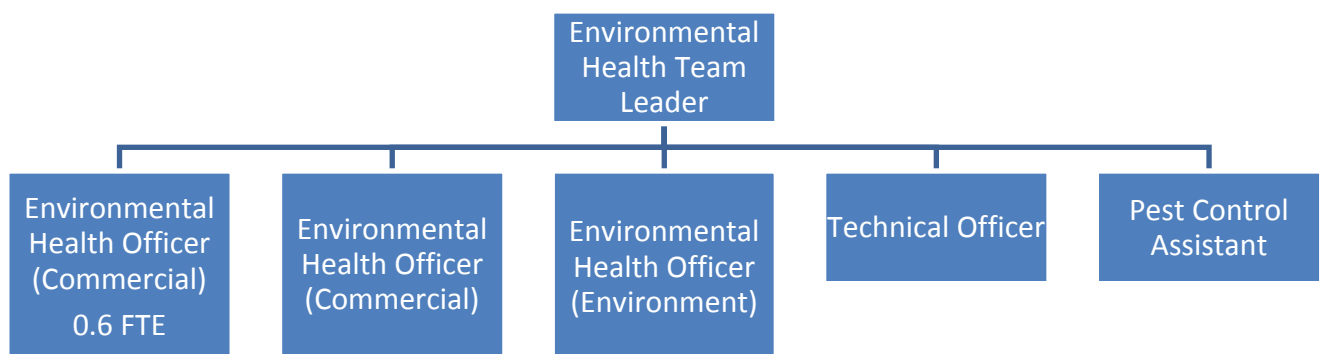
## The area

Oadby and Wigston is a predominately urban area on the outskirts of Leicester. The businesses are, in the main, small and locally based with some being larger nationally based retailers.

The Council has a Committee structure and matters relating to the food and safety services report to the Licencing and Regulatory Committee. In addition there is direct contact between the elected Chair of the Committee and officers of the service.

These services are located in the Environmental Health Team which is also responsible for private sector housing regulation, environmental protection regulation, pest control and other services. The Team is part of Community Services. The team has undergone a period of change in 2015/16 and has been supported by the engagement of interim staff. Employees are being recruited and it is expected that permanent staff will be in place for all posts during the year covered by this plan.

## Health and Safety and Food Safety Services



Commercial Environmental Health Officers (EHO) carry out the full range of Food Safety interventions and Health and Safety controls with the assistance of the Technical Officer where appropriate. The officers involved in the food safety and health and safety functions, also deliver infectious disease control, licensing, health promotion and advice for planning applications. As the Health and Safety service is usually of limited extent and demand led (refer to the scope of the service) it is not possible to accurately allocate resources between the services. The Environment EHO does not currently contribute to these services and the Pest Control and Technical Officer contribute less than 0.1 FTE each. The Team Leader is responsible for all services and general management duties of which approximately

0.5 Full Time Equivalent (FTE) is allocated to the commercial health functions. When full time staff are recruited to replace interim staff the overall allocation of resources will remain the same but the division of activities between individual officers may change subject to their skills and competencies. As officers multitask between these two services and other related services the budgets cannot be accurately apportioned between the services. The cost of the services is contained within the overall direct cost service budget and will equate to a direct service cost of approximately £82,000 for both services. This may vary somewhat to take into account differential demands for services throughout the year.

Officers when appointed will undergo a competency assessment for the Food Safety Code of Practice and the RDNA for Health and Safety. These assessments have already been carried out for the interim staff. These will be reassessed annually and development and training will take place to meet individual skill gaps, for the development of the service or to address changes in business profiles. Officers routinely attend Continuing Professional Development training and meet the Food Law Code of Practice CPD requirement.

Interventions and investigations are subject to quality and consistency audits which are, where necessary, linked to the training programme.

Interventions and investigations are carried out during the working day and also in the evenings and weekends as necessary. The majority of inspections are unannounced. For businesses that are open infrequently, carried out from domestic premises or where an audit of process plans is to be undertaken the inspections may be made by appointment. Investigations are carried out as necessary and may be by appointment or unannounced as required to undertake a thorough investigation.

The Council has a Corporate Enforcement Policy underpinned by specific service area enforcement policies and officers have regard to these policies and national guidance when reaching enforcement decisions. The majority of the enforcement actions will be informal although in serious cases officers are Authorised to serve statutory notices and where necessary initiate legal proceedings.

The Environmental Health Team regularly liaises with and where appropriate supports the following organisations;

Food Standards Agency  
Leicestershire Food Liaison Group  
Leicestershire Health and Safety Liaison Group  
Public Health England  
DEFRA  
Health and Safety Executive  
Leicestershire Trading Standards  
Care Quality Commission  
Primary Authorities designated by the Primary Authority Scheme  
Any other organisation required to successfully deliver the services.

## Scope of the Food Safety Service

*All figures are extrapolated from the data available at 22.03.16 and there may be slight variations in the figures due to year end inspections.*

There is a mixed makeup of types of premises predominately being small to medium sized catering or retail business although some larger national retailers have premises in the district. There is only one business that requires Approval for manufacturing and one business that exports food products. As in most areas there are a relatively large number of new businesses that open each year but only trade intermittently or for relatively short times, these include some childminders, home bakers etc. These tend to be low risk premises and are not usually routinely inspected after the first assessment visit.

Low risk premises receive a questionnaire or a simple visit once every three years to re assess their risk. Interventions for other premises will be predominately by inspection and audit although other interventions will be used where they are sufficiently rigorous to allow the premises to be risk rated or where the premises are broadly compliant with the legislation.

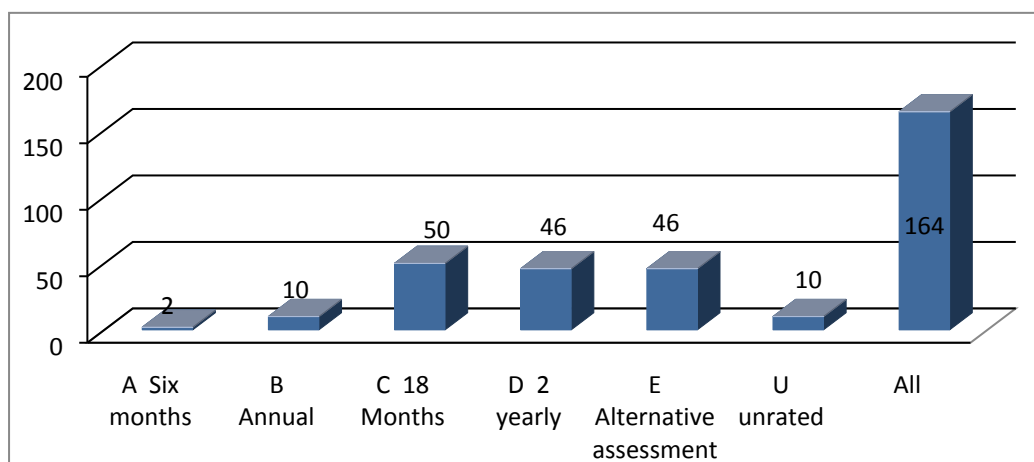
Complaints about food safety and food premises are received and investigated as necessary. Similarly investigations of food poisoning outbreaks or single cases are investigated in cooperation with Public Health England. These are demand led services but approximately 15 per year can be expected to be investigated although a greater number of food poisoning/infectious disease cases may receive assessment questionnaires.

Sampling of food has not been undertaken in previous years unless as part of an investigation however this will be reviewed in the course of the year when full permanent staffing is achieved. It is then anticipated that food sampling will be undertaken in conjunction with Public Health England and the Leicestershire Food Liaison Group.

A Lead Food Officer is appointed and this officer is responsible for the technical operation of the Service and is the point of contact for the Food Standards Agency and Leicestershire Food Liaison Group for the exchange of information and good practice.

Premises are routinely inspected as required by the Food Law Code of Practice risk rating scheme and the interventions required for 2016/17 are shown in the chart below. High risk premises receive a higher frequency of inspection than low risk. However in the food industry there is a high rate of change of ownership of businesses that can lead to significant changes of risk between inspections.

The number of food business interventions due for 2016/17 is as follows:



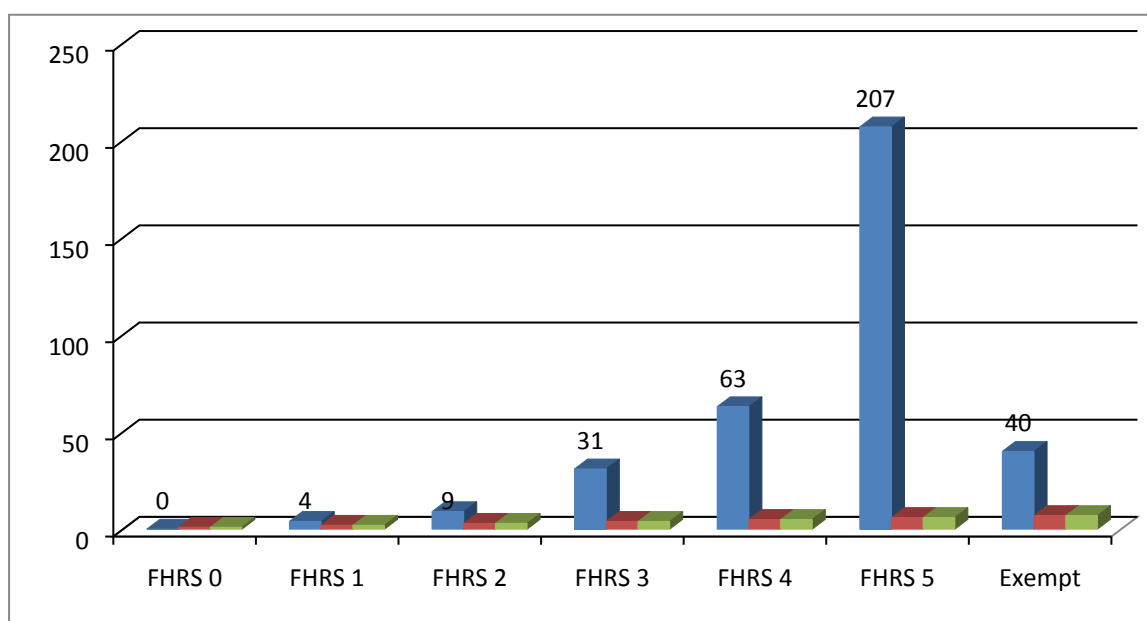
Unrated premises are those that have registered but have not yet opened or been inspected. In total there are **386 food** premises of which **95%** are “broadly compliant” with the food hygiene requirements.

In addition the food hygiene rating scheme (FHRS) gives each premises a numerical rating based on their food safety systems, structure and confidence in management. The ratings range from 0 to 5, and can be posted on the premises and are publicly available at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings)



### Overall FHRS scores

0= Urgent Improvement Necessary to 5 = Very Good



*Some premises are registered but do not receive FHRS ratings.*

In addition to the routine intervention activity there will be a special project for premises that have poor hygiene and are in the 0-2 FHRS bands. This will offer support and coaching to improve the understanding of the food business proprietors but where this does not achieve the desired improves formal action will be taken where possible.

There are requests to issue export certification for a food manufacturer in the Borough.

The Team will also take part in the special Projects identified by the Leicestershire Food Liaison Group. **See Appendix 1.** The exception may be for the sampling project as outlined previously.

## **Scope of the Health and Safety Service**

The Borough of Oadby and Wigston is responsible for regulating the standards of health and safety in the commercial workplaces in the Borough. The responsibility is shared with the Health and Safety Executive who are responsible for the industrial premises. As there is no registration scheme for workplaces the exact number of premises for which the Council is responsible is not known though is likely to be in the order of 700.

The emphasis has moved away from the traditional regulatory model of inspection and enforcement to one of working with and supporting businesses to maintain and improve the safety of their work places. We will seek to do this by continuing to place articles and information on our website and signposting information on the Health and Safety Executive website. We will also place articles, advice and information in Letterbox.

The mandatory guidance from the Health and Safety Executive allows proactive inspections of only the highest risk premises. There are no such premises allocated to this Borough and so routine proactive inspections are not undertaken.

Inspections or assessments may be carried out where there is intelligence for high risk activities within the specific sectors and circumstances as published by the HSE. These details are not expected to be available until after the start of the year. In past years only some of the sectors have been applicable to this area for example last year a priority was petting farms but there are none in the Borough. It is expected that current resources will be sufficient to meet the national priorities however if this is not the case this plan will be revised during the year.

The area of concern that has been identified by the Leicestershire Health and Safety liaison Group is "Large Events". These are not usually held in Oadby and Wigston where events tend to have fewer than 1500 people attending. However if relevant events are held they will be subject to attention this year.

Accidents are reported to the Council and these are subject to assessment (using the Incident Selection Criteria Guidance) to decide if they should be investigated. Only serious accidents (major broken bones and worse) are likely to meet the criteria for investigation. The number of accidents investigated is fairly constant however should there be an extended investigation or a death to investigate resources may need to be redeployed or assistance obtained from another local authority. The number of serious accidents to be investigated is expected to be fewer than 20 and resources are available to meet this demand as only a small proportion will warrant investigation.

Complaints about Health and Safety in local businesses are received and the complainant will receive a response and advice. Where the complaint gives good intelligence of a failure in health and safety management this may result in an inspection or investigation of the premises. It is anticipated that approximately 10 complaints will be received.

### **Summary**

These services contribute to the health and wellbeing of the residents and visitors to Oadby and Wigston. They also help to improve business confidence and promote well performing businesses in the Borough. In the current environment it is expected that these plans will be reviewed and improved throughout the year in response to the changing regulatory and technical environment.

**Appendix 2**  
**Leicestershire Food Liaison Group - Work Plan 2016**

Key Priority Theme	Activity	Implementation Date	Completion/Review Date	Lead Responsibility
Performance	<u>Sampling</u> (a) Complete 2016/17 Programme	1 April 2016	31 March 2017	Food, Water & Environment Lab, Birmingham in conjunction with all Authorities
	Draft Protocols for sampling subjects	2 months prior to sampling topic	31 March 2017	Food, Water & Environment Lab, Birmingham in conjunction with all Authorities
	<u>Peer Review / Inter Authority Auditing</u>  Carry out a peer review exercise.	30 June 2016	31 March 2017	All
	<u>Food Hygiene Promotion</u>  Develop an article, newsletter or some other media supporting a Food Safety Week.	1 April 2016	30 June 2016	All including Rutland
	<u>Food Hygiene Rating Scheme</u> Continue to improve the Food Standards Agency (FSA) Food Hygiene Rating Scheme	1 April 2016	31 March 2017	
	<u>Intervention Policy</u> To draft a common Intervention Policy for all LAs	1 April 2016	30 <sup>th</sup> September 2016	TBC



Page 19

Key Priority Theme	Activity	Implementation Date	Completion/Review Date	Lead Responsibility
Inter Agency Working	Invitation to Dairy Hygiene & Egg Inspectorate to attend one meeting	1 April 2016	31 December 2016	Secretary
	Review of Officer Training needs in Leicestershire following competency assessments.	1 April 2016	30 September 2016	Training Officer/All Authorities
	Carry out an inter authority review on the assessment of competency of Lead Food Officers in the County	1 April 2016	30 September 2016	All LAs
	To facilitate one joint project with Trading Standards Officers in the County on display of Food Hygiene Rating Stickers	30 June 2016	31 March 2017	Leicestershire County Council Trading Standards
Continuing Professional Development	<u>Facilitation of Courses</u>			
	Arrange 2 courses for Enforcement Officers in the County.	1 April 2016	31 March 2017	Training Officer

(ss/health/WorkPlan16) Feb.2016 Steve Merry

# Agenda Item 7



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 07 April 2016</b>	<b>Matter for Information and Decision</b>
---	------------------------------------	--

**Title:** **Review of Fees and Charges for Environmental Health –  
Private Sector Housing**

**Author:** **Robert Watson - Environmental Health Officer**

---

## **1. Introduction**

- 1.1. The chargeable private sector housing functions undertaken by the Environmental Health team include the enforcement of housing standards, licensing of certain houses in multiple occupation and the provision of housing accommodation certificates for immigration purposes.
- 1.2. The current fee structure for the above functions is not consistent with the cost of offering the services and requires review to ensure the cost to the authority is recouped where allowed by legislation. This report presents the proposed fees and charges for providing these services which the Constitution places with the remit of this Committee. The proposed costs are based on officer time spent and are similar to those charged by other authorities.

## **2. Recommendations**

That Members:

- 2.1. Approve the new fee structure outlined in Appendix 1 (fee calculations are illustrated in Appendix 2); and
- 2.2 Approve a ten week period for the processing of a House in Multiple Occupation Licence or re-licence application after which tacit consent will apply, as described in this paragraph 3.5 of the report.

## **3. Information**

### **3.1. HMO Licensing**

- 3.1.1. Local authorities have a variety of powers to charge for specific statutory services set out in statute. The Local Government Act 2003 also provides a power to charge for discretionary services, the latter on a costs recovery basis. Discretionary services are those that a local authority is permitted to provide under statute but is not obliged to do so. The power to charge for discretionary services is not available to local authorities if there is a statutory duty to provide the service or if there is a specific power to charge for it or if there is a prohibition on charging.
- 3.1.2. Additionally the Localism Act 2011 provides local authorities with a general power of competence that confers on them the power to charge for services but again subject to conditions/limitations similar to those noted above.
- 3.1.3. Where authorities have a duty to provide a statutory service free of charge to a

certain standard, no charge can be made for delivery to that standard, however delivery beyond that point may constitute a discretionary service for which a charge could be made. The current mandatory HMO licence fee in Oadby and Wigston is set at £350 for a five year licence. This fee does not cover the cost of completing and issuing the licence. The proposed fee although based on officer time spent is considered an average fee considering what is charged elsewhere with fees ranging locally from £610 to £1150.

- 3.1.4. The Provision of Services Regulations 2009 came into force in December 2009; this EU Services Directive requires that all licence applications must be processed as quickly as possible and, in any event, within a reasonable time period. When a local authority does not respond to an application within the specified time the application will be granted in default, known as 'tacit consent' and a fee will not be recoverable. Currently Oadby and Wigston has no defined timescales in place.
- 3.1.5. It is proposed to set a time period of 10 weeks in which an HMO Licence or licence renewal must be approved and tacit consent can then be applied if it is not. Any application processing 'clock' will not start until all required documentation has been received and will operate on a stop/start time basis when responses are required/during consultation periods/ further information requested/inspections is awaited etc.
- 3.1.6. As a general principle it is proposed that the Council will continue to issue licenses for a five year period.

## **3.2. Immigration**

- 3.2.1 People immigrating to the UK from outside the European Economic Community (EEC) must confirm that the housing they're moving into will be in a suitable condition and will not be overcrowded
- 3.2.2. The Immigration Authority asks the 'sponsor' for written proof that this is the case. The British High Commission normally asks for an inspection to be carried out by a suitably qualified surveyor or Environmental Health Officer. The council therefore produce an Accommodation Certificate for this purpose. As this is not a mandatory service the Council charge for the service and at present the charge does not cover the cost to the authority.
- 3.2.3 The cost reflects 2.5 hours of officer time and is based on a standard inspection for this type of service.

## **3.3. Recovery of Enforcement Action Cost**

- 3.3.1. The Council undertake various enforcement action in relation to private sector housing. This action is predominantly taken against private landlords requiring them to make their rented properties safe. The costs involved in taking certain enforcement action can be recovered and can be placed as a Local Land Charge against the property until recovered. The cost of this work is not being fully recovered at present and therefore an increase in the charges is deemed necessary.

**Email:** robert.watson@oadby-wigston.gov.uk

**Tel:** (0116) 257 2679

<b>Implications</b>	
Financial	An appropriately set charging scheme will ensure services continue to be provided whilst providing value for money.
Legal	The approval of the charges ensures future enforcement action, which may be subject to legal challenge is robust.
Risk	The increase in fees is necessary to off-set rising costs. There is an element of risk in setting the correct fee and any proportionate level of increase. This risk has been minimised by basing the fee on time spent undertaking the relevant function.
Equalities	The fees and charges are to be applied openly and consistently to all.



## ***Oadby and Wigston Borough Council***

### **Private Sector Housing Fees and Charges**

#### **Houses in Multiple Occupation (HMO) Licensing**

A new mandatory licence application	<b>£755</b>
Licence Renewal applications	<b>£620</b>

#### **Additional Fees**

If application is received as a result of a Council investigation into an unlicensed property	<b>£200</b>
Additional letting rooms above 5	<b>£25 per room</b>

#### **The proposed licence holder may claim any of the following deductions**

Another licence issued by the authority is held by the applicant	<b>£50</b>
Applicant is a member of the Midland Landlord Accreditation Scheme, DASH Accreditation Scheme or ANUK/UNIPOL full member	<b>£100</b>
Applicant is a member of the Residential Landlords Association (RLA) or National Landlords Association (NLA)	<b>£50</b>

**Housing Accommodation Certificates**

Visit and subsequent certificate	<b>£115</b>
Change of details in the event of incorrect information provided by applicant	<b>£25</b>

**Enforcement Action Recharge Costs under section 49 Housing Act 2004**

Hourly charge of £46 per hour.

**Appendix 2**  
**New House in Multiple Occupation Licence Application**

Action	Admin Time	EHO Time
Enquiry Received, entered on computer and information pack		
1 sent out	00:30	
<b>2 Application Form Returned</b>	00:15	
Enter detailed data from application form on to computer and		
3 make up new/existing file	00:30	
<b>File Passed to EHO</b>		
Check application valid e.g. all compulsory questions completed		
4 and correct fee included; Clarify incomplete/inconsistencies		01:00
5 Process payment fee	00:30	
6 Acknowledgement letter & receipt sent to app	00:30	
7 Examine certificates submitted with licence		00:30
8 Fit and proper person check completed		01:30
9 Visit property to check licence details and HHSRS assessment		03:00
10 Prepare draft licence and associated documents		02:00
11 Serve draft on interested parties		01:00
12 Receive, consider and respond to representations		01:30
13 Prepare licence and associated documents		02:00
14 Check and sign licence documents		00:30
15 Serve licence documents		00:15
16 Add licence to computer database/file	00:30	
17 Serve interested parties copy of licence	00:30	
18 Add licence to public register & inform council tax	00:30	
19 Additional 1 - Complex Case		
20 Additional 2 - Additional rooms >5 per room		00:30
21 Additional 3 - Production of drawings		02:00
22 Additional 4 - Resolve Application Form Queries		
Additional 5 - Application received as result of council		
23 investigation		
<b>Total</b>	03:45	13:15
<b>Total Hours as a decimal</b>	3.75	13.15
<b>Hourly Rate</b>	39.54	46.11
Cost	148.275	606.3465
<b>Total Hours for Licence Fee</b>		
<b>Total Cost of Licence</b>	754.62	

## Renewal HMO Application

Action	Admin Time	EHO Time
Enquiry Received, entered on computer and information pack		
1 sent out	00:30	
<b>2 Application Form Returned</b>	00:15	
Enter detailed data from application form on to computer and		
3 make up new/existing file	00:30	
<b>File Passed to EHO</b>		
Check application valid e.g. all compulsory questions completed		
4 and correct fee included; Clarify incomplete/inconsistencies		01:00
5 Process payment fee	00:30	
6 Acknowledgement letter & receipt sent to app	00:30	
7 Examine certificates submitted with licence		00:30
8 Fit and proper person check (completed in previous app)		00:00
9 Visit property to check licence details and HHSRS assessment		03:00
10 Prepare draft licence and associated documents		01:30
11 Serve draft on interested parties		01:00
12 Receive, consider and respond to representations		01:30
13 Prepare licence and associated documents		01:00
14 Check and sign licence documents		00:30
15 Serve licence documents		00:15
16 Add licence to computer database/file	00:30	
17 Serve interested parties copy of licence	00:30	
18 Add licence to public register & inform council tax	00:30	
19 Additional 1 - Complex Case		
20 Additional 2 - Additional rooms >5 per room		00:30
21 Additional 3 - Production of drawings		
22 Additional 4 - Resolve Application Form Queries		
Additional 5 - Application received as result of council		
23 investigation		
<b>Total</b>	03:45	10:15
<b>Total Hours as a decimal</b>	3.75	10.25
<b>Hourly Rate</b>	39.54	46.11
Cost	148.28	472.63
<b>Total Hours for Licence Fee</b>		
<b>Total Cost of Licence</b>	620.90	



## Accommodation Certificate

Action	EHO Time
1 Enquiry Received, entered on computer by Customer Services	00:00
2 Contact with customer made, details verified and case file updated	00:15
3 Inspection of property	01:00
4 Assessment of permitted numbers	00:15
5 Completion of accommodation certificate and associated correspondence	01:00
<b>Total</b>	02:30
<b>Total Hours as a decimal</b>	2.50
<b>Hourly Rate</b>	46.11
<b>Cost</b>	115.28
<hr/>	
<b>Total Cost of Certificate</b>	<b>£115</b>

# Agenda Item 8



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 07 April 2016</b>	<b>Matter for Information and Decision</b>
---	------------------------------------	--

**Title:** Fire and Amenity Standards for Houses in Multiple Occupation

**Author:** Robert Watson - Environmental Health Officer

---

## 1. Introduction

- 1.1. A House in Multiple Occupation (HMO) is a property occupied by 3 or more unrelated persons living in 2 or more households where there is sharing of facilities such as a kitchen or bathroom. HMO's are a lucrative, fast growing area of the private rented sector and generally offer the cheapest accommodation with tenants renting a single room or bedsit with some sharing of facilities.
- 1.1. There are particular risks associated with HMO accommodation, chiefly fire, overcrowding and poor management. Occupiers are sixteen times more likely to die from fire in a three storey property of this type than an ordinary single family dwelling. Occupiers of HMOs also tend to have the least ability to choose their housing and hence it is appropriate that the standards at least meet the legal minimum.
- 1.1. The attached documents look to act as a guide to assist landlords in complying with the minimum acceptable standards that are applicable to HMOs and refer to recommended standards for fire protection, room sizes, management and amenity provision. The standards are based on local needs and HMO's within the area will be assessed against these locally adopted standards. It is intended that the adoption of the standards will support future enforcement action by providing a framework in which landlords, agents and managers must operate.

## 2. Recommendations

That Members:

- 2.1. Approve the adoption of the attached 'Amenity Standards for Houses in Multiple Occupation' (Appendix 1) and 'Guide to Fire Safety in Houses in Multiple Occupation' (Appendix 2).

## 3. Information

- 3.1. The Housing Act 2004 introduced a risk based assessment of dwellings for disrepair, fire safety and other health and safety risks in the home named the Housing Health and Safety Rating System (HHSRS). The documents in Appendix 1 and 2 aims to give guidelines which need to be achieved to ensure properties are brought up to and maintained at an acceptable standard within the recommendations of the HHSRS guidance.
- 3.2. These standards are, therefore, intended to be flexible, to allow for the variation of risk between individual properties. Oadby and Wigston has two HMOs requiring a licence and approximately 25 HMO's that do not require a licence, the standards are to apply to both licensable and non-licensable HMO's. It is likely that there are numerous other

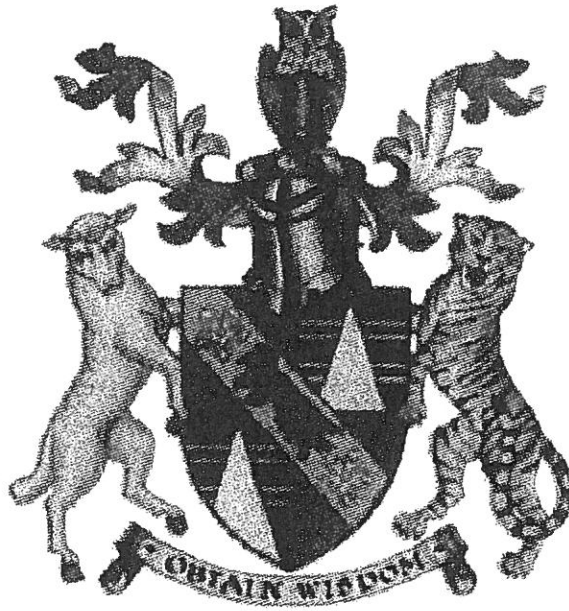
HMO's which has yet to be found.

- 3.3. The Government has prescribed certain standards that must be met in Houses in Multiple Occupation (HMOs) that are Licensable under the Housing Act 2004. These Prescribed standards are for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons. The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation and other Houses (Additional Provisions) (England) Regulations 2007 also apply and have been taken into account in the setting of the local standards
- 3.4. Local authorities also have discretion to introduce 'additional or selective' licensing schemes for different types of HMO and other accommodation, if local needs support it. HMO accommodation is not considered to present problems locally which would support the need to introduce additional or selective licensing schemes within Oadby and Wigston.

**Email:** robert.watson@oadby-wigston.gov.uk

**Tel:** (0116) 257 2679

<b>Implications</b>	
Financial	There are no financial implications relating directly to this report. The cost associated with compliance with these Standards is not likely to cause undue financial hardship to landlords.
Legal	The adoption of these Standards ensures that future enforcement action is supported by locally agreed standards to provide clear guidance.
Risk	If the standards are not implemented there is a risk of damage to the health of residents and reputational risk in not implementing enforceable standards.
Equalities	The policy will be applied openly and consistently to all owners of HMO's and protect the rights of the tenants.



# **Amenity Standards for Houses in Multiple Occupation**

This document gives advice to anyone involved with letting out housing in the private rented sector, whether as an individual letting or as a House in Multiple Occupation (HMO). Higher risk HMOs require licences and this guidance may well form the basis of conditions attaching to a licence.

**Oadby & Wigston Borough Council,  
Council Offices , Station Road, Wigston  
Leicestershire LE18 2DR TEL: 0116 2888961**

# **CONTENTS**

	Page No
<b>Introduction.....</b>	<b>3</b>
<b>Definitions &amp; Categories.....</b>	<b>4</b>
<b>1 Heating.....</b>	<b>6</b>
<b>2 Washing Facilities, Sanitary Conveniences (Shared).....</b>	<b>7</b>
<b>3 Kitchens (Shared).....</b>	<b>10</b>
<b>4 Units of Living Accommodation Without Shared Basic Amenities.....</b>	<b>12</b>
<b>5 Fire Precautionary Facilities.....</b>	<b>15</b>
<b>6 Natural and Artificial Lighting.....</b>	<b>15</b>
<b>7 Ventilation.....</b>	<b>16</b>
<b>8 Drainage.....</b>	<b>16</b>
<b>9 Refuse, Storage and Disposal.....</b>	<b>17</b>
<b>10 Electricity Supply.....</b>	<b>17</b>
<b>11 Gas Safety.....</b>	<b>18</b>
<b>12 Furniture Safety.....</b>	<b>18</b>
<b>13 Personal Safety and Security.....</b>	<b>19</b>
<b>14 Thermal Efficiency.....</b>	<b>19</b>
<b>15 Asbestos.....</b>	<b>19</b>
<b>16 Space Standards.....</b>	<b>20</b>
• One Person Units Of Accommodation	
• Two person Units Of Accommodation	
• Common Rooms	
• Hostel/ Dormitory/ Board and Lodgings	
<b>17 Management.....</b>	<b>23</b>
• Introduction	
• General Management Duties	
• Enforcement	
• Prosecution	
 <b>Appendix A</b>	 <b>25</b>
Management of Houses in Multiple Occupation (England)	
Regulations 2006	

## **INTRODUCTION**

This document gives advice to anyone involved with letting out housing in the private rented sector, whether as an individual letting or as a House in Multiple Occupation (HMO). Higher risk HMOs require licences and this guidance may well form the basis of conditions attaching to a licence.

The document sets out the legal framework and gives guidance for living space, amenities, fire safety and good management, adopted in this local authority area. It is not meant to explain the detail of the law – if this is needed you should seek legal advice or refer to the specific legislation.

### **Legislative Background.**

Part 1 of the Housing Act 2004 introduced a new method of assessing whether housing conditions are a risk to the health of the occupiers, called the Housing Health & Safety Rating System, or 'HHSRS'. It looks at 29 hazards, such as falls on stairs, and assesses the likelihood of an incident occurring that causes harm, and the likely severity of that harm. If the local authority assesses a hazard as Category 1 (severe), the authority has a duty to take action to reduce the hazard to an acceptable level. In less severe cases, referred to as Category 2, the authority has the power to take action, rather than a duty. The range of actions available include requiring the owner of a property to carry out improvements, prohibiting the use of parts of a property, the authority taking emergency action itself, serving an enforcement notice or, where appropriate, requiring the demolition of the property.

HHSRS applies to all residential property irrespective of how it is occupied. In privately rented property, it will be the main method of the authority making judgements about whether enforcement action is needed to remedy unsatisfactory conditions, and the action to be taken.

The Management of Houses in Multiple Occupation (England) Regulations 2006 (SI2006/372) sets out the responsibilities of the manager of an HMO. Section 17 gives further information and the actual regulations are attached as Appendix A.

Part 2 of the Housing Act 2004 requires the licensing of higher risk HMOs. When considering an application, the authority must be satisfied that the property is reasonably suitable for occupation by the number of people proposing to live there.

Some standards are prescribed in The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006 (SI2006/373). The Authority also has power to specify other standards.

Section 67 of the Housing Act 2004 enables a local authority to issue a licence subject to conditions.

This guidance has been based on those recommended by the Chartered Institute of Environmental Health and subsequently amended following changes in the law. They have been prepared in co-operation with all local authorities in Hertfordshire and Bedfordshire to provide a consistent approach to housing across the counties. This authority has considered local needs before adopting them for use in this borough.

The structure of this document identifies

- **legal requirements which are set out in bold type, and**
- Guidance that gives greater explanation of what is required is set out in boxes that follow each legal requirement.

## Definitions and Categories of Property.

House in Multiple Occupation	A house which is occupied by people who do not form a single household and share basic amenities such as bathroom, toilet and kitchen facilities.
House	'House' is not conclusively defined in legislation but includes flats, blocks of flats and the grounds, outbuildings and boundaries.
Household	Each of these is a single household <ul style="list-style-type: none"><li>• a single person;</li><li>• co-habiting couples whether or not of the opposite sex;</li><li>• families of related people.</li></ul>
Licensable HMO	An HMO that is



- 3 or more storeys high including habitable basements and attics and commercial property, **and**
- occupied by 5 or more people, **and**
- occupied by people as their only or main home.

#### **Further Advice and Information .**

If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, contact

**Oadby and Wigston Borough Council – Environmental Health Department:**  
Leicester (0116) 288 8961

[http://env.health@oadby-wigston.gov.uk](mailto:env.health@oadby-wigston.gov.uk)

**Planning Permission** may be required if an owner is considering major conversions, extensions or a change of use from a single family home or if the property has protected status. For more details contact:

**Oadby and Wigston Borough Council - Planning Department:**  
Leicester (0116) 257 2636

[http://www.oadby-wigston.gov.uk/contacts/development\\_control](http://www.oadby-wigston.gov.uk/contacts/development_control)

**Building Regulation approval** may be required if an owner is considering conversion, adaptation or structural alterations. For more details contact

[http://www.oadby-wigston.gov.uk/contacts/building\\_control](http://www.oadby-wigston.gov.uk/contacts/building_control)

**The Building Control Division, Oadby and Wigston Borough Council.**  
Leicester (0116) 257 2657



## **1 HEATING**

- .1 Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.**

- .1** Heating shall be provided in every habitable room and bathroom capable of maintaining a temperature of 20 degrees Celcius (°C) when the outside temperature is -1 °C. (The provision of insulation can assist in meeting this standard.)
- .2** The heating provision must be capable of being safely used at any time and be suitably guarded.
- .3** Heating may be by means of:-
- .1** Central Heating, or
  - .2** Gas heaters connected to a suitable flue and terminal outlet, or
  - .3** Oil heaters connected to a suitable flue and terminal outlet, or
  - .4** Electricity. In some circumstances, the sole use of electricity may be acceptable to heat a dwelling but if you propose to use this method of heating you must discuss it with your local authority. Individual heaters must be a fixed installation.
  - .5** Solid Fuel (in the form of an authorised smokeless fuel or alternatively solid fuel burnt in a smokeless appliance.) If solid fuel is used, proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation.
- .4** Wherever practicable, heaters (excluding radiators) shall be fixed to an existing chimney breast or otherwise positioned so as to direct heat towards the centre of the room.
- .5** All such appliances shall be maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the Gas Safety (Installation & Use) Regulations 1998.
- .6** The use of portable paraffin or oil fired heaters and liquefied petroleum gas heaters (LPG) (bottled gas heaters) are prohibited under any circumstances, whether provided by the landlord or the tenant.

## **2 WASHING FACILITIES, SANITARY CONVENIENCES (Shared)**

.1 Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household:

(a) where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom);

(b) where there are five or more occupiers sharing those facilities there must be:

(i) one separate toilet with wash hand basin and appropriate splash back for every five sharing occupiers; and

(ii) at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

The provision of **washing facilities** shall be for exclusive use wherever possible but otherwise, as follows:

<b>Number of occupiers sharing</b>	<b>Washing Facilities</b>
Up to 5 people	One bathroom with wash basin and bath or shower
6 to 10 people	Two bathrooms

### **.1 Wash Basins**

One standard sized washbasin, (approx 550mm x 400mm) with a 300mm waterproof splash back with cold and constant hot running water shall be supplied in each shared bath/shower room serving a maximum of five occupiers.

### **.2 Bath and Shower Facilities**

A readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room together with adequate drying and changing space, shall be provided. A 300mm waterproof splash back to the bath is to be provided. In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the showerhead and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls or a complete self-standing cubicle.

### **Toilet Facilities**

<b>Number of occupiers sharing</b>	<b>Toilet Facilities required</b>
1- 4 occupiers	1 toilet may be incorporated within the bathroom
5 occupiers	1 toilet to be separate from the bathroom (although may be in second bathroom)
6 – 8 occupiers	2 toilets may be sited within 2 separate bathrooms
9-10 occupiers	2 toilets. 1 toilet must be separate from any bathrooms
11+ occupiers	3 toilets. 1 toilet must be separate from any bathrooms or provision of a 4th toilet separate from any bathroom.

.3 Each separate toilet compartment shall be provided with a suitable wash basin with cold and constant hot water and a 300mm tiled splash back.

.4 External toilets shall be ignored.

**.2 Having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash hand basins, toilets and bathrooms, where reasonably practicable there must be a wash basin with appropriate splash back in each unit except where a sink has been provided**

.1 In some circumstances, a wash basin may not be required, you will need to discuss this with your licensing officer. Where wash basins are required, the splash back to a wash basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be adequately sealed.



- .3 All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.**

.1 The bath/shower, with adequate cold and constant hot water supplies, shall be available at all times.

- .4 All bathrooms in an HMO must be suitably and adequately heated and ventilated.**

.1 Heating provisions are detailed in 1.1 above and the ventilation provisions are detailed in paragraph 7.0 below.

- .5 All bathrooms and toilets in an HMO must be of an adequate size and layout.**

.1 See space standards and room sizes in '16', below.

- .6 All baths, toilets and wash hand basins in an HMO must be fit for the purpose.**

- .1 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being easily cleaned.
- .2 All sanitary fittings must be of non-absorbent material and capable of being easily cleaned.

- .7 All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.**

- .1 A bathroom shall be no more than one floor distant in relation to the bedroom.
- .2 A toilet shall be no more than one floor distant from living and bedrooms.
- .3 Where shared, these facilities must be accessible from a common area.

### **3 KITCHENS (Shared)**

**3.1 Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food:**

**(a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;**

**(b) the kitchen must be equipped with the following, which must be fit for the purpose and supplied in sufficient quantity for the number of those sharing the facilities –**

**(i) sinks with draining boards;**

**.1 A suitable sink and drainer in good condition and of minimum dimensions 500 x 1000 mm set on a stable base or support shall be supplied at the ratio of one sink for 5 occupiers.**

**.2 Where a house is occupied by 6 -10 occupiers, either the provision of a double bowled sink or a dishwasher in addition to a single sink may be treated as meeting this requirement, where the Council considers that such provision adequately meets the occupiers needs. Where practicable, a waterproof splash back shall be provided to the sink and draining board and all joints shall be adequately sealed. The sink(s) shall be connected to the drainage system via a suitable trap and provided with a plug and chain or equivalent.**

**(ii) an adequate supply of cold and constant hot water to each sink supplied;**

**.4 An adequate supply of cold drinking water and constant hot water. Stand alone water heaters are not a satisfactory supply of hot water.**

**(iii) installations or equipment for the cooking of food;**

<b>Number of occupiers sharing</b>	<b>Cooking Facilities required</b>
1- 5 occupiers	1 full sized cooker with a minimum of 4 ring burners, a standard size oven and a grill.
6-10 occupiers	2 full sized cookers with a minimum of 4 ring burners, a standard size oven and a grill or 1 full size cooker plus microwaves as required.

**(iv) electrical sockets;**

- .5 Four sockets per five occupiers sharing the kitchen shall be provided to be sited above the worktops, plus one socket for each fixed appliance. See 4.1.4.
- .6 Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.
- .7 Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.

**(v) worktops for the preparation of food;**

- .8 A worktop or table of smooth and impervious material of minimum size 500mm x 1500mm per 5 occupiers and suitably located; this is to be in addition to any space taken up by any large appliance, sink unit or cooker.

**(vi) cupboards for the storage of food and kitchen or cooking utensils;**

- .9 Each separate occupancy shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or a single base unit is required per occupancy for the storage of dry goods and utensils, although occupancies comprising more than one individual will require additional space. If located in a communal kitchen, the dry goods storage shall be lockable or otherwise secure. The space in a unit below the sink will not be accepted for the above purposes.



- (vii) refrigerators with an adequate freezer compartment (or where the freezer compartment is not adequate, sufficient separate freezers);

.10 If possible, separate fridges should be provided per occupancy. Otherwise, each separate occupancy shall be provided with at least one shelf of refrigerator space either within the kitchen, or in an adjacent and readily accessible position. Adequate freezer space shall also be provided.

- (viii) appropriate refuse disposal facilities (see 9.0); and

- (ix) appropriate extractor fans, fire blankets and fire doors (for fire precautions see 5.0).

.11 All kitchens shall be ventilated by means of suitably sited extractor fan providing a minimum of one air change per hour. Cooker hoods are not suitable unless extracting to the outside air

#### **4 UNITS OF LIVING ACCOMMODATION WITHOUT SHARED BASIC AMENITIES.**

**4.1 Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with:-**

- (a) adequate appliances and equipment for the cooking of food**

.1 The minimum requirement is two rings/hot plates together with a minimum of a 1cubic foot/28litre oven and a grill for one person, or four rings/hot plates together with a minimum of a full size oven and a grill if provided for more than one person. A microwave oven could be substituted for one or two rings subject to agreement with the licensing officer. All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be maintained by a competent person.

- (b) a sink with an adequate supply of cold and constant hot water;**

.2 A full size sink with a draining board with a plug and a chain and a waterproof splash-back 300mm high to be provided. A wash basin shall not be used in place of a sink. Stand alone water heaters are not a satisfactory supply of hot water.

**(c) a work top for the preparation of food;**

.3 A worktop or table of smooth and impervious material that is capable of being easily cleaned and of minimum size 500mm x 1000mm for single person units, or 500mm x 1500mm for two person units. A suitable waterproof splash-back 300mm high should be provided where any work surface abuts a wall and all joints shall be adequately sealed.

**(d) sufficient electrical sockets;**

.4 Four power sockets in addition to any serving major appliances set at a convenient height and safe position above the work surface.

**(e) a cupboard for the storage of kitchen utensils and crockery; and**

.5 Each separate occupancy shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One double wall cupboard or a single base unit is required per occupancy for the storage of dry goods and utensils, although occupancies comprising more than one individual will require additional space. If located in a communal room, the dry goods storage shall be lockable or otherwise secure. The space in a unit below the sink will not be accepted for the above purposes.

**(f) a refrigerator.**

.6 If possible, separate fridges should be provided per occupancy. Otherwise, each separate occupancy shall be provided with at least one shelf of refrigerator space in a readily accessible room. Adequate freezer space shall also be provided.

**4.2 Where there are no adequate shared washing facilities provided for a unit of living accommodation, as mentioned in paragraph, 2 an enclosed and**



**adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either-**

**(a) within the living accommodation; or**

**(b) within reasonable proximity to the living accommodation.**

- .1 Washing facilities should ideally be for exclusive use but where this is not possible the following should apply
- .2 "Reasonable proximity to the living accommodation" shall mean no more than one floor away from the living accommodation.
- .3 One standard sized wash basin, (approx 550mm x 400mm) with a 300mm waterproof splash back with cold and constant hot water shall be supplied in each shared bath/shower room serving a maximum of five occupiers.
- .4 Each occupancy shall be provided, where practicable, with a bath or shower in a separate room. Otherwise, a readily accessible, standard sized bath in a bathroom, or a standard sized shower in a suitable room together with adequate drying and changing space, shall be provided. A 300mm waterproof splash back to the bath is to be provided. In the case of a shower whether it is over a bath or in its own compartment, the splash back shall be 150mm above the shower head and up to at least the edge of a fixed shower screen. Where a shower curtain is used the splash back should extend 300mm beyond the shower curtain. All joints shall be adequately sealed. Any shower shall have fully tiled walls or a complete free-standing cubicle.
- .5 Each separate toilet compartment shall be provided with a suitable wash basin with cold and constant hot water and a 300mm tiled splash back.
- .6 External toilets shall be ignored.
- .7 The bath/shower, with adequate cold and hot water supplies, shall be available at all times.
- .8 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being easily cleaned.
- .9 All sanitary fitments must be of non-absorbent material and capable of being easily cleaned.

## **5 FIRE PRECAUTIONARY FACILITIES**

**5.1 Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.**

- .1 The property shall be provided with an adequately protected means of escape from fire, together with other fire precautions including so far as necessary, a detection and a warning system with emergency lighting to the satisfaction of the inspecting officer.

Guidance is available in a separate document entitled - 'Guide to Fire Precautions in Houses in Multiple Occupation'

## **OTHER MATTERS**

The following matters are not covered specifically in the Regulations but must be considered in regard to the Housing Health and Safety Rating System and for the purposes of HMO licensing they may form part of the licence conditions.

## **6 NATURAL AND ARTIFICIAL LIGHTING**

- .1 All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows and/or door(s), the glazed area to be equivalent to at least 1/10th of the floor area and to extend normally to a point 1.75m above floor level. The window shall be so positioned that the light from the window is able to illuminate most of the room.
- .2 Windows to bathrooms and toilets are to be glazed with obscured glass.
- .3 Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and toilets. All lighting to common parts to be provided, maintained and paid for by the landlord. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect and be illuminated for ease of location. Two-way switches shall be provided on stairs and passageways as necessary.

## **7      VENTILATION**

- .1 All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than 1/20th of the floor area of that room. Alternatively a whole house ventilation system, suitable for use in habitable rooms will satisfy this standard providing it is installed and serviced in accordance with manufacturers recommendations and has room by room control.
- .2 All bathrooms shall have mechanical ventilation providing a minimum of 4 air changes an hour. Such an installation shall be fitted with an overrun device. In the case of bathrooms, this will usually be to the lighting circuit of the room but in certain cases, for example, where the fan is humidity controlled, this may not be possible.
- .3 All toilet compartments must have either an openable window or mechanical ventilation providing at least one air change per hour.
- .4 A kitchen shall have extract ventilation capable of providing at least one air change per hour.
- .5 See 16.4 for how to measure a room

## **8      DRAINAGE**

- .1 All new drainage shall comply with current Building Regulations.
- .2 The whole house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.



## **9 REFUSE, STORAGE AND DISPOSAL**

- .1 Refuse and recycling bins or containers shall be provided in sufficient numbers to meet the needs of the house and an acceptable means of disposal provided.
- .2 All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positioned so that they do not cause obstruction of footways and access ways and do not obscure natural lighting from windows below bin height.

## **10 ELECTRICITY SUPPLY**

- .1 Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as follows:

Living room	- 6 sockets
Bedroom/study	- 6 sockets
Bedroom within a letting	
comprising more than one room	- 4 sockets
Bedsits containing cooking facilities	- 4 in kitchen area
	plus 6 elsewhere
- .2 In bedsit kitchen area, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- .3 All socket outlets shall be located in positions which permit safe convenient and proper use at all times, having regard to the room layout. They shall not be positioned where the appliance cables are likely to pose a safety hazard.
- .4 All new electrical installations shall comply with Building Regulations and shall be suitably certified.
- .5 Installations must be checked at 5 yearly intervals and a certificate obtained.
- .6 Portable appliances provided by the landlord must be visually inspected either on a change of tenancy or at least annually, whichever comes first. Portable appliances must be tested at regular intervals (to be discussed with the local authority), with a certificate being provided by a competent person on completion of testing.

## **11 GAS SAFETY**

### **Gas Installations**

- .1 The Gas Safety (Installation and Use) Regulations 1998 requires landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. An annual safety check must be carried out by a CORGI registered plumber and records kept for 2 years. A copy of the safety record must be provided to each tenant and if the HMO is licensed, a copy must be sent to the Council.
- .2 The landlord must comply with the requirements of the Gas Safety (Installation & Use) Regulations 1994 (as amended). These Regulations are enforced by the Health and Safety Executive but are a requirement under the Management Regulations 2006 and form part of any licence

## **12 FURNITURE SAFETY**

- .1 The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require that certain furniture included in accommodation that is made available for let complies with the fire safety requirements detailed in the regulations. Landlords, estate agents and letting agents who let accommodation during the course of a business therefore have duties under the above regulations.
- .2 In a licensed premises the furniture safety requirements form part of the licence conditions. Further information can be obtained from your local Trading Standards Service or from the Department of Trade and Industry.

### **13 PERSONAL SAFETY AND SECURITY.**

- .1 Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and tenant's own rooms to prevent unauthorised access but permit safe egress. Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire. Appropriate arrangements must be in place to control the issue of return of house keys on changes of tenancy, or the changing of locks. Any advice on crime prevention measures provided by the Police Crime Prevention Officer must be acted on. Simple locks must be provided to communal bathrooms and toilets to provide privacy.

### **14 THERMAL EFFICIENCY**

- .1 All dwellings should be capable of achieving and maintaining a suitable room temperature without undue heat loss. To achieve this, you may need to install cavity wall insulation and/or loft insulation and or other works. You should contact your local authority or your energy provider for details of any grant aid that may be available.

### **15 ASBESTOS**

- .1 Landlords have a duty to identify and manage any Asbestos containing materials in their property. If the material is in good condition and not liable to damage or disruption, for example during alteration work, then it is normally appropriate to leave it alone. If in doubt, you should seek further advice. If you are aware of any Asbestos containing materials you should keep a record of the location and type of material and confirm that it is in a sound condition. You should then check every 6 months to see there has been no damage etc, and date and sign the record to show that you have done this.



## **16 SPACE STANDARDS**

- .1 The number of people sharing includes babies and children. Everyone must have their own allocation of space.
- .2 Everyone over the age of 10 years must be able to occupy sleeping accommodation so that they do not have to share with someone who is not a close relative or with someone of the opposite sex unless they are living together/co-habiting.
- .3 'Close relative' means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.
- .4 All habitable rooms, kitchens, bathrooms, and toilet compartments shall have a minimum floor to ceiling height of 2130mm. In the case of rooms with sloping ceilings, there shall be a minimum height of 2130mm over half of the floor area of the room. Measurements shall be taken on a plane 1500mm above the floor. Any floor area where the ceiling height is less than 1500mm high shall be disregarded.
- .5 The standards are based on usable floor area. Certain layouts may require an increase in floor area.

### **.1 One Person Units Of Accommodation**

#### **(i) One room units**

including kitchen facilities in the room	<b>11m<sup>2</sup></b>
separate individual or shared kitchen	<b>8m<sup>2</sup></b>

*Note: These room sizes can be reduced by up to 1.5m<sup>2</sup> down to a minimum of 6.5m<sup>2</sup> at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standards.*

#### **(ii) Two or more room units**

As a guide, rooms in two or more roomed units of accommodation should meet the following sizes:

Each living room/kitchen	<b>10m<sup>2</sup></b>
Each Living room	<b>8.5m<sup>2</sup></b>
Each bedroom	<b>6.5m<sup>2</sup></b>

*Note: Trade off between room sizes in 2 or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 14.5m<sup>2</sup>*

.1 A staircase, landing or any room that has been appointed as a kitchen or bathroom, shall not be used as sleeping accommodation.

## **.2 Two Person Units Of Accommodation**

### **(i) One room units**

including kitchen facilities	<b>16m<sup>2</sup></b>
where provided with a separate individual or shared kitchen	<b>13m<sup>2</sup></b>

NB. Not normally suitable for persons who are not either married couples or co-habitees.

*Note: Room sizes can be reduced by up to 2m<sup>2</sup> at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standards.*

*Note: Trade off between room sizes in 2 or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 19.5m<sup>2</sup>*



### **.3 Common Rooms**

#### **(i) Kitchens**

If more than 5 occupiers are sharing a kitchen and there is no separate dining area then the facilities must be doubled and the installation and circulation space must be adequate. The kitchen must be sited no more than one floor distance from the bedroom or suitable dining area.

	Numbers Sharing	Minimum Floor Area
<b>(i) Kitchens</b>		
	Used by 1-5 occupiers	6m <sup>2</sup>
	Used by 6-10 occupiers	11m <sup>2</sup>
The kitchen must be sited no more than one floor distant from the bedroom or living/dining room.		
<b>(ii) Dining/kitchens</b>		
	Used by 1-5 occupiers	8.5m <sup>2</sup> .
	Used by 6-10 occupiers	12.5m <sup>2</sup> .
<b>(iii) Living Rooms or Dining Rooms</b>		
	Used by 1-5 occupiers	8.5m <sup>2</sup> .
	Used by 6-10 occupiers	12.5m <sup>2</sup> .

*Note: If more than 5 occupiers are sharing a kitchen, additional sets of facilities are required (See Section 3).*

*Note: the above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the kitchen for the number of users.*

A staircase, landing or any room, used as a kitchen or bathroom, shall not be used as sleeping accommodation.

### **.4 Hostel/ Dormitory/ Board and Lodgings**

This is dealt with under separate guidance. Please ask your local officer for details.

## **17   MANAGEMENT**

### **.1   Introduction**

- .1 The manager of the house is ultimately responsible for maintaining standards within the building. Where the manager is not resident he or she must make suitable arrangements to ensure that conditions and facilities are kept in good order.

In order to fulfil their duties managers must undertake to regularly visit the property either personally or via a representative\_ to ensure standards are maintained and where necessary improved.

### **.2   General Management Duties**

- .1 The manager of an HMO must comply with the Management Regulations 2006. These are set out in Appendix A.

A good standard of management shall be observed in the house. In particular this shall ensure the repair, maintenance, cleaning and good order of -

- a) all means of water supply and drainage in and serving the house;
- b) all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions and alarm;
- c) kitchens, bathrooms and toilets in common use;
- d) Sinks and wash basins in common use; common staircases, corridors and passages, and outbuildings, yards and gardens in common use;
- e) The repair and maintenance of all lettings and facilities within lettings;
- f) And to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions



### **.3**    **Enforcement**

1 The Council will encourage owners to comply with their legal obligations with information, advice and support. Where owners or managers are unwilling to meet their obligations or where failures are significant, the Council will take appropriate enforcement action in accordance with the enforcement policy to protect the health, safety or well-being of occupiers and others affected.

This may include

- any of the actions available to the Council in Part 1 of the Housing Act 2004 following a Housing Health & Safety Rating System ('HHSRS') assessment;
- prosecution for breaches of the Management Regulations or licence conditions;
- the making of Interim and Final Management Orders where the health, safety or wellbeing of tenants is of serious concern, and,
- taking action to revoke the licence.

.2 Where formal enforcement action is taken this may affect future decisions as to whether someone associated with a licence or property is a fit and proper person and future applications for the grant, renewal or variation of licences.

### **.4**    **PROSECUTION**

.1 A Council can prosecute a manager if it can show that there were relevant defects in the house and that the defendant failed to comply with the Regulations without reasonable excuse.

**The Housing (Management of Houses in Multiple Occupation) Regulations  
2006**

**(S.I. 2006 No. 372)**

STATUTORY INSTRUMENTS

---

**2006 No. 372**

**HOUSING, ENGLAND**

**The Management of Houses in Multiple Occupation (England) Regulations 2006**

<i>Made</i>	<i>15th February 2006</i>
<i>Laid before Parliament</i>	<i>22nd February 2006</i>
<i>Coming into force</i>	<i>6th April 2006</i>

The Secretary of State, in exercise of the powers conferred by section 234 of the Housing Act 2004 makes the following Regulations:

**Citation, commencement and application**

1. —(1) These Regulations may be cited as The Management of Houses in Multiple Occupation (England) Regulations 2006 and shall come into force on 6th April 2006.

(2) These Regulations apply to any HMO in England other than a converted block of flats to which section 257 of the Act applies.

**Interpretation**

2. In these Regulations—

- (a) "the Act" means the Housing Act 2004;
- (b) "fixtures, fittings or appliances" are—
  - (i) lighting, space heating or water heating appliances;
  - (ii) toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;
  - (iii) cupboards, shelving or appliances used for the storage, preparation or cooking of food; and
  - (iv) washing machines or other laundry appliances; and
- (c) "the manager", in relation to an HMO, means the person managing the HMO.

#### **Duty of manager to provide information to occupier**

#### **3. The manager must ensure that—**

- (a) his name, address and any telephone contact number are made available to each household in the HMO; and
- (b) such details are clearly displayed in a prominent position in the HMO.

#### **Duty of manager to take safety measures**

#### **4. —(1) The manager must ensure that all means of escape from fire in the HMO are—**

- (a) kept free from obstruction; and
- (b) maintained in good order and repair.

(2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.

(3) Subject to paragraph (6), the manager must ensure that all notices indicating

the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers.

(4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to—

(a) the design of the HMO;

(b) the structural conditions in the HMO; and

(c) the number of occupiers in the HMO.

(5) In performing the duty imposed by paragraph (4) the manager must in particular—

(a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and

(b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

(6) The duty imposed by paragraph (3) does not apply where the HMO has four or fewer occupiers.

#### **Duty of manager to maintain water supply and drainage**

5. —(1) The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular he must ensure that—

(a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and



(b) any water fitting which is liable to damage by frost is protected from frost damage.

(2) The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

(3) In this regulation "water fitting" means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

### **Duty of manager to supply and maintain gas and electricity**

6. —(1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate it has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

(2) In paragraph (1), "recognised engineer" means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.

(3) The manager must—

(a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;

(b) obtain a certificate from the person conducting that test, specifying the results of the test; and

(c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.

(4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

**Duty of manager to maintain common parts, fixtures, fittings and appliances**

7. —(1) The manager must ensure that all common parts of the HMO are—

- (a) maintained in good and clean decorative repair;
- (b) maintained in a safe and working condition; and
- (c) kept reasonably clear from obstruction.

(2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that—

- (a) all handrails and banisters are at all times kept in good repair;
- (b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;
- (c) any stair coverings are safely fixed and kept in good repair;
- (d) all windows and other means of ventilation within the common parts are kept in good repair;
- (e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and
- (f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.

(3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

(4) The manager must ensure that—

- (a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition



and good order;

(b) any garden belonging to the HMO is kept in a safe and tidy condition; and

(c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

(5) If any part of the HMO is not in use the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

(6) In this regulation—

(a) "common parts" means—

(i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO;

(ii) all such parts of the HMO as comprise staircases, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation; and

(iii) any other part of an HMO the use of which is shared by two or more households living in the HMO, with the knowledge of the landlord.

#### **Duty of manager to maintain living accommodation**

8. —(1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.

(2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that—

(a) the internal structure is maintained in good repair;

- (b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order; and
  - (c) every window and other means of ventilation are kept in good repair.
- (3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of his living accommodation otherwise than in a tenant-like manner.
- (4) The duties imposed under paragraphs (1) and (2) (b) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.
- (5) For the purpose of this regulation a person shall be regarded as using his living accommodation otherwise than in a tenant-like manner where he fails to treat the property in accordance with the covenants or conditions contained in his lease or licence or otherwise fails to conduct himself as a reasonable tenant or licensee would do.

#### **Duty to provide waste disposal facilities**

**9. The manager must—**

- (a) ensure that sufficient bins or other suitable receptacles that are provided are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
- (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

#### **Duties of occupiers of HMOs**

**10. Every occupier of the HMO must—**

- (a) conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
- (b) allow the manager, for any purpose connected with the carrying out of any duty imposed on him by these Regulations, at all reasonable times to enter any

living accommodation or other place occupied by that person;

(c) provide the manager, at his request, with any such information as he may reasonably require for the purpose of carrying out any such duty;

(d) take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair under these Regulations;

(e) store and dispose of litter in accordance with the arrangements made by the manager under regulation 9; and

(f) comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

### **General**

11. Nothing in these Regulations shall—

(a) require or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or

(b) oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.

(2) Any duty imposed by these Regulations to maintain or keep in repair are to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

Signed by authority of the First Secretary of State

*Kay Andrews*

Parliamentary Under Secretary of State Office of the Deputy Prime Minister

15th February 2006





# **Guide to Fire Safety in Houses in Multiple Occupation**

**This guide outlines the fire safety provisions recommended for HMOs in Oadby and Wigston Borough Councils Area and is based upon the national guidance produced by LACORS.**

## **Guide for Owners, Agents and Managers of HMO's**

## Foreword

Oadby and Wigston Borough Council have produced this document to provide owners, managers, letting agents, and contractors with user friendly, accessible information to help ensure tenants of houses in multiple occupation are housed in safe and high quality accommodation.

This document contains general advice and suggested specifications; and whilst the examples and advice given is based on the national fire safety guidance produced by LACORS

( Housing – Fire Safety available at [www.lacors.gov.uk/lacors/upload/19175.pdf](http://www.lacors.gov.uk/lacors/upload/19175.pdf)), both the national guide and this document are only guidance and the requirements in individual properties may vary dependent on the risks presented. If you have any questions or believe your property does not fit comfortably within one of the examples given in this document you should contact your Local Authority for further advice. It will probably be necessary to carry out a risk assessment to determine what fire precautions are necessary and additional advice on how to do this is provided in Part 7 on page 42.

The Government believes that safe and properly managed Houses in Multiple Occupation (HMOs) fulfil an important function in the private rented housing market. HMOs have a particular role in providing affordable accommodation in areas of high housing demand where other rents

We aim to encourage the supply of good quality private rented homes, and provide, and facilitate, information and training for landlords.

We would like to acknowledge the assistance of “Homestamp”, a partnership consortium in the West Midlands in the preparation of this document. Their website is:

[www.homestamp.com](http://www.homestamp.com)

***For further information or assistance on HMOs please contact your local Environmental Health department. You may also wish to study the national fire safety guide available to download at: <http://www.lacors.gov.uk/lacors/upload/19175.pdf>***

The information contained in this guide is based on that provided by LACORS in “Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing”, and was correct at the time of publication. However legislation may change over time and guidance is subject to revision. This guidance is intended to illustrate good practice. It is not to be seen as a definitive interpretation of statutory legislation, which can only be done by the Courts or Tribunals.

## Contents

---

Purpose of this guide and how to use it	Page 5
<b>Part 1</b>	
What is an HMO	Page 6
Why is fire safety important?	Page 6
<b>Part 2</b>	
Fire prevention	Page 7
<b>Part 3</b>	
General principles for fire precautions	Page 9
<b>Part 4 - Example Layouts and general specifications</b>	
Key to plans	Page 11
Plan 1, two storey with shared cooking facilities	Page 12
Plan 2, two storey with individual cooking facilities	Page 14
Plan 3, three storey with individual cooking facilities	Page 16
Plan 4, three storey with shared cooking facilities	Page 18
Plan 5, two storey with basement	Page 20
Plan 6, three storey above commercial premises	Page 22
<b>Part 5</b>	
Management and Maintenance of Fire Safety	Page 24
<b>Part 6 – Technical Specifications</b>	
Fire detection and alarm systems	Page 28
Model certificate for alarm systems	Page 31
Emergency lighting	Page 32
Signs and notices	Page 32
Fire resistance of walls and partitions	Page 32
Upgrading of floors and ceilings	Page 32
Fire resisting glazing	Page 34
Safety glazing	Page 38
Additional escape route separation	Page 39
Fire doors	Page 40
Escape windows	Page 40
<b>Part 7</b>	
Fire risk assessment	Page 42
Example maintenance record	Page 47
<b>Part 8</b>	
Sprinkler systems	Page 50
<b>Part 9</b>	
Glossary	Page 51
Blank fire risk assessment form	Page 55

## **Part 1 - What is an HMO and why is fire safety important?**

### **Houses in Multiple Occupation (HMOs)**

#### **Definition of an HMO:**

**A House in Multiple Occupation is a building or part of a building (e.g. a flat) that is:**

- a) occupied by more than one household who share an amenity such as a bathroom, toilet or cooking facilities; or**
- b) building converted into self contained flats that do not meet the 1991 Building Regulations, where at least one third of the flats are occupied under short tenancies.**

The term *occupied* means that it is the occupants' only or main residence, but it does also include properties where students live in term time only. People are classed as separate households if they are not family members or co-habiting couples. There are exemptions to these rules and further information can be obtained from your Environmental Health department.

**This document does not detail fire precaution recommendations for purpose built self contained flats. However the principles of early warning and protected escape routes still apply. You should contact your Local Authority for advice in relation to these properties.**

### **Why is fire safety important?**

HMO accommodation has often been created by sub division of larger properties into smaller units and this can increase the risk that a fire will occur. In addition, the means of escape may have been compromised in the process of redevelopment making it less likely that occupants will get out of the building safely should a fire occur. Deaths and injuries from fires in HMOs are proportionately higher than in single family homes.

The main reasons for insisting on fire precautions in Houses in Multiple Occupation (HMOs) are to provide early warning, and to stop the smoke and fire spreading to parts of the property before other residents have the chance to escape.



## **Part 2 - Fire Prevention**

The most important action you can take as a property manager is to try and prevent fires. Whilst the advice given in this booklet has mainly been concerned with methods of warning residents of a fire and preventing the spread of the fire to enable them to escape; fire precaution measures can never guarantee absolute safety for residents, nor prevent extensive property damage.

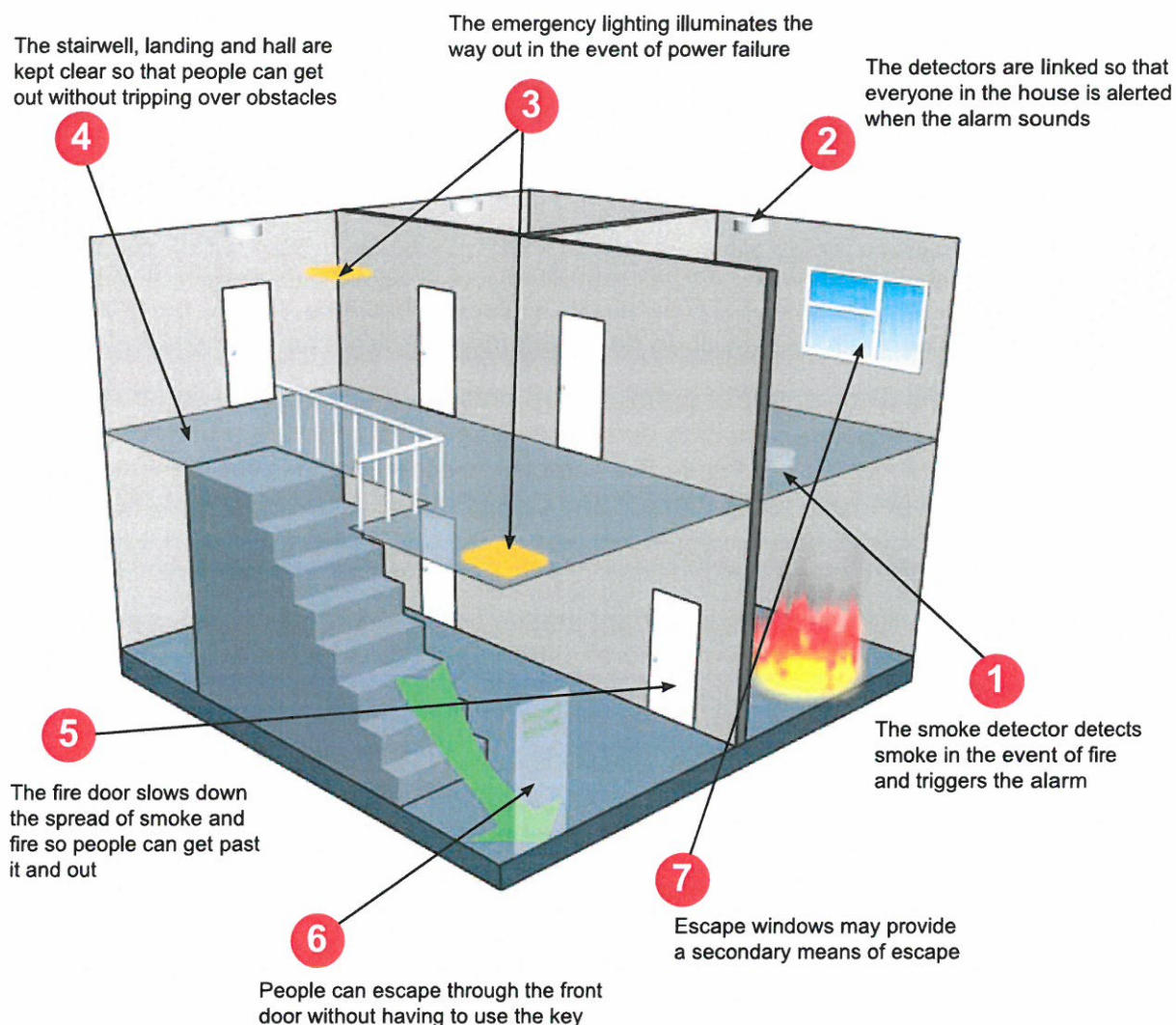
The most important steps that you, as an owner or manager can take to minimise the risk of a fire are:

<b>Electrics</b>	<b>Make sure that the electrical circuits, fittings and equipment throughout the house are in good condition. Have the electrical installation checked regularly by a competent electrician (NICEIC or ECA approved) and act quickly on any recommendations that are made.</b> The electrician's report will tell you the date on which the installation should be checked again. Install circuit breakers and prevent overloading of sockets by ensuring that adaptors are not needed. If you buy new electrical equipment, make sure that it bears the CE mark, either on the equipment itself, or on the box, to show that it complies with legal standards. The purchase of second hand electrical goods is not recommended.
<b>Gas</b>	<b>Have the gas installation (i.e. the gas pipework, meters, gas fires, cookers, boilers, water heaters and flues) checked, and serviced at least once a year by a Gas Safe registered gas fitter. This is a legal requirement under the Gas Safety (Installation and Use) Regulations. You must give a copy of the safety certificate to each resident within 28 days, and give a copy to new residents before they move in.</b>
<b>Location</b>	Make sure that heaters and cookers are fixed in a position where they will not set fire to curtains, bedding or furnishings.
<b>Furniture</b>	<b>Make sure that all upholstered furniture that you, as the landlord, provide (such as settees, armchairs, bed bases and mattresses) has sewn-in labels showing that it has fire-resistant filling and covers. This is a legal requirement under the Furniture and Furnishings (Fire)(Safety) Regulations 1988 and the Furniture and Furnishings (Fire)(Safety) (Amendment) Regulations 1993.</b>
<b>Flammable materials</b>	Prohibit the use of portable gas or paraffin heaters in the house. Do not store highly flammable materials in the house (such as paint, thinners, LPG cylinders, paraffin or petrol).
<b>Combustible items</b>	<b>Do not store large quantities of combustible materials such as cardboard boxes or newspapers, in understairs cupboards, cellars, or in the loft.</b>



## Part 3 - General Principles for Fire Precaution Standards

The following diagram illustrates the general principles of fire precautions in a representative house:

















The HMO's design, construction and condition must limit the spread of fire and smoke and provide a safe and ready means of escape. There must be adequate fire protection to the means of escape and between each unit of accommodation, with appropriate detection and alarm systems provided. Emergency lighting and fire blankets shall be provided where necessary.

1. Every risk room (bedroom, living room, kitchen) and circulation space needs a mains wired detector/alarm. These will detect fires at the earliest opportunity and ensure that warning is sounded.
2. The detectors normally need to be linked so that everyone in the house is alerted when the alarm sounds.
3. Emergency lighting illuminates the escape route to show persons the way out if the electricity supply is interrupted.
4. The stairwell, landing, and hall are kept clear of obstruction so that people can get out without tripping.
5. The escape route shall be protected to ensure people can exit the property safely. Generally, this will mean the partitions from risk rooms to the escape route giving 30 minutes fire resistance. Between rooms or in certain low risk premises partitions may be acceptable if they are of sound traditional construction - see Plans & Glossary.

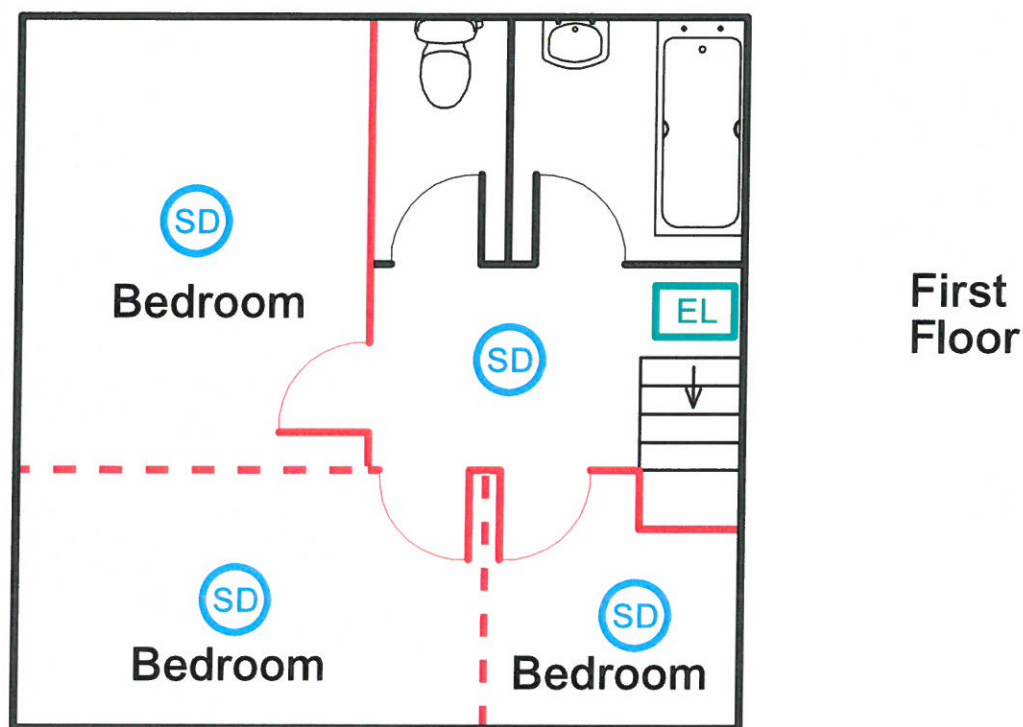
## **Part 4 - Detailed Fire Precautions Required**

The following pages include some typical examples of house layouts and recommended works. Remember that these are suggested ways of complying with the basic principles. There may be other options and you should discuss these with your Local Authority.

### **Key to plans**

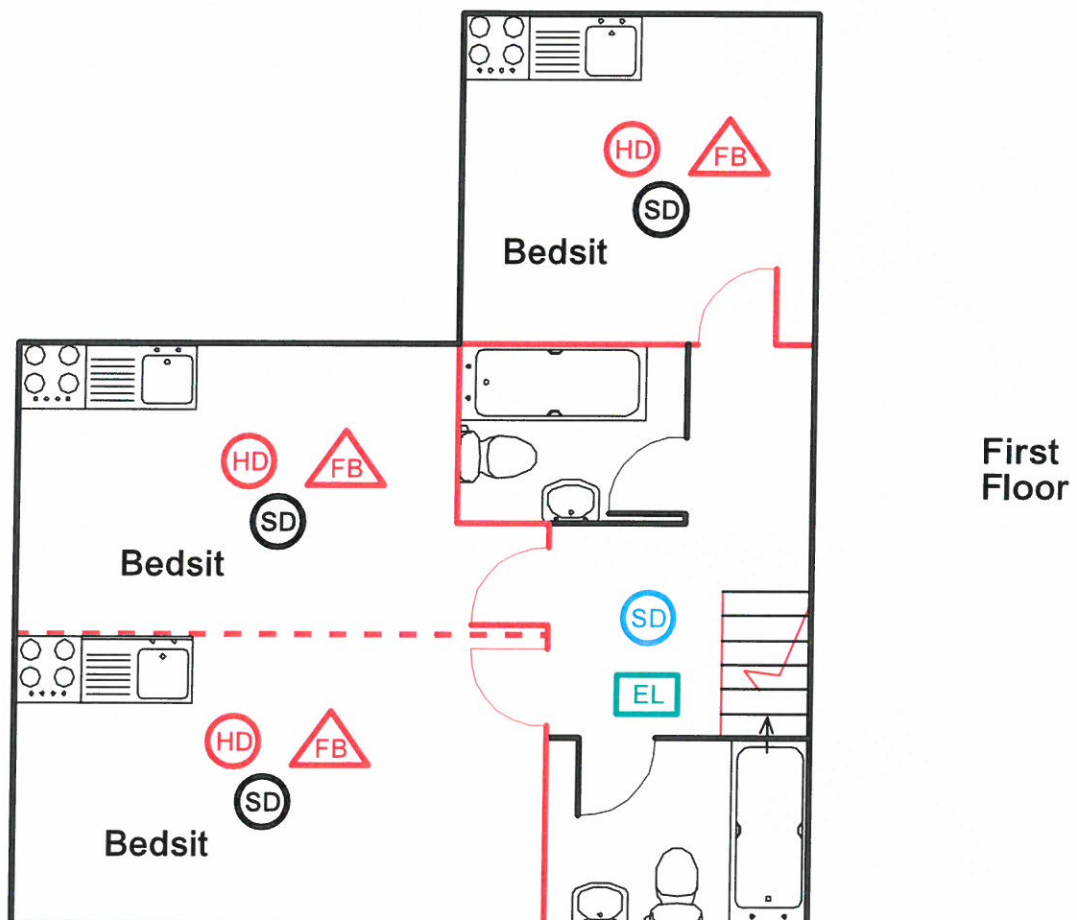
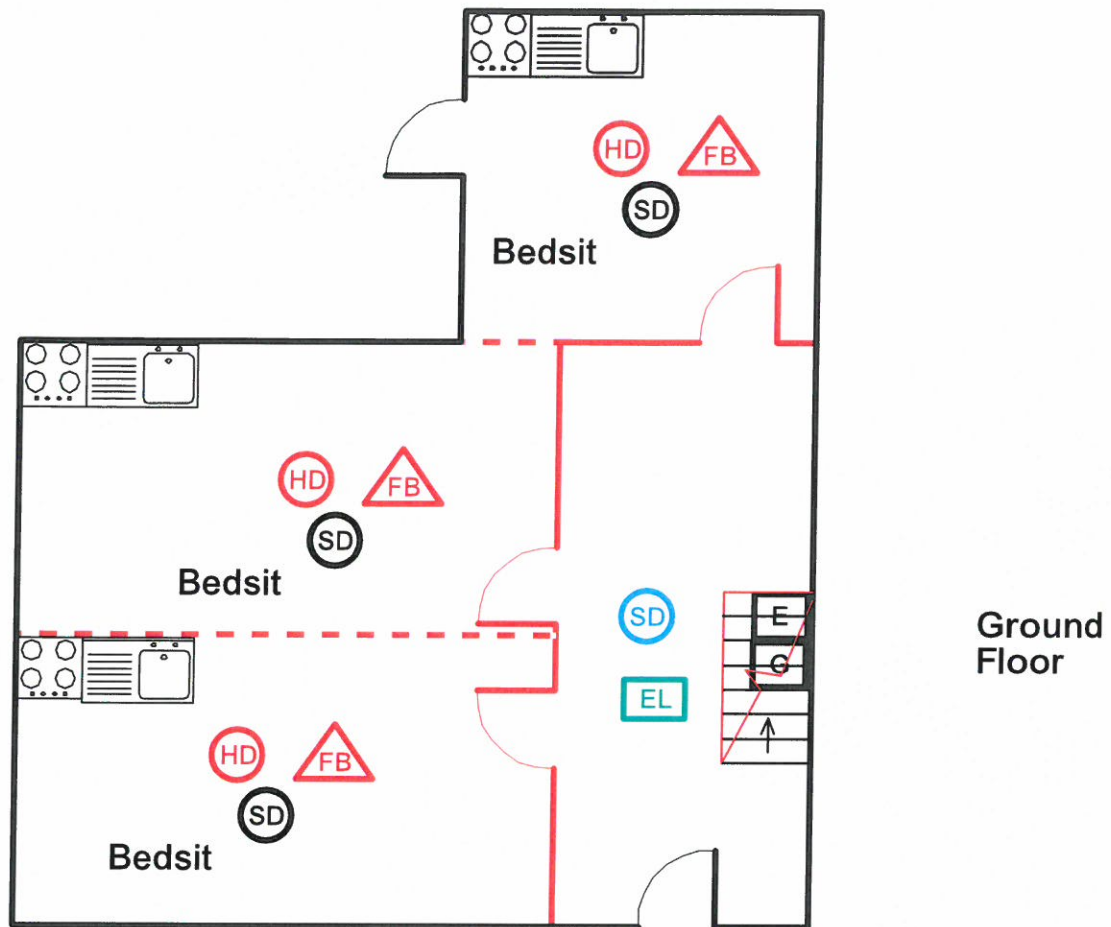
	30 minute fire resistance (wall/door/ partition etc..)
	Sound traditional construction
	1 hour fire resistance (wall/door/ partition etc..)
	Smoke Detector - interlinked, mains wired with battery back up
	Heat Detector - interlinked mains wired with battery back up
	Smoke Detector - independent mains wired. (recommended hush facility.)
	Fire Blanket
	Emergency Light
	Control Panel - for fire detection system
	Break Glass Point
	Emergency Escape Window
	Loft hatch – 30 minute fire resistance
	Electric meter to be boxed in to 30 minute fire resistance
	Gas meter to be boxed in to 30 minute fire resistance

Plan 1, House Type: Typical two storey house with Shared Cooking Facilities.

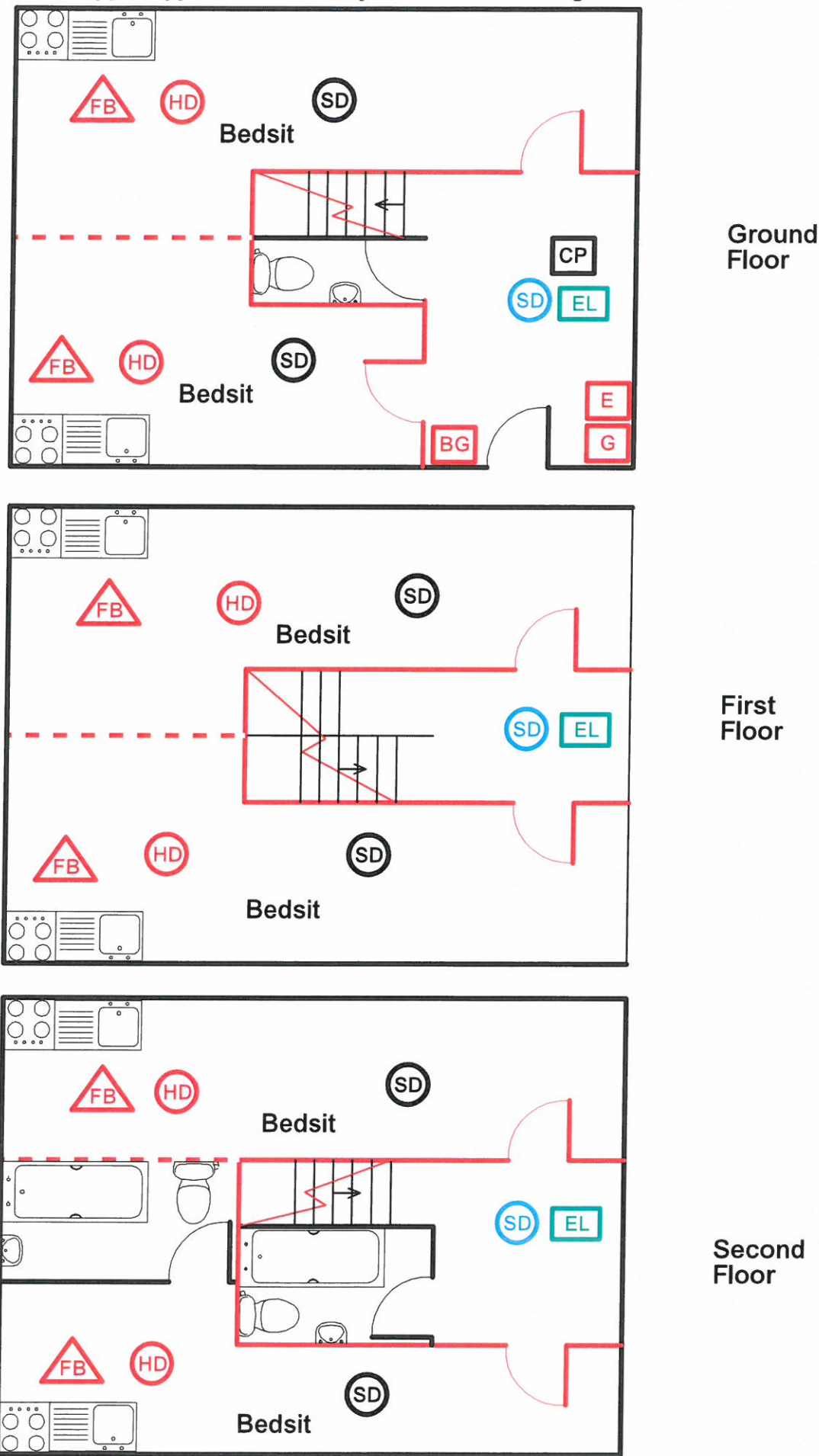




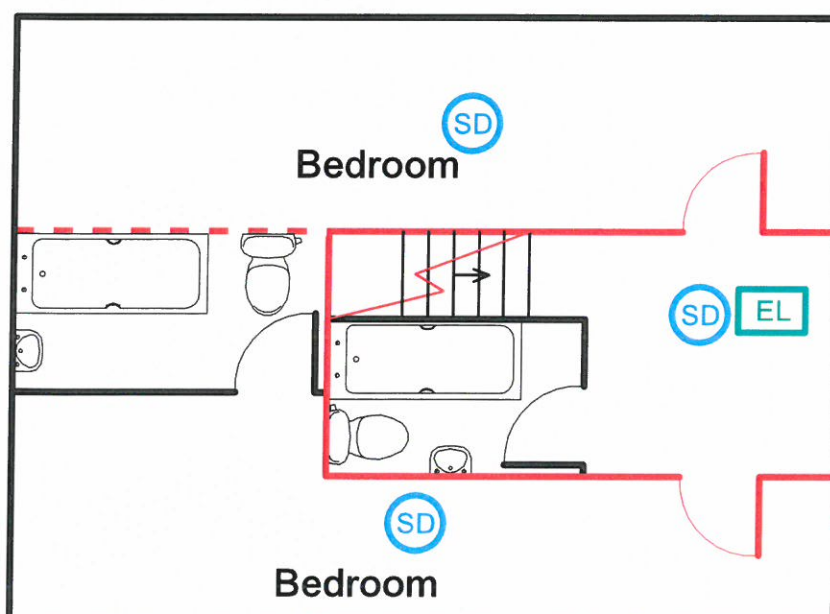
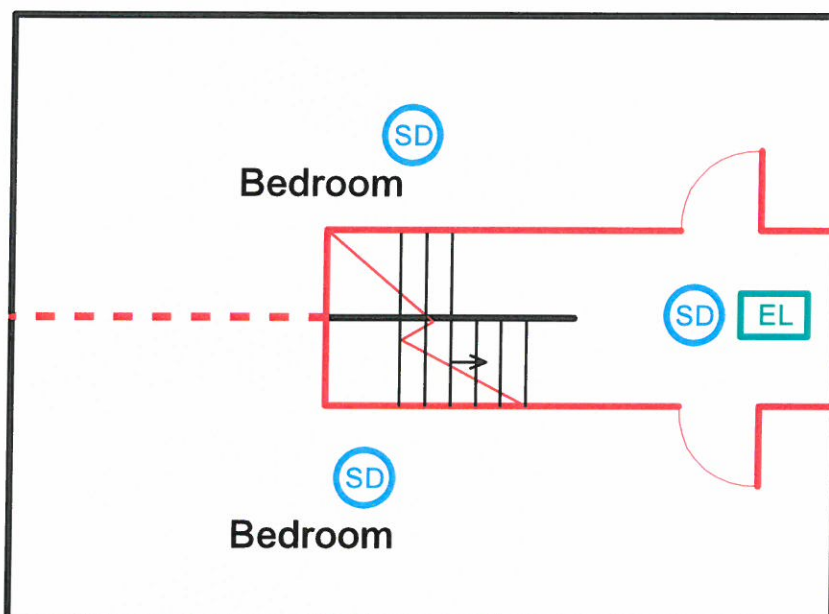
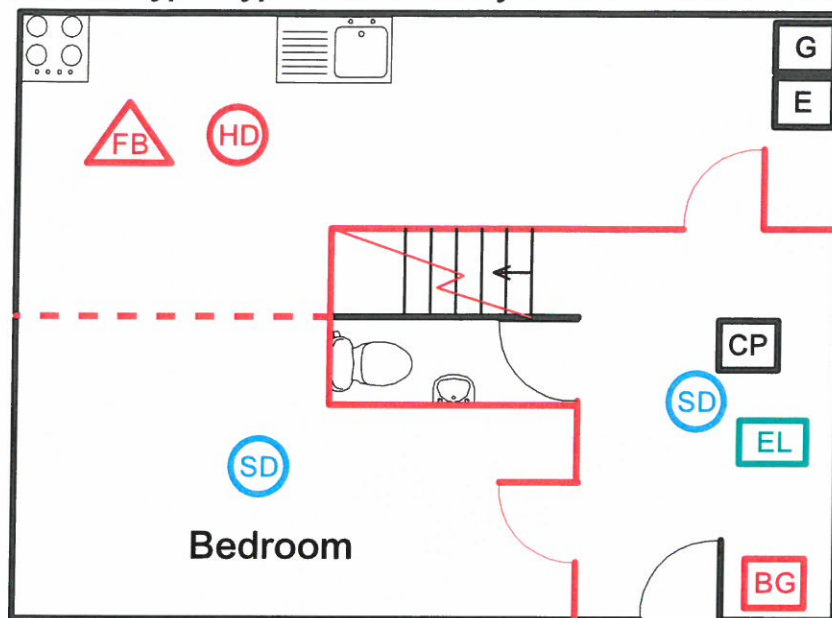
Plan 2, House Type: Typical two storey house with cooking facilities in each let.



Plan 3, House Type: Typical three storey HMO with cooking in each of the lets.

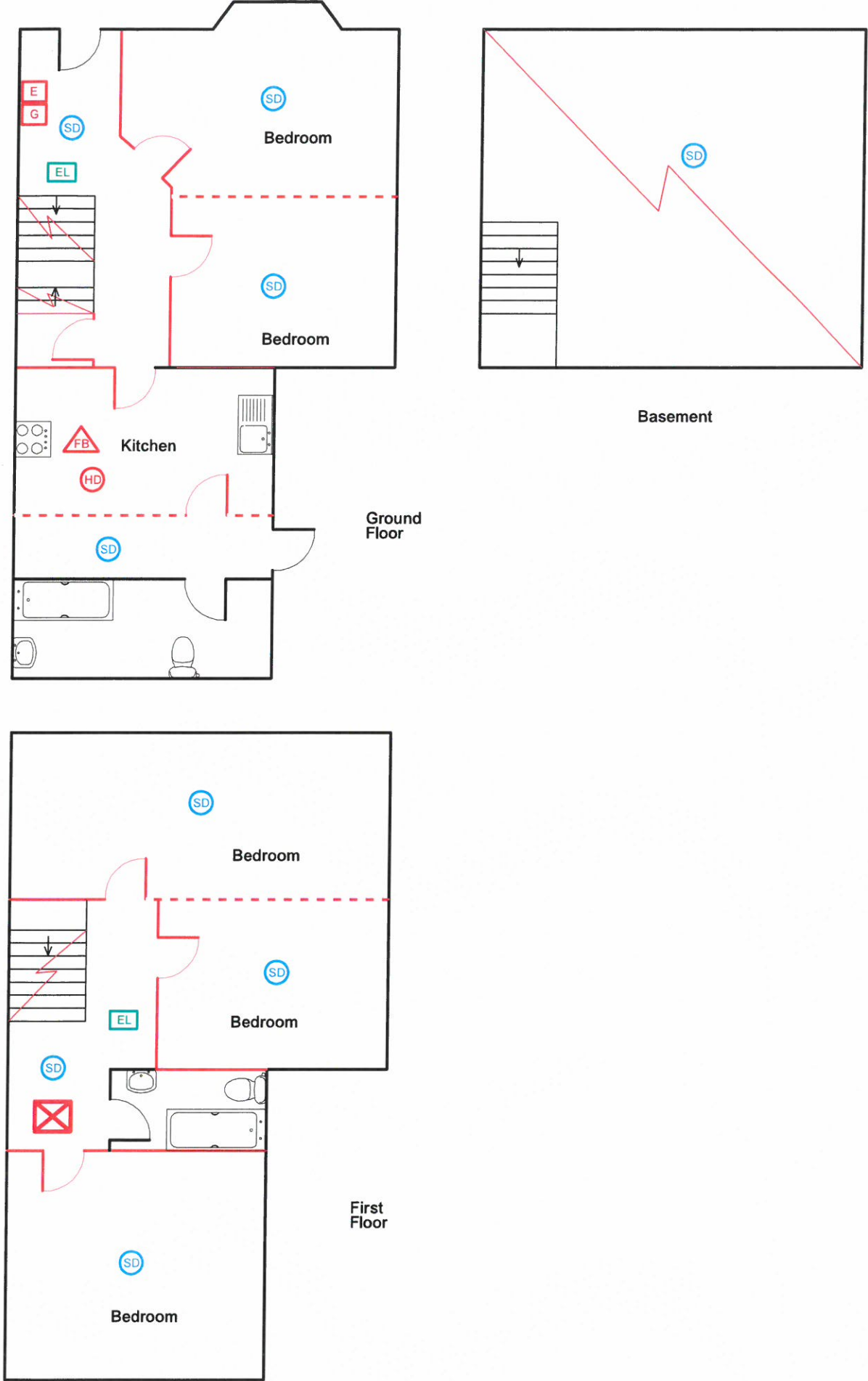


**Plan 4, House Type: Typical three storey HMO with shared cooking facilities**

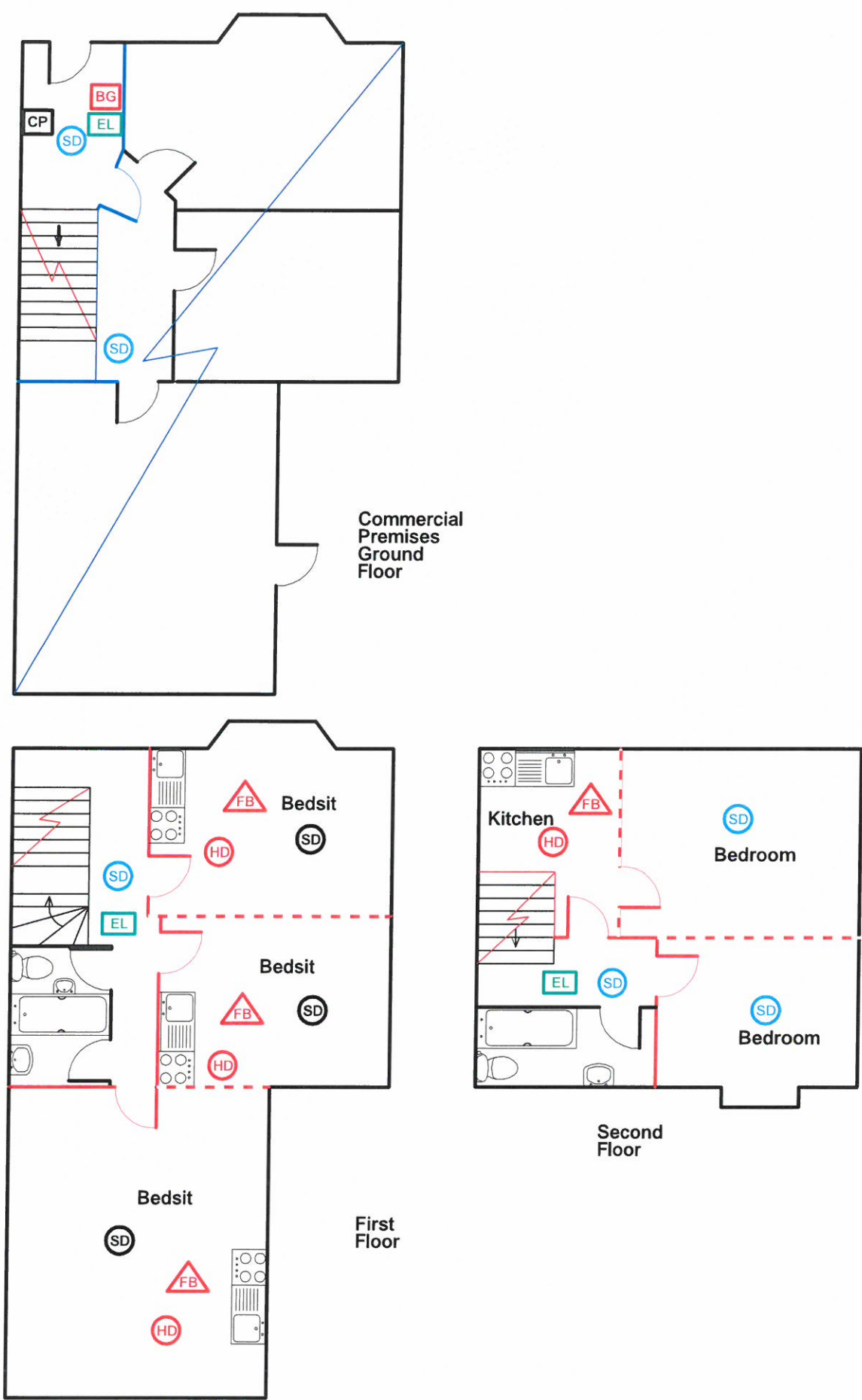




Plan 5, House Type: Typical two storey HMO with basement.



Plan 6, House Type: Typical three storey HMO above commercial premises with cooking facilities in each let



## Grade D and E systems

- Routine testing – these systems should be tested every month by use of the test button on the smoke alarm.
- Routine maintenance – all alarms should be cleaned periodically in accordance with the manufacturer's recommendations.

## All systems

- It is recommended that all detectors should be tested at least once a year to ensure that they respond to smoke. Tests should not involve the use of open flame or any form of smoke or non-specific aerosol that could contaminate the detection chamber or the electronics of the detector. Suitable specific test aerosols are available. The test is usually carried out by a specialist alarm engineer under a maintenance contract and should be recorded in the log book, with a periodic inspection and test certificate issued.

It is recognised that the above arrangements represent the ideal. While they may be possible in buildings with a resident landlord or a dedicated caretaker or housekeeper, in most situations for premises covered by this guide such arrangements may be impracticable. Where this proves to be the case tenants should be given clear instructions on how to test grade D or E alarms within their dwelling using the test button, along with clear recording and reporting instructions for any faults or false alarms on the system. Grade A systems are more specialist and resident testing will be inappropriate unless there is a trained individual in the property. Clear fault and false alarm reporting arrangements should be put in place, and the responsible person or his/her agent should respond to reports at the earliest opportunity.

## Fire blankets and extinguishers:

- Where provided, these should be checked periodically to make sure they are in place and available for use. Extinguishers must be tested and maintained on an annual basis in accordance with BS 5306-3 and with the manufacturer's instructions.

## Artificial lighting:

- Conventional staircase lighting must be working properly at all times. Any blown bulbs should be replaced and all switches should be working. If timer switches are fitted then the duration should be checked and adjusted if necessary;
- Any emergency escape lighting should be serviced and maintained in accordance with BS 5266-8: 2004 (BS EN 50172: 2004) Emergency escape lighting systems. This contains detailed recommendations which include inspections and tests to be carried out, down to a daily basis. For large, complex HMOs (such as those with five or six storeys) or premises with a specific high-risk factor (persistent vandalism problems, for example, or complex escape routes and no effective borrowed light), the full recommendations may be appropriate. However, in most average sized premises with normal risk, the following regime with a procedure for responding to reports of defects should be adequate:
- An annual discharge test in accordance with the requirements of BS 5266: part 8. This must be carried out by a competent person, usually a lighting engineer under a maintenance contract. It entails a full test to ensure compliance with the standard and should be recorded in the log book, with a periodic inspection and test certificate issued.

**Information and training:**

- Each occupier should be given specific advice on fire prevention and fire safety in the home. This should be provided at the start of each new tenancy and reviewed periodically. Suitable advice can be found in annex one of BS 5588: part 12, Advice to occupiers of domestic residential buildings, and advice is also available from local fire and rescue authorities. Information should include:
  - An explanation of the escape routes, particularly where secondary means of escape is provided;
  - How the fire detection and alarm system operates and what to do if it activates;
  - How and when to re-set the fire alarm system;
  - If extinguishers or fire blankets are provided, training in their application and safe use;
  - Avoidance of false alarms;
  - How and when to call the fire brigade;
  - How to report defects;
  - The importance of maintaining clear escape routes, free of storage;
  - The importance of keeping fire doors closed, not propped or wedged open;
  - Smoking and cooking safety;
  - Gas safety advice;
  - Safe storage and disposal of refuse; and
  - The safe use of escape windows where appropriate.

**Record keeping:**

- It is recommended that a property log book is kept and all routine maintenance and servicing activity (as recommended in this guide) is recorded in it, along with all reported defects and remedial action taken – including false alarms. Model log books may be available from landlords associations or through landlord accreditation schemes.

## **Fire Alarm System to Comply with Current British Standard 5839 Part 6: Grade D (or equivalent), LD2 category coverage.**

### **General**

1. This comprises a system of one or more interlinked mains powered smoke and/or heat detectors each with an integral stand by battery and built in alarm.

### **Control Panel**

2. A control panel is not required with this system.

### **Call Points**

3. Call points are not required on a Grade D system.

### **Audibility**

4. The alarm signal must achieve sound levels of: -
  - Not less than 65dB (A) in all accessible parts of the building
  - Not less than 75dB (A) at all bed heads, to arouse sleeping persons when all doors are shut.

It is the responsibility of the installation contractor to specify the appropriate number and location of alarm sounders to achieve these sound levels.

### **Power Supplies**

5. The power supply for a Grade D system should be a dedicated circuit or be connected to a regularly used, electrically protected, local lighting circuit. All smoke alarms and heat detectors should be connected to the same final circuit. The system must have a 72 hour battery back up.

### **Wiring**

6. Wiring should comply to IEE Regulations (BS 7671).

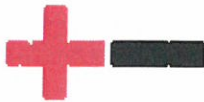
### **Radio-linked System**

7. Radio-linked systems (also called wireless systems) are considered in both BS 5839 - part 1:2002 and BS 5839 - part 6:2004. A specialist fire alarm contractor will need to be consulted to confirm whether or not they can provide a system that meets the recommendations of the British Standards above.



# Model Installation, Commissioning and Test Certificate

## Model certificate for Grades B, C, D, E and F systems



This certificate is not valid if the serial number has been defaced or altered

FHN2 (B-F)/

TRACEABLE  
SERIAL NUMBER

### CERTIFICATE OF DESIGN, INSTALLATION AND COMMISSIONING OF A FIRE DETECTION AND ALARM SYSTEM OF GRADE B, C, D, E OR F IN A DWELLING

Original (not for personal or other use)

<b>DETAILS OF THE CLIENT</b>		Issued in accordance with BS 5839-6: 2004.	
Client:			
Address:			
<b>DETAILS OF THE FIRE DETECTION AND ALARM SYSTEM</b>		The system is	
Address:		New	
Extent of the fire detection and alarm system covered by this certificate		An addition	
		An alteration	
<b>DESCRIPTION OF SYSTEM GRADE AND SYSTEM CATEGORY</b>		Tick boxes as appropriate	
System grade	B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/>	System category	LD1 <input type="checkbox"/> LD2 <input type="checkbox"/> LD3 <input type="checkbox"/> PD1 <input type="checkbox"/> PD2 <input type="checkbox"/>
<b>COMMISSIONING</b>		See Note 1	
Test buttons checked	Simulated smoke or aerosol test	Dedicated circuit(s) provided	Sound level test instrument used
All alarm warning devices operate	Heat test	Protective device labelled	Model and serial No.
Silencing system checked	Bedroom sound level (Clause 13.2)	Audible and visual indication of mains failure	Serial No. of associated Electrical Installation Certificate or Minor Electrical Installation Works Certificate (See Note 1)
<b>USER INSTRUCTIONS</b>		Tick boxes to indicate that the written information has been issued to the user	
I/We the undersigned declare that the occupier* of the dwelling (or owner in the case of a house in multiple occupancy) has been provided with written information about essential aspects of the operation and maintenance of the system, as follows:			
Operation of the system	Routine testing of the system	Checking the system on reoccupation of the dwelling after a vacation etc.	
Action to be taken in the event of a fire alarm signal	Servicing and maintenance of the system (including intervals at which any batteries should be replaced)	The need to avoid contamination of detectors by paint	
Avoidance of false alarms and action in the event of a false alarm	The need to keep clear space around all detectors and manual call points	As-fitted drawing	
Warning that apparent false alarm from carbon monoxide detector may not be false alarm	Special precautions relevant to any lithium batteries used in the system	* In the case of a newly-built property and where the future occupants are unknown, the User Instructions should be issued to the builder for onward transmission to the purchaser together with the related electrical safety certificate	
<b>CERTIFICATION OF DESIGN, INSTALLATION AND COMMISSIONING</b>			
I/We, being the person(s) responsible (as indicated by my/our signature(s) below), for the design, installation, and commissioning of the fire alarm system, particulars of which are set out above, CERTIFY that the said work for which I/we have been responsible complies to the best of my/our knowledge and belief with the recommendations of BS 5839: Part 6 for the system described above, except for the variations, if any, stated below:			
Variations (if any):			
The extent of liability of the signatory is limited to the work described above as the subject of this certificate.			
For the DESIGN, INSTALLATION AND COMMISSIONING of the system:		This certificate has been reviewed by the Qualified Supervisor:	
Signature	Date	Signature	Date
Name (CAPITALS)		Name (CAPITALS)	
<b>DETAILS OF THE APPROVED CONTRACTOR</b>			
Trading Title			
Address			
Postcode			
NICEIC Enrolment No (Essential information)			
Branch number (if applicable)			

Note 1: The electrical safety aspects of the fire detection and alarm system must also be certified in accordance with BS 7671: 'Requirements for Electrical Installations' by issuing an electrical safety certificate of a form which meets the requirements of BS 7671, such as a 'Domestic Electrical Installation Certificate' or, where appropriate, a 'Minor Electrical Installation Works Certificate'.

Note 2: An instrument complying with BS EN 61672: Class 2, with slow response and A weighting (see Clause 13.2).

Note 3: This certificate may be required by an authority responsible for enforcement of the safety legislation, such as the building control authority or housing authority. The recipient of this certificate might rely on the certificate as evidence of compliance with legislation. Liability could arise on the part of any organisation or person that issues a certificate without due care in ensuring its validity.

Please see the 'Notes for Recipient' on the reverse of this page.

This form is based on the model in Annex F of BS 5839: Part 6: 2004

Published by the National Inspection Council for Electrical Installation Contracting © Copyright NICEIC (May 2006)

Page 1 of 1

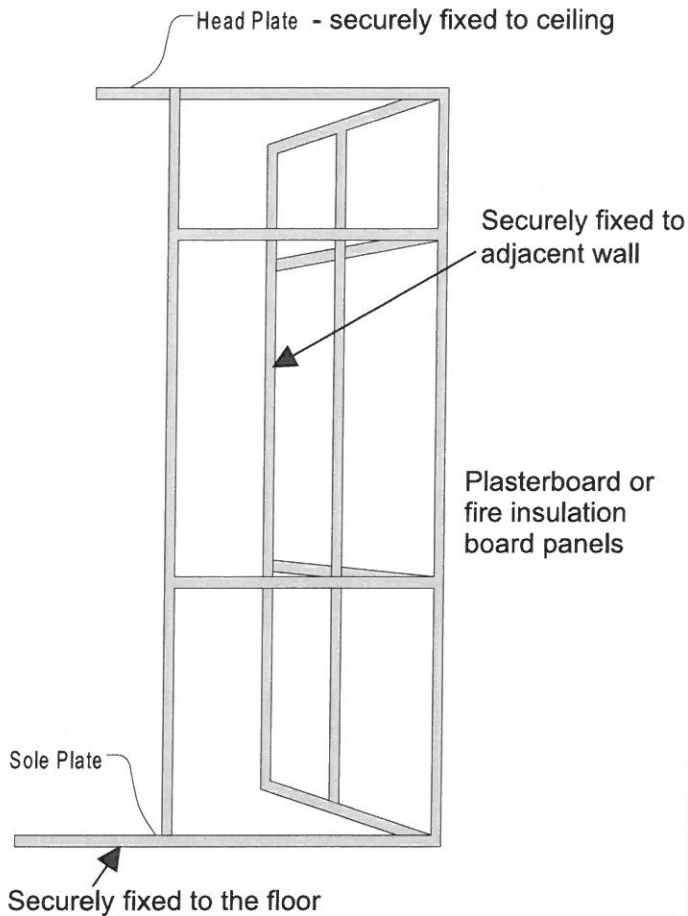


## Diagram 1

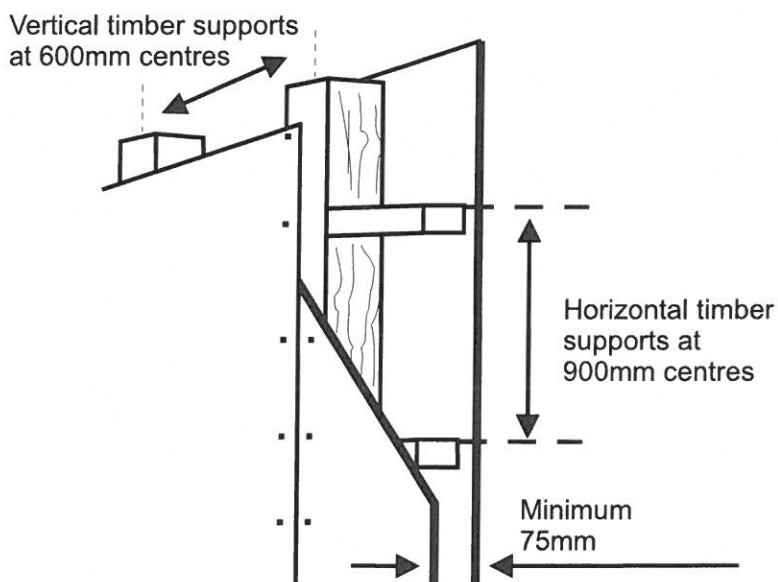
### Example of fire resisting partitions

#### (half hour fire resistance)

The studding framework should be 75mm x 50mm and should be securely fixed where it joins floor, adjacent walls and true ceilings.



(i) Studding framework indicating fixing.



(ii) Boarding of studwork and contacts of timber supports.

Fix 20mm Supalux to the angles with 32mm No 8 self-tapping screws at 300mm centres.

Fix the two layers together with 32mm No 8 self-tapping screws at 300mm centres on both sides of the horizontal and vertical joints.

## **Specification 2**

Fix 25mm x 50mm x 0.8mm galvanised steel perimeter angle secured to the perimeter using steel screws or bolts and plugs at 500mm centres.

Fix 30mm self-drilling/tapping screws at 200mm centres. Secure 20mm layer of New Tacfire to perimeter angle.

Fix 35mm self-drilling/tapping screws at 300mm centres. Secure 15mm layer of New Tacfire to the first layer, around the perimeter and down the centre of each board.

Any joints in New Tacfire boards must be staggered by at least 350mm.

## **Existing Partitions**

The following methods can be used to upgrade an existing (lath and plaster) partition made up of 75mm x 50mm timber studs which is either load-bearing or non load-bearing. The studs at maximum 600mm centres with no infill to provide a partition with 60 minute fire resistance.

Partitions can be upgraded in one of two ways:

By the provision of an additional board to the existing facing **on both sides**:

9mm Supalux fixed, on each side of the partition, using 63mm nails or screws at 300mm centres.

12mm New Tacfire fixed, on each side of the partition, using screws at 300mm centres. The length of the screws should be such that they penetrate 38mm into the stud.

By the provision of a cavity infill:

In this case it must be a non-load-bearing stud partition made up of minimum 89mm x 38mm studs at 600mm centres with no infill and covered with 12.5mm plasterboard.

Take off one face of the existing partition. Fill the cavity between the studs with 90mm Rockwool Timberbatts of density 23Kg/m<sup>3</sup>. Provide 12.5mm Gypsum Wallboard fixed at 150mm centres with 38mm galvanised nails. Joints must be taped and filled or surface scrimmed and skimmed.

Alternatively, if the timber studs are minimum of 100mm x 38mm at 600mm centres and covered with 12.5mm plasterboard the cavity between the studs can be filled with 100mm Rockwool RW2 slabs.

**Any variations or alternatives to the above specifications must be agreed with your Local Authority prior to the works being carried out.**

### ■ Protection below the Existing Ceiling

The plain edge boards are to be overlaid with 3.2mm hardboard. The existing ceiling is to be supported by chicken wire or expanded metal lathing of 25mm mesh, securely nailed to the joists. 38mm x 38mm noggins must also be fixed to span between the battens to support the following board edges:-

Two layers of 12.5mm **Fire Resistant Gypsum Wallboard** joints staggered.

or

Two layers of 10mm Glasroc Multi-Board with joints staggered.

The plain edge floorboards are to be overlaid with 4.8mm hardboard. The existing ceiling is supported with chicken wire or expanded metal securely fixed to the joists. 12mm Supalux is fixed through the existing ceiling to the joists with 63mm x No 8 wood screws at 300mm centres.

The plain edge boards are to be overlaid with 3.2mm hardboard. The existing ceiling is to be under-drawn with expanded metal lathing to BS 1369: Part 1: 1987 securely nailed to the joists. Plaster with 13mm (from face to lath) lightweight Gypsum metal lathing type.

### ■ Protection above the existing ceiling

Take up, as necessary, the existing floorboards. Fix 100mm x 12.5mm thick strips of Glasroc Multi-Board to each side of the joists using 36mm Gyproc Drywall screws at 300mm centres. Lay 12.5mm Glasroc Multi-Boards on top of the strips. Relay the floorboards. Overlay the floorboards with 3.0mm hardboard.

Take up, as necessary, the existing floorboards. Lay 19mm Gypsum metal lathing plaster trowelled between the joists in conjunction with expanded metal lathing or chicken wire at mid thickness of the plaster and well turned up and fixed to the joist sides or continuous over the joists. To prevent staining polythene sheets should be laid on the back of the existing ceiling. Relay the floorboards. Overlay the floorboards with 3.2mm hardboard.

Take up, as necessary, the existing floorboards. Fix 2 x 75mm x 12mm Supalux strips to each side of the joists with 50mm x No 8 screws. Lay 12mm Supalux cut, to be a tight fit, between the joists on top of the strips. Superlux to be overlaid with 80mm x 20Kg/m<sup>3</sup> Rockwool Rollbatts. Relay the floorboards. Overlay the floorboards with 4.8mm hardboard.

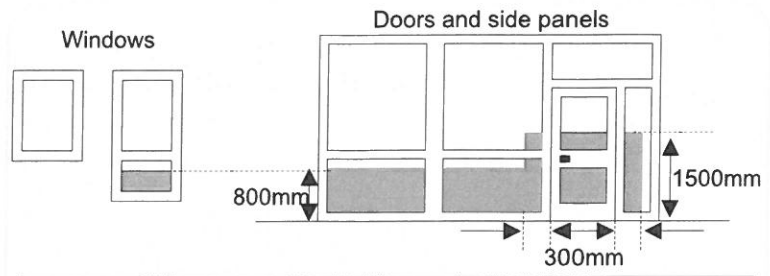
Great care needs to be taken at the junctions between floors and walls, particularly where the floor construction is to be upgraded by providing additional protection within the floor space. The gap should be sealed between the adjacent joist and partition wall and the gap between the floorboards and skirting boards with **intumescent** paste.

For guidance on achieving 1-hour fire resistance to suspended ceilings, advice should be sought from an Environmental Health Officer.

**Any variations or alternatives to the above specifications must be agreed with your Local Authority prior to the works being carried out.**

## Safety Glazing

Glazing in critical locations (i.e. where there is a danger of falling through or of lacerations) may need to meet both fire resistance and safety standards i.e the use of fire resisting safety glazing complying with current British Standard 6206: 1981 (or equivalent). See Diagram 3 for critical locations of safety glazing.



**Diagram 3**

Critical locations of glazing in internal and external walls.

## 6I: Additional Escape Route Separation

### Electricity or Gas meter on escape route

Provide ½-hour fire resisting enclosure to the electric and gas meter. Enclosure to consist of 100mm x 50mm softwood framing faced with 12.5mm plasterboard both sides or alternatively 6mm fire protective board (e.g. Supalux) to the inner side of the framework, scrim joints and apply minimum 3mm plaster skim to outer surface. Provide ½-hour fire resisting door. Where a fire door is to be cut down to fit a smaller door opening, then solid core ½-hour fire resistant door blanks only are to be used. Hardwood lippings are to be glued and screwed to leaf edges once the door blank has been cut down to the required size. Ensure points where pipes or cables penetrate the cupboard are tightly sealed with a non-combustible compound capable of maintaining the ½-hour fire resistant integrity of the cupboard structure (e.g. intumescent foam etc).

Lead pipes are unsatisfactory and the gas supply pipes should be of high melting point metal. The cupboard to the gas meter should be provided with ventilation grills at high and low levels, these must provide ½ hour fire protection. The gas provider should be consulted to ensure they are satisfied with the arrangements, as they will require access to read meters.

### Loft Hatch

Loft hatches must provide the ½-hour fire resistance to the ceiling structure along the means of escape for the property.

Remove the existing loft hatch. Provide and fix suitable lining complete with minimum 25mm deep stops, both to be glued and screwed to loft hatch frame. Provide and fit ½-hour fire resistant loft hatch door to comprise solid core ½-hour fire door blank cut down to appropriate size, with hardwood lippings glued and screwed to each leaf edge. Provide and fit 10mm intumescent and smoke seals to be pinned into rebates on each leaf edge of the loft hatch door or alternatively into the loft hatch frame. The whole door to fit into the existing frame with no more than a 4mm gap at any point between the hatch door and the frame. 2-barrel bolts are to be provided and fitted on opposite sides of the exposed face to keep the hatch in a closed position under pressure when not in use.

### Under stairs cupboard

The soffit and spandrel partition to the staircase is to be made ½ hour fire resisting. Apply to the existing soffit and spandrel 12.5mm plasterboard with 3mm skim coat, or 6mm minimum fire protective board (e.g. SUPALUX) with all joints filled with fire resisting compound. The cupboard below the stairs at ground floor level, in addition to the above, is to have all combustible materials removed. Fit new ½-hour fire resisting door and frame. The door is to be kept locked shut. Apply notice to door reading "TO BE KEPT LOCKED SHUT", to comply with The Health and Safety (Safety Signs and Symbols) Regulations 1996.

## 6K: The Design of Escape Windows

Where window openings are likely to be used for means of escape purposes the following guidance must be referred to:

The window must have an unobstructed openable window area that is at least 0.33msq with at least the width or height dimension being a minimum of 450mm. Side hung opening lights are recommended. Care must be taken when considering the design (particularly with uPVC windows and their various hinge designs) to ensure the necessary openable area required is provided.

The bottom of the openable area (window cill level) must be not more than 1100mm, and not less than 800mm above floor level. Windows are suitable for means of escape where the drop from the window to ground level is one storey only (not exceeding 4.5m from first floor level to outside ground level).

**Note:** The ground below the windows must be flat and free from hazards (low walls, railings etc). Where security is provided on windows, means of opening must be readily available within the room. Where primary access to a sleeping room is through a high risk room (i.e. communal, kitchen or living room) an alternative suitable means of escape must be provided via a door or escape window directly to the outside.

### **2.3 Step 1: identify the hazards within the premises**

2.4 For a fire to start, three things are needed: a source of ignition, fuel and oxygen. If any one of these is absent, a fire cannot start. Taking measures to avoid the three coming together will therefore reduce the chances of a fire occurring.

2.5 Sources of ignition: these may include:

- smokers' materials such as cigarettes, matches and lighters
- naked flames, for example candles and night lights;
- electric, gas or oil-fired heaters (fixed or portable);
- boilers;
- cookers, toasters and other kitchen equipment (especially when shared);
- faulty or misused electrical equipment;
- electric blankets, computers, TVs, washing machines and dryers;
- lighting equipment (fixed and movable), for example halogen lamps and table lamps;
- the electrical installation itself; such as old and outdated wiring and fuse boxes and the overloading of electrical sockets
- the gas installation;
- arson attack;

2.6 Sources of fuel: these may include

- furniture, furnishings, textiles, bedding, clothing, curtains & laundry;
- accumulations of unwanted mail, waste paper, cardboard, newspapers and magazines (including that awaiting recycling collection);
- waste storage and refuse containers;
- flammable liquid-based products such as paint, varnish, thinners, adhesives, white spirit, methylated spirit and cooking oils;
- liquefied gas (LPG), paraffin, heating oils and petrol;
- decorations for seasonal and religious occasions;
- plastics and rubber such as videotapes, polyurethane foam-filled furniture and polystyrene-based display materials; and
- wall, floor and ceiling coverings and surface finishes.

*Compliance with the regulations concerning gas, electrical and furniture safety will reduce the risk presented by some of the items listed above.*

Particular care should be taken when premises are undergoing alteration, repair or redecoration. At such times flammable materials may be stored in the premises, possibly in escape routes or in rooms which are otherwise unused. Care should be taken as to where and how these products are stored. Premises which normally have good fire precautions and present a low fire risk may have their fire safety compromised by temporary careless storage of these products or by the disabling of fire precautions during the period of the works.

2.7 Sources of oxygen: in premises covered by this guide the oxygen source will be the air in the building. Where only normal natural domestic ventilation is provided the risk will generally be normal.

### **2.8 Step 2: Identify people at risk**

2.9 Generally be residents and their visitors and anybody working in the premises such as a caretaker or cleaner and any visiting contractors. Only in buildings with mixed residential and commercial use are there likely to be other people to consider.



## **2.15 Step 4: record, plan, inform, instruct and train**

2.16 It is a good idea for everyone to keep a written record of their fire safety risk assessment, and if the property is subject to the FSO the law says you must make a written record of your risk assessment. In these cases it is the “significant findings” of the risk assessment that must be recorded. Significant findings are the actions to be taken as a result of the assessment and details of anyone at particular risk. Significant findings should include details of:

- the fire hazards that have been identified (but ignore trivial things such as a tube of solvent-based glue);
- the actions taken, or which will be taken, to remove or reduce the chance of a fire occurring (preventive measures);
- persons who may be at risk, particularly those especially at risk;
- the actions taken, or which will be taken, to reduce the risk to people from the spread of fire and smoke (protective measures);
- the actions people need to take if a fire occurs. For most HMOs this will simply be to evacuate the property in the case of a fire and to summon the Fire & Rescue Service
- any information, instruction and training identified as being needed, and how it will be given; and
- any discussions that have taken place with residents (or, if appropriate, with staff).

2.17 It is recommended that a record of the significant findings of the fire risk assessment is kept in all cases, even where it is not a requirement to do so. An example template is shown below, and a blank template for you to use can be found at the end of this document, however, any alternative format will be acceptable provided it contains the information above.

2.18 An appropriate emergency plan should be put in place. In most residential accommodation this is unlikely to extend beyond advising residents what to do in the event of a fire or fire alarm and how to contact the fire and rescue service. In large or mixed use premises a more sophisticated plan may be necessary.

2.19 There is no requirement under the FSO to provide training to residents, but providing them with basic information on fire precautions is a simple and effective way of reducing fire risk in the premises.

## **2.20 Step 5: review**

2.21 The risk assessment and the general fire precautions in the premises should be reviewed regularly. There is no specific timescale for this other than where there is a reason to suspect that it is no longer valid or where there has been a significant change in the premises.

2.22 In practice the fire precautions should be kept under constant review. Where problems are identified they should be dealt with as soon as possible.

## **3. Example Risk Assessment**

3.1 Below is an example of risk assessment for a HMO that would be subject to mandatory licensing. The example is not exhaustive and is intended to give the responsible person an idea of what a fire risk assessment could look like. A blank fire risk assessment is reproduced at the end of this guide that you may like to use.

## **Landlord Fire Precaution Records**

This will help to provide evidence of your management and ongoing maintenance of the property. It can be used in conjunction with your fire risk assessment and is a tool that will enable you to note and record changes in the property which may in turn affect the hazards and risks of fire in the property.

**Fire Doors** - must close completely from a 45° angle when room windows closed, intumescent and smoke seals must be fitted correctly.

**Common Parts** – must be kept clean, in good repair and free from obstructions. Any structural defects should also be noted and repaired – eg. Hole in wall.

**Fire alarm** – routine testing of call points and detectors. An inspection every 6 months by a competent electrician is required for BS 5839 Part 6 Grade A systems with a control panel or annually for Grade D (no control panel). All false alarms shall also be recorded.

**Emergency Lights** – a test key may be provided by the installer, alternatively you may turn the electricity off at the mains. Consult the system handbook.

<b>January</b>	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
<b>February</b>	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
<b>March</b>	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
<b>April</b>	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			

<b>October</b>	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
<b>November</b>	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
<b>December</b>	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
<b>ANNUAL CHECKS</b> - Certificates must be kept detailing findings and contact details for the contractor			
	Date Checked & Company/Contractor details	Defects found	Actions Taken and date
Gas Safety			
Fire Alarm (Grade A system must be checked every 6 months)			
Electrical appliances			
Sprinkler System			

## **Part 9 - GLOSSARY**

### **Some useful fire safety terms**

#### **AFD**

Automatic fire detection and warning system. A system of interlinked smoke and heat detectors with integral or linked alarm sounders. The AFD system is designed to provide a reliable and constant means of detecting smoke or fire at the earliest possible stage and to sound an audible warning to occupiers, enabling them to escape before the fire develops to a dangerous stage. The sophistication and coverage of the system varies depending on risk. Design, installation and maintenance of AFD systems for premises covered in this guide are laid down in BS 5839: part 6, 1995.

#### **Area of high fire risk**

Room or other area which, because of its function, use or contents, presents a greater risk of fire occurring and developing than a standard risk room or elsewhere – for example large kitchens, boiler rooms and large storerooms.

#### **Back-up supply**

See stand-by supply

#### **Bedsit HMO**

A building which has been divided into individual non-self-contained lettings, let to unconnected individuals. Each bedsit letting will usually comprise only one room (sometimes more) which may contain cooking/food preparation facilities, washing facilities and living/sleeping space. Usually bathrooms and WCs are shared between a number of bedsits. The actual facilities contained within each bedsit letting will vary from property to property.

#### **Circulation spaces**

Passages, corridors, landings, hallways, lobbies and stairways.

#### **Competent person**

A person suitably trained and experienced so as to be able to properly examine, test and undertake any remedial action and to present the information in a report.

#### **Competent and registered engineer**

A person who is competent to inspect gas installations and provide a gas appliance test certificate. Specifically an engineer recognised by the Gas Safe Register as being competent to undertake such testing.

#### **FD30 / FD30S**

Purpose designed and built fire-resisting door assemblies with a minimum fire resistance of 30 minutes. The 30 figure indicates the door's performance time in minutes. A letter 'S' after the figure denotes a requirement for smoke seals to be fitted so as to restrict the passage of smoke, including cold smoke. Tested to either British or European standards.

#### **Fire risk assessment**

An organised and methodical look at a premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. A requirement in premises to which the Regulatory Reform (Fire Safety) Order 2005 (FSO) applies, (i.e. those with common parts).

#### **FRA**

Fire and rescue authority.

#### **FSO**

The Regulatory Reform (Fire Safety) Order 2005.

#### **Final exit**

The termination of an escape route from a building giving direct access to a place of safety such as a street, passageway, walkway or open space, and sited to ensure that persons can disperse safely from the vicinity of the effects of fire.

**Place of ultimate safety**

A place outside of the building and away from it, where people will be safe and unaffected by the fire or its effects.

**Plasterboard**

A board of gypsum plaster enclosed between and bonded to two paper sheets.

**Protected route**

An escape route out of a building offering a degree of protection from fire and smoke emanating from rooms opening onto it. In premises covered by this guide it will typically be the usual staircase, landings and hallway of the house leading to a final exit. A protected route will provide varying degrees of protection from fire and smoke in accordance with risk (a 30-minute protected route, for example, will be enclosed with construction giving 30 minutes of fire resistance and containing 30-minute fire-resisting doors with smoke seals (FD30S)). Lower risk premises will have protected routes offering a lower standard.

**Relevant persons**

Relevant persons include anyone lawfully on the premises and those in the vicinity of the premises who would be affected by any fire at the premises.

**Residential property tribunal (RPT)**

The formal name given to a tribunal of two or three people set up by law under the provisions of the Rent Act 1977 and the Housing Act 2004. It is an independent decision-making body which is completely unconnected to the parties or any other public agency. The RPT is the tribunal which determines appeals against any enforcement actions taken under the Housing Act 2004. Weblink: [www.rpts.gov.uk](http://www.rpts.gov.uk)

**Responsible person**

The responsible person for the purposes of fire safety provision and maintenance at residential accommodation is the person having control, i.e. the landlord or person managing.

**Risk analysis**

An exercise to determine the level of risk of suffering harm from an activity based upon a range of criteria – see Part 7.

**Risk room**

A room with a function, use or contents presenting a risk of fire occurring and developing; typically kitchens, shared living rooms, bedsit rooms. A risk assessment may include bedrooms in some cases. Excludes bathrooms and WCs containing no fire risk. See also 'area of high fire risk'.

**Room sealed appliance**

A gas appliance whose combustion system is sealed from the room in which the appliance is located and which obtains combustion air from outside the premises, and which also vents the products of combustion to open air outside the premises. Most modern gas boilers are room sealed appliances.

**Self-contained flats**

The meaning within this guide relates to flats in single occupation with all amenities behind the front door.

**Shared house**

Where a group of people take out a joint tenancy agreement for the exclusive legal possession and use of a whole house including all bedrooms. Occupation is similar to that of a single family dwelling.

**Significant findings**

The actions to be taken as a result of a fire risk assessment and details of anyone especially at risk. Must be recorded in some cases (see Part 7).



## Record of Significant Findings from the Fire Risk Assessment

Risk Assessment for:		Assessment undertaken by:	
Address:		Completed by:	
		Signature:	
Postcode:		Date:	
Floor unit (for large multi-unit properties)		Property type:	

### Step 1: Identify fire hazards

Sources of ignition:	
Sources of fuel:	

### Step 2: People at risk:

--

### Step 3: Evaluate, remove, reduce and protect from risk

3.1 Evaluate the risk of the fire occurring	
3.2 Evaluate the risk to people from a fire starting at the premises	
3.3 Remove or reduce the hazards that may cause a fire	
3.4 Remove and reduce the remaining risks to people from a fire	

### Assessment Review

Next review date:	
Risk assessment completed by:	
Signature:	
<b>Review outcome</b> (where substantial changes have occurred a new record sheet should be used)	

**Notes:**

1. This risk assessment record of significant findings should refer to other plans, records or documents as necessary.
2. The information in this record should assist you to develop an emergency plan, co-ordinate measures with any other 'responsible persons' in the building, train any staff and inform residents.





## Fire Safety in Houses in Multiple Occupation

### Risk Assessment Form

#### Fire risk assessment for:

(Address) \_\_\_\_\_

\_\_\_\_\_ Post Code \_\_\_\_\_

To ensure the adequacy of existing fire precautions within a house in multiple occupation, a risk assessment should be carried out by, or on behalf of, the licensee/prospective licensee to establish both the risk of the fire occurring and the risk to people in the event of fire. This checklist, or similar, may be used and is required to be submitted to Oadby and Wigston Borough Council before a licence can be issued. The landlord should retain a copy and the building should be checked on a regular basis using the checklist.

The answer to all questions should be **YES** or **NOT APPLICABLE (N/A)**. If the answer to any question is **NO**, steps should immediately be taken to rectify the deficiencies or review the fire risk assessment.

General	YES	NO	N/A	COMMENTS
1. Have flammable and combustible materials been identified and minimised where possible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the system of controlling the amount of flammable substances and combustible materials operating effectively?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Are all flammable substances and combustible materials stored safely?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Are heating appliances fixed in position at a safe distance from any combustible materials and suitably guarded?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Are all items of electrical equipment fitted with fuses of the correct rating?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Have fire prevention measures been brought to the attention of the residents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Are lengths of flexible cable and multi-point adapters kept to a minimum?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Are cables run only where damage is unlikely and not under floor coverings or through doorways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	YES	NO	N/A	COMMENTS
26. Are all vents and service ducts etc suitably protected, where appropriate, to prevent the spread of fire, heat or smoke?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Lighting</b>				
27. Has the need for emergency escape lighting been considered?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
28. Is the emergency escape lighting, in working order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Fire Fighting</b>				
29. Is there sufficient fire fighting equipment of the correct type?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
30. Are portable fire extinguishers, fire blankets, etc, suitably located and available for use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
31. Have the portable fire extinguishers been serviced within the last year?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
32. Is the fixed fire fighting installation in working order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Fire Alarm</b>				
33. Is the fire alarm system in working order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
34. Is the fire alarm tested weekly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
35. Can the alarm be raised without anyone being places at risk from fire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
36. Are the fire alarm call points unobstructed and clearly visible or suitably indicated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
37. Is the automatic fire detection system in working order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Fire Instructions/Emergency Plan</b>				
38. Are fire instructions clearly displayed through the premises?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
39. Have you recorded the findings of the fire risk assessment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
40. Have steps been taken to plan what actions everyone should take if a fire starts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
41. Have these steps been brought to the attention of all residents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
42. Has a procedure been established to review the fire risk assessment periodically?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**Signature** ..... **Date** .....

**Print Name** .....

Please add any additional comments you may wish to make in this space:



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 07 April 2016</b>	<b>Matter for Information and Decision</b>
---	------------------------------------	--

**Title:** **Redress Schemes for Lettings Agency Work and Property Management Works**

**Author:** **Robert Watson - Environmental Health Officer**

---

## **1. Introduction**

- 1.1.** This report seeks authority for the Head of Communities to implement arrangements for the enforcement of The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (the 'Order') made under the Enterprise and Regulatory Reform Act 2013 and to adopt the necessary powers.
- 1.2.** The local authority is the enforcing body and is required to set out its policy determining the level of fines to be imposed and the reasons. In Oadby and Wigston it is proposed enforcement will be led by the Environmental Health Team. The report seeks approval of these matters.

## **2. Recommendations**

That Members:

- 2.1.** Agree to delegate the implementation and enforcement arrangements for the Order to the Head of Communities and Environmental Health Team Leader;
- 2.2.** Agree that the penalty for non-compliance with the Order shall be £5000;
- 2.3.** Agree to authorise the Head of Communities and Environmental Health Team Leader, to review the monetary penalties for non-compliance with the Order, taking the recommendations of Department of Communities and Local Government guidance into account; and
- 2.4.** Agree the amendments to the current Corporate Enforcement and Prosecution Policy as set out in paragraph 3.7.

## **3. Information**

- 3.1.** The Order came into force on 1 October 2014 and makes it a legal requirement for all lettings agents and property managers in England to join one of three Government approved schemes. This now means that tenants and landlords with agents in the private rented sector, and leaseholders and freeholders dealing with residential property managers, will be able to complain to an independent person about the service they have received.

- There are three Government approved schemes as follows:
- Ombudsman Services Property

- Property Redress Scheme
- The Property Ombudsman

By implementing this legislation the Council will be in a position to take action against businesses that are not Members of an approved scheme and this will be for the benefit of local private sector tenants and responsible businesses that have joined a scheme. It also gives an added means of improving the standard of private sector housing within Oadby and Wigston and assists in tackling rogue landlords or agents which give the sector a bad name.

A maximum penalty of £5,000 may be imposed by the enforcement authority where it is satisfied that someone is engaged in letting or property management work and is required to be a Member of a redress scheme, but has not joined.

- 3.2. Before a penalty can be imposed the authority must give written notice of their intention to impose a penalty setting out the reasons and the amount of the penalty. The lettings agent or property manager will have 28 days to make written representations or objections to the authority, starting from the day after the date the notice of intent was sent.
- 3.3. At the end of the 28 day period the enforcement authority must decide, having taken into account any representations received, whether to impose the fine and, if so, must issue a final notice to the lettings agent or property manager giving at least 28 days for payment to be made. There is a right of appeal to the HM Courts & Tribunals Service.
- 3.4. Guidance states an expectation that £5000 should be considered the normal penalty to be imposed but does refer to the possibility of a lower sum being accepted only if the local authority is satisfied that extenuating circumstances apply. It suggests that the size of the business committing the breach may be a factor to consider as might be a genuine lack of awareness of legal requirements in the early stages of implementing the requirements.
- 3.5. As guidance to extenuating circumstances is relatively vague it is proposed that the Oadby and Wigston initial approach to any breach should be to impose the £5000 maximum penalty and consider any representations made about penalty reduction on a case by case basis.
- 3.6. This will be reviewed as the new requirements become embedded and discussions between enforcement authorities on consistency in applying penalty reductions reach consensus.
- 3.7. There will be no additional cost to the Council in carrying out this enforcement duty and it will be met through existing resources. Any penalty fines received will offset the overall cost of enforcement activities within the service however it is not anticipated a large number of fines will be issued.
- 2.8. Penalty Charge Notices are a new approach to housing legislation; they are not referred to in the Corporate Enforcement and Prosecution Policy adopted by the Policy Finance and Development Committee on 22 July 2014. The amendments to the Policy will be included in a revised policy being to be approved by the Policy Finance and Development Committee. The Government has announced proposals to use penalty notices for other breaches. The Corporate Enforcement and Prosecution Policy needs to be amended to reflect both the requirements of The Order and this changing style of enforcement by amending the second paragraph of Section 7 of the Policy to the

following:

Where steps to deal with a matter informally does not result in compliance, or in more serious cases, formal enforcement action will be considered, e.g. issuing a statutory notice, fixed penalty or penalty charge notice, offering a formal caution, or prosecution. Formal action may include:

- Fixed Penalty and Penalty charge Notices

**Email:** robert.watson@oadby-wigston.gov.uk

**Tel:** (0116) 257 2679

Implications	
Financial	No significant implications.
Legal	The enforcement of these Regulations makes additional powers available to the Environmental Health team to remedy poorly managed private rented properties.
Risk	If the legislation is not implemented there is a reputational risk to the Council in not implementing legislation and being able to take appropriate action.
Equalities	The legislation will be equally applied to all landlords and all tenants.

# Agenda Item 10



**Licensing and  
Regulatory Committee**

**Thursday, 07 April  
2016**

**Matter for Information  
and Decision**

**Title: Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

**Author: Robert Watson - Environmental Health Officer**

---

## **1. Introduction**

- 1.1. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) require landlords of all privately rented domestic accommodation to provide smoke alarms on every storey to protect their tenants. Carbon Monoxide alarms are also required in every room containing a high risk appliance (such as a solid fuel appliance). This Regulation took effect from 1<sup>st</sup> October 2015. Where a breach of these Regulations is identified the Council can enforce via the service of a Penalty Charge notice up to a maximum of £5000.
- 1.2. A penalty allows the council, amongst other things, to eliminate financial gain or benefit from non-compliance. A financial penalty charge will be considered appropriate where the landlord has failed to comply with the requirements of a remedial notice as detailed in section 3.

## **2. Recommendations**

That Members:

- 2.1. Authorise the Head of Communities and the Environmental Health Team Leader to make arrangements to implement this legislation and to put in place arrangements to review penalties in line with central government guidance; and
- 2.2. Agree that the penalty for non-compliance with the Order shall be as detailed in the attached Statement of Principles (as set out in Appendix 1) for determining the amount of a penalty charge up to a maximum of £5000.

## **3. Information**

- 3.1. The Council has a legal obligation to ensure the health and safety of private tenants and where a breach of these Regulations is identified, to serve a Remedial Notice on the landlord. This Notice may require the landlord to provide and check the alarms as it deems appropriate.
- 3.2. Where, on the balance of probabilities, the Council deems a Remedial Notice has not been complied with it must complete the works in default if tenant consent is given. The Council may then require the landlord to pay a penalty charge if the Council is satisfied on the balance of probabilities that the landlord on whom it has served a remedial notice has failed to take the remedial action specified in the notice within the timescale given.

**Email:** robert.watson@oadby-wigston.gov.uk

**Tel:** (0116) 257 2679



<b>Implications</b>	
Financial	No significant implications. The cost of default remedial works should be recovered by means of the penalty charges. Any penalty charges received by the authority will contribute to the cost of running the service benefitting private sector tenants within Oadby and Wigston and offset the cost of work in default.
Legal	This is a statutory obligation of the Council.
Risk	If the legislation is not implemented there is a risk of damage to the health of residents, reputational risk in not implementing statutory requirements and possible legal action from anyone adversely affected by the failure to implement.
Equalities	The legislation will be equally applied to all landlords and all tenants.



## **Oadby and Wigston Borough Council**

### **Statement of principles for determining the amount of a penalty charge**

Rev – March 2016

As a local authority, Oadby and Wigston Borough Council has a statutory duty to enforce a wide range of laws affecting local businesses and individuals. The Council is committed to fair and effective enforcement, which protects both the economic interest and the health and safety of the public, businesses and the environment.

A corporate enforcement and prosecution policy was adopted by committee on 22 July 2014. This Policy sets out the enforcement options available to the Council when determining breaches of legislation. This statement sets out the principles which the Council proposes to follow in determining the amount of such penalty charges.

#### **Penalty Charge Notices**

Where the Council is satisfied that it has evidence of regulatory non-compliance and the breach allows for the Council to require the offender to pay a penalty charge it will issue a penalty charge notice in line with its Statement of Principles . Any penalty charge notice will generally include;

- the reasons for imposing the penalty charge;
- where applicable, the premises to which the penalty charge relates;
- the amount of the penalty charge;
- that the person responsible for the breach is required, within a period specified in the notice –
  - to pay the penalty charge, or
  - to give written notice to the local housing authority that the offender wishes the authority to review the penalty charge notice;
- how payment of the penalty charge must be made;
- any reduction for early payment of the penalty charge;
- where applicable the statutory appeals process;
- the person to whom, and the address (including if appropriate any email address) at which, a notice requesting a review may be sent and to which any representations relating to the review may be addressed; and
- any other information as required by statute.

Any representations to the penalty charge shall be considered by the Environmental Health Team Leader. The Team Leader will review the penalty charge in line with the factors detailed below. All representations will be considered on their own merit.

In any case it will be the responsibility of the recipient to provide sufficient evidence to support their representations.

When any review determines a final amount of penalty and this is not paid the Council will pursue non-payment of the penalty through a court order process.

### **Policy Review**

This Policy shall be subject to an annual review to be conducted by the Environmental Health Team Leader or of Head of Communities.

## **Statement of Principles for Amount of Penalty Charge under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

The above regulations require the following:

### ***Information to be published by local housing authority***

**13.—***(1) A local housing authority must prepare and publish a statement of principles which it proposes to follow in determining the amount of a penalty charge.*

*(2) A local housing authority may revise its statement of principles and, where it does so, it must publish the revised statement.*

*(3) In determining the amount of a penalty charge, a local housing authority must have regard to the statement of principles which was most recently prepared and published at the time when the breach in question occurred.*

Therefore Oadby and Wigston Borough Council has set and published the following statement in order to satisfy the above requirements:

The amount of penalty applied shall be a maximum of £5000 based upon a combination of items 1 and 2 below:

1.
  - a) The costs associated with officer time to investigate and enforce the regulations for the specific case, being an hourly rate as calculated by a Financial Officer of the Council to include the overhead costs for the officer time;
  - b) The cost to purchase and equip the property with appropriate alarms;
  - c) A deterrent element as set out below.
  
2. The amount of deterrent element of the penalty shall be as follows:
  - a) A first offence will attract a penalty of £2500 and the actual cost element (net of vat).
  - b) A second offence will attract a penalty of £4000 to deter non compliance.
  - c) Third and subsequent offences will attract a penalty of the maximum £5000.

Early payment (payment within 14 days beginning with the day on which the penalty charge notice was served) will reduce the deterrent element by 50% for first and second offences only. For third and subsequent offences no early repayment option will be offered. The actual cost element will remain at 100%.

3. Item 1) a – c above shall be used by the Council to offset service costs.

The period within which the penalty charge is payable is 28 days beginning with the day on which the penalty charge notice is served.

Date of Statement: 23<sup>rd</sup> March 2016