

County Council

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Houses in Multiple Occupation – Adopted Standards and Licence Conditions

Terry Collins, Corporate Director Neighbourhood Services
Councillor Bob Young, Cabinet Portfolio Holder for Strategic Environment and Health

Purpose of the Report

- 1 This report seeks the approval of revised standards and licence conditions for houses in multiple occupation (HMO) and delegated authority to make minor amendments and legislative changes to update HMO standards and licence conditions as and when required.

Background

Houses in Multiple Occupation

- 2 Well managed HMOs meet the needs of a diverse population, including young professionals, low paid workers and older single persons. In the City Centre, privately owned HMOs provide accommodation for more than half of all University students. Conversely, poorly managed HMOs have traditionally been associated with some of the worst housing conditions in the private rented sector. The latter often manifests through increased risks to the health and safety of the occupants arising from poor fire safety measures, inadequate kitchen and sanitary provision, poor management standards and dangerous fixtures, fittings or layout. The improvement of standards in HMOs remains a priority to protect residents from unsafe and unhealthy conditions.
- 3 The national standards for HMOs which are licensed by the Council are now prescribed in regulations made under the Housing Act 2004. These relate to provision of bathrooms, WCs, kitchens, fire safety and heating within HMOs. They are used to determine whether or not a property is reasonably suitable for occupation by a certain number of households or persons. If these standards are not met, a licence cannot be granted.
- 4 Even if these prescribed standards are met, the Council must still determine whether the HMO is or is not reasonably suitable for occupation. More detailed standards can therefore be set to reflect local housing conditions, provided they do not fall below the prescribed national standards.
- 5 Adopting local HMO standards will also furnish landlords with the detailed information on what is expected of them, and provide the basis for enforcement standards.

6 There are currently 345 licensed HMOs across the County and to the best of our knowledge this represents all known HMOs that fall into the category for mandatory requirements for licensing. It is estimated that there could be a further 1000-1200 other smaller HMOs, which currently fall outside of the scope of the mandatory licensing regime.

7 Current HMO standards exist for the following types of HMO:

- Shared houses
- Bedsits
- Hostels, Guest Houses and Bed and Breakfast premises.

These existing standards were set by the various district authorities prior to Local Government Reorganisation in County Durham.

8 It is important that therefore that the Council regularly reviews and develops local standards and licence conditions to ensure that the regulation of HMOs is in line with current legislative requirements and to ensure that accommodation is maintained at the level or above prescribed by the minimum national standards where appropriate.

9 The Council's Cabinet meeting held on 15th December 2010 approved the Report "Licensing of Houses of Multiple Occupation" (item A8). The main purpose of the report was to consider the HMO fee structure for new HMOs and those subject to re-licensing; and to agree in principle to the introduction of an 'Additional' licensing regime for houses in multiple occupation, subject to a further report following completion of the appraisal and consultation process.

10 The current proposals for re-licensing provide an opportunity to review existing standards and licence conditions and update them into line with current legislation.

Material Considerations

Proposed Standards and licence conditions

11 It is vital that the HMO standards and licence conditions reflect current legislation, are fair and proportionate and can be used to determine all types of HMO licences in the foreseeable future.

12 The revised standards are attached at Appendices 1, 2 and 3 respectively. Overarching fire safety standards, applicable to all types of HMO, are contained in Appendix 4. Officers have also consolidated various proposed revisions to the HMO licensing conditions. Revised conditions are attached at Appendix 5.

13 The proposed standards incorporate the broad principles and requirements of the existing standards that are in place but have been revised in line with current legislation.

- 14 These new local standards will also serve as an enforcement tool. They will provide detailed information for landlords on what is required of them to comply with the law and to ensure their accommodation is properly managed and safe, and that it provides well maintained and adequate facilities and sufficient living space for the occupiers.
- 15 Failure to endorse and implement new HMO standards could mean that enforcement decisions are fundamentally flawed, and the Council may be criticised for failing to develop local policies in line with the Housing Act 2004. This criticism is most likely to originate from Residential Property Tribunals where any enforcement action would be under scrutiny.

Staff and Financial Resources

- 16 The Environment, Health and Consumer Protection service has established a dedicated team of officers to deal with Houses in Multiple Occupation. Revisions to the standards and conditions in Appendices 1 to 5 present no additional staff or financial implications.

Conclusion

- 17 The improvement of conditions in HMOs remains a priority to protect residents from unsafe and unhealthy conditions. It also contributes to their overall quality of life and general health which are some of the core principles of the new Public Health White Paper, "Healthy Lives, Healthy People" which sets out the Government's long-term vision for the future of public health in England.

Recommendations and Reasons

- 18 Members are asked to consider the content of this report and Appendices 1 to 5 and to adopt the revised standards and licence conditions.
- 19 For the Director of Neighbourhood Services and Head of Environment, Health and Consumer Protection in consultation with the Head of Legal Services be authorised to amend the standards and licence conditions to reflect changes in legislation as and when necessary.

Background Papers

Housing Act 2004

Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Regulations 2006

Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) Regulations 2006

Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

General Consents for Licensing Schemes under Parts 2 and 3 of the Housing Act 2004

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Appendix 1: Implications

Finance:

The introduction of revised HMO standards and licence conditions present no additional operational costs to the Council's budget.

Staffing:

The Environment, Health and Consumer Protection department has established a dedicated team of officers to deal with Houses in Multiple Occupation. The introduction of revised HMO standards and licence conditions present no additional Council staffing implications.

Risk:

Failure to have the standards approved by members could affect enforcement actions if challenged by HMO landlords or managers at Residential Property Tribunals.

Equal and Diversity

An Equality and Diversity impact assessment has been undertaken and can be viewed on Committees, meetings and minutes webpage on Durham County Council's website. [Cabinet 9 March 2011 Papers](#)

Accommodation:

The introduction of revised HMO standards and licence conditions present no additional accommodation implications.

Crime and Disorder:

An effective approach to the management of HMOs may reduce the incidence of ASB.

Human Rights

None

Consultation:

Existing protocols between the Council and partner organisations, e.g. the County Durham and Darlington Fire and Rescue Service and Durham Students' Union, are utilised where appropriate. Landlords have been required to comply with the principles and requirements of these standards when applied under the previous District Council structure.

Procurement

None

Disability Discrimination Act

None

Legal Implications

The power to make local standards is under Section 65(2) of the Housing Act 2004.

APPENDIX 2

STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “SHARED HOUSES”

“Shared houses” mean, for the purposes of this standard, HMO’s where the property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. In deciding on whether the property is shared, the following factors will be considered and a balanced view taken of the particular state of affairs:

- (i) The extent, or otherwise, to which each occupier shares facilities such as dining rooms, kitchens, bathrooms and other parts of the property, and whether all parts of the property are accessible to all occupiers;
- (ii) The degree of co-operation and social interaction amongst the occupiers;
- (iii) The terms and conditions contained in the tenancy agreement(s);
- (iv) Payment arrangements for rent, utility bills, food and other such items;
- (v) The extent, or otherwise, of related occupiers;
- (vi) Features present in the property, such as locks on individual units of accommodation and to what extent facilities are shared;
- (vii) Any factors affecting the likely fire safety risks e.g. occupiers with limited mobility, drug / alcohol dependency etc.

PART 1

Prescribed standards for deciding the suitability for occupation of a Licensed HMO by a particular maximum number of households or persons

These standards have been set nationally in 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 (Additional Provisions) (England) Regulations 2007. They apply to any Category of Houses in Multiple Occupation that is subject to licensing, and must be read in conjunction with the Part 2 specific conditions.

1. Heating

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

2. Washing facilities

(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) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and
- (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

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

(2) 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.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

3. Kitchens

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 equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—

- (i) sinks with draining boards;
- (ii) an adequate supply of cold and constant hot water to each sink supplied;
- (iii) installations or equipment for the cooking of food;
- (iv) electrical sockets;
- (v) worktops for the preparation of food;
- (vi) cupboards for the storage of food or kitchen and cooking utensils;
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- (viii) appropriate refuse disposal facilities; and

- (ix) appropriate extractor fans, fire blankets and fire doors .

4. Units of living accommodation without shared basic amenities

(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;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.

(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

5. Fire precautionary facilities

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

CATEGORY B HOUSES – including SHARED STUDENT HOUSES

PART 2

Locally adopted standards that apply to all Houses in Multiple Occupation within this Category. Houses in Multiple Occupation that require a licence must also comply with the Part 1 prescribed standards where they are higher than the local standards.

A. Space Standards

Note: Reference made to floor space means “usable floor space” – actual floor space may therefore be reduced, for example, in irregularly shaped rooms.

1. One Person Units of Accommodation

(i) Each bedroom/study:

10m² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 6.5m².

2. Two Person Units of Accommodation

(i) Each bedroom/study:

15 m² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 11m².

3. Measurement of Attic and Similar Rooms with Reduced Headroom

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room, (see also **D.1.** for notes on height of certain rooms).

4. Common Rooms

(i) Kitchens

used by 1-5 persons	7m ²
used by 6-10 persons	10m ²
used by 11-15 persons	13.5m ²
used by 16+ persons	16.5m ²

(ii) Dining/Kitchen

used by 1-5 persons	11.5m ²
used by 6-10 persons	19.5m ²
used by 11-15 persons	24m ²
used by 16+ persons	29m ²

(iii) Living rooms and dining rooms

used by 1-5 persons	11m ²
used by 6-10 persons	16.5m ²
used by 11-15 persons	21.5m ²
used by 16+ persons	25m ²

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing equivalent in total area to at least $1/10^{\text{th}}$ of the floor area of the room, and some part of the window should normally be at least 1.75m above floor level.
2. Basement rooms used for human habitation should, in addition to the requirements in the paragraph 1 above, have sufficient natural lighting for their purpose.
3. All kitchens, bathrooms and water closet compartments shall comply with paragraph 1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part C, to the satisfaction of the environmental health officer.

All glazing to windows in bathrooms and water closet compartments shall be obscure.

4. All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part C, to the satisfaction of the environmental health officer.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity.

Time switches will only be allowed to common landings, passages and staircases and shall stay on for an adequate time to allow a person to climb stairs etc and enter a room.

There shall be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m except in the case of existing attic rooms, which shall have a minimum height of 2.15m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air; the ventilation openings shall be equivalent to at least $1/20^{\text{th}}$ of the floor area of the room.
3. Where the free circulation of air may be restricted, such as in a room in a habitable basement, the floor of which is more than 0.9m below the surface of the adjacent street or ground, natural ventilation should be direct to the external air. In such situations, there should normally be an unobstructed space immediately outside the window opening which

extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. It is also to be expected that the average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room. See Part D No 1.

4. All kitchens, bathrooms, water closet compartments shall comply with paragraph 2 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

In living rooms and kitchens, some part of the opening should normally be at least 1.75m above floor level.

5. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all dining/kitchens, kitchens, bathrooms, water closet compartments, and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. A supply of hot and cold running water, suitable for drinking and food preparation purposes, shall be provided over a sink, for the use of all occupants in each shared kitchen. Cold water shall normally be supplied from the rising main.
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant water authority at all times.
3. All water supplies shall, where necessary, be protected from frost damage.

F. Personal Washing Facilities

1. Each bedroom/study room shall be provided with a suitable wash hand basin together with its own supplies of hot and cold running water and adequate drainage.

Where this is not practicable shared facilities will be accepted, by provision of a wash hand basin in each bathroom in the ratio shown in paragraph 2 below.

2. Each occupancy shall be provided with its own bath or shower, each in a proper room. Where this is not practicable a readily accessible bathroom or a shower room, being not more than one floor distant from any user, shall be provided in the following ratios:

1-5 persons	1 bathroom or shower room with wash hand basin
6-10 persons	2 bathrooms or shower rooms with wash hand basins.

3. Baths and showers shall not be provided in kitchens.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. Each separate occupancy shall be provided with its own water closet compartment.

Where this is not practicable, a readily accessible water closet compartment, being generally not more than one floor distant from each user, shall be provided in the following ratios:

1-5 persons	1 water closet
6-10 persons	2 water closets

External water closets shall not be reckonable for this purpose.

3. Each shared water closet shall be situated in a room separate from the bathroom or shower room. In exceptional circumstances, Durham County Council may waive this provision, if the said separation of facilities is impossible to achieve or would involve either excessive cost or a significant reduction in usable room floor space.
4. A wash hand basin shall be provided in each separate water closet together with its own continuous supply of hot and cold running water. The hot and cold water supplies shall be adequate, constant and available at all times.

H. Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

Kitchen Facilities

1. Each occupancy shall have use of a kitchen separate from the sleeping room and wherever possible on the same floor but shall generally be not more than one floor distant from the users.
2. A kitchen which combines dining room facilities may be acceptable anywhere in the HMO.

Food Storage

1. The minimum provision for one individual occupancy will be a refrigerator of at least 0.1m³ and dry goods storage of at least 0.1m³.
2. The space in a sink unit below the sink will not be accepted, ventilated or otherwise.

Preparation

1. A work top of smooth, impervious material giving an unobstructed working area of at least 2000mm by 500mm shall be provided in the kitchen.
2. Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position shall be provided in the kitchen. Additional socket outlets may be provided in shared kitchens as the environmental health officer considers appropriate.

Cooking

The kitchen shall be provided with a proper cooking appliance. The minimum acceptable will be a cooker with four rings or hot plates together with a grill and an oven per six occupants living in the house. Microwave ovens will not be considered a proper cooking appliance but may be provided in addition to any gas or electric cooker.

Sinks and Disposal of Waste Water

1. The kitchen shall be fitted with its own sink complete with drainer and provided with its own continuous supplies of hot and cold running water and suitable drainage.

I. Space Heating

1. All habitable rooms shall be adequately heated by a fixed space heating appliance of either gas or electricity; solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety from the removal of hot ashes. Portable or removable heating appliances will not be acceptable as the main source of heating.
2. All heating systems shall be of a sufficient output so as to heat adequately the habitable rooms to a temperature of 18°C with an outside temperature of -1°C.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided, sufficient for the needs of the house and of a type acceptable to the local authority. They should be located on a hard standing within the curtilage of the dwelling allowing suitable access for cleansing of the area and removal of the container.

K. Means of Escape from Fire and Other Fire Precautions

1. These are detailed in the Durham County Council Fire Safety Standards in Houses in Multiple Occupation document.

L. Management of Houses in Multiple Occupation

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to the premises and detail comprehensive responsibilities of managers and occupants.

1. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-
 - (a) all rooms in common use
 - (b) staircases, passageways and corridors
 - (c) halls and lobbies
 - (d) entrances to the house, including entrance doors, porches and entrance steps.
 - (e) any means of escape, apparatus, systems or other equipment provided by way of fire precautions
2. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - (a) sanitary conveniences, baths, sinks and wash hand basins
 - (b) installations for cooking or for storing food
3. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.

Regular visual inspections must be carried out on all portable equipment provided for the use of the occupants. In addition, an annual Portable Electrical Appliances (PAT) Report for all such appliances must be issued by an 'approved electrical contractor' and be in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection and Testing of Electrical Equipment.

A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.

An 'approved electrical contractor' means one who is a member of one of the following organisations or registered with them as an authorised competent person: NICEIC, ECA, BRE Certification Ltd, British Standards Institute, ELECSA Ltd or NAPIT Certification Ltd. In exceptional circumstances, Durham County Council may accept reports from electricians who are not members of one of the aforementioned organisations, but who can demonstrate competency through suitable qualifications and experience.

PAT and PIR Reports must be available for inspection at the premises and copies forwarded to Durham County Council within 14 days from the date of renewal.

5. All gas appliances, fittings and flues must be kept in a safe working condition. They must be regularly serviced and maintained.

In accordance with the Gas Safety (Installation and Use) Regulations 1994 (as amended) an annual gas safety check must be undertaken on all gas installations by a competent gas safe registered installer. The inspection report must be available for inspection at the premises, and a copy forwarded to Durham County Council within 14 days from the date of renewal.

Footnote

These standards may not necessarily be the same as those applied by other organisations with an interest in this type of accommodation.

APPENDIX 2

STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “BEDSITS”

“**Bedsits**” mean, for the purpose of this standard, HMO’s which comprise a number of separate non-self-contained bedsit lettings or floor-by-floor lets. Typically there will be individual cooking facilities within each bedsit, although not always, and toilets and bathing / washing facilities will mostly be shared. There is unlikely to be a communal living or dining room and each bedsit or letting will be let to separate individuals with a degree of independence to each other.

In deciding upon whether a property is a bedsit or not, the following factors will be considered and a balanced view taken of the particular state of affairs, namely:

- (i) The extent, or otherwise, to which each occupier shares facilities such as dining rooms, kitchens, bathrooms and other parts of the property, and whether all parts of the property are accessible to all occupiers;
- (ii) The degree of co-operation and social interaction amongst the occupiers;
- (iii) The terms and conditions contained in the tenancy agreement(s);
- (iv) Payment arrangements for rent, utility bills, food and other such items;
- (v) The extent, or otherwise, of related occupiers;
- (vi) Features present in the property, such as locks on individual units of accommodation and to what extent facilities are shared;
- (vii) Any factors affecting the likely fire safety risks e.g. occupiers with limited mobility, drug / alcohol dependency etc.

PART 1

Prescribed standards for deciding the suitability for occupation of a Licensed HMO by a particular maximum number of households or persons

These standards have been set nationally in 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 (Additional Provisions) (England) Regulations 2007. They apply to any Category of Houses in Multiple Occupation that is subject to licensing, and must be read in conjunction with the Part 2 specific conditions.

1. Heating

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

2. Washing facilities

(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) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and
- (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

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

(2) 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.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

3. Kitchens

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 equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—

- (i) sinks with draining boards;
- (ii) an adequate supply of cold and constant hot water to each sink supplied;
- (iii) installations or equipment for the cooking of food;
- (iv) electrical sockets;
- (v) worktops for the preparation of food;
- (vi) cupboards for the storage of food or kitchen and cooking utensils;
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- (viii) appropriate refuse disposal facilities; and
- (ix) appropriate extractor fans, fire blankets and fire doors .

4. Units of living accommodation without shared basic amenities

(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;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.

(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

5. Fire precautionary facilities

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

CATEGORY A HOUSES - BEDSITS / FLATLETS

PART 2

Locally adopted standards that apply to all Houses in Multiple Occupation within this Category. Houses in Multiple Occupation that require a licence must also comply with the Part 1 prescribed standards where they are higher than the local standards.

A. Space Standards

1. One person units of accommodation

- (i) One room units: 13m² including kitchen facilities
10m² where provided with separate shared kitchen

Shared kitchens shall provide 3m² per person using the facility

- (ii) Two or more roomed units:

Each kitchen 4.5m²

Each living/kitchen 11m²

Each living room 9m²

Each bedroom 6.5 m²

2. Two or more person units of accommodation

- (i) One room units: not normally suitable for two or more persons who are married couples or cohabiters. In other cases 20m² for two persons

- (ii) Two or more roomed units

Each kitchen 7m²

Each living/kitchen 15m²

Each living room 12m²

Each living/bedroom 14m²

Each bedroom 10m²

These figures are based on two person occupancy. For occupancies of more than two persons reference must be made to Table 1 of the Sixth Schedule and Sections 325 and 326 of the Housing Act 1985 when considering the permitted number to use for sleeping.

3. Measurement of Attic and Similar Rooms with Reduced Headroom

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room, (see also **D.1.** for notes on height of certain rooms).

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing situated in either a window and/or a door, equivalent in total area to at least 1/10th of the floor area of the room.
2. Underground rooms used as habitable rooms shall comply with B1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of part C, to the satisfaction of Durham County Council.
3. All kitchens, bathrooms and water closet compartments shall comply with B1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with requirements of part C, to the satisfaction of Durham County Council.

All glazing to windows in bathrooms and water closet compartments shall be obscure.

4. All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of part C, to the satisfaction of Durham County Council.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity.

Time switches will only be allowed to common landings, passages and staircases and should stay on for an adequate time to allow a person to climb stairs etc, and enter a room.

There shall be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m, except in the case of existing underground rooms, which shall have a minimum height of 2.15m and attic rooms, which shall have a minimum height of 2.15m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room.

Neither an openable door giving access directly to the external air nor a louvered opening in such a door will be acceptable for the purpose of this requirement.

3. Where the free circulation of air may be restricted, such as in a room in a habitable basement, the floor of which is more than 0.9m below the surface of the adjacent street or ground, natural ventilation should be direct to the external air. In such situations, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. It is also to be expected that the average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room. See Part D No 1.
4. All kitchens, bathrooms, water closet compartments shall comply with 2 above but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.
5. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all dining/kitchens, bathrooms, water closet compartments, and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. Each separate occupancy shall be provided with a supply of cold running water suitable for drinking purposes either directly off the rising main or by such other means as are acceptable to the relevant Water Authority.
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant Water Authority at all times.
3. All water supplies shall, where necessary, be protected from frost damage.

F. Personal Washing Facilities

1. Each separate occupancy shall be provided with a wash hand basin together with its own supplies of hot and cold running water, situated within the unit of accommodation, and of minimum dimension 560mm x 430mm.

If a sink is provided to comply with the requirements of paragraph F1 above, a separate wash hand basin will not be required.

2. Each separate occupancy shall be provided with its own bath or shower each in a proper room. Where this is not practicable a readily accessible bathroom or a shower room, being not more than one floor distant from any user, shall be provided in the following ratios:

1 - 5 persons	1 bathroom or shower room
6 - 10 persons	2 bathrooms or shower rooms
11 - 15 persons	3 bathrooms or shower rooms

The hot and cold water supplies shall be exclusive (unless the rental or charge for accommodation includes the supply of hot water), and available at all times.

3. Baths and showers shall not be provided in the kitchen.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. Each separate occupancy shall be provided with its own water closet compartment. Where this is not practicable a readily accessible water closet compartment shall be provided, being not more than one floor distant from each user, in the following ratios:

1 - 5 persons	1 water closet
6 - 10 persons	2 water closets
11 - 15 persons	3 water closets

External water closets shall not be reckonable for this purpose

3. Where practicable each shared water closet shall be situated in a room separate from the bathroom or shower room.
4. A wash hand basin shall be provided in each separate water closet together with its own continuous supplies of hot and cold running water. The hot and cold water supplies shall be included in the rental or charge for accommodation, unless the water closet is for the exclusive use of one occupancy.

H. Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

Kitchen Facilities

1. Each occupancy shall have its own kitchen separate from but on the same floor as the sleeping room. Where this is not practicable, each occupancy shall have its own kitchen facilities within the unit of accommodation.
2. Shared kitchens may be provided for single person occupancies and where provided shall be on the same floor as the occupancies.

Food Storage

3. Each separate occupancy shall be provided with a proper food store of adequate size ventilated to the external air, within the unit of accommodation. A refrigerator shall be considered to be a proper food store for the purpose of this requirement.
4. The space in a sink unit below the sink will not be accepted, ventilated or otherwise.
5. Where shared kitchens are provided, each occupancy sharing shall have its own facility either within the unit of accommodation or in the kitchen. If in the kitchen, the facility shall be lockable.

Food Preparation

6. Each separate occupancy shall be provided with a suitable work top.
7. In shared kitchens a work top of sufficient size shall be provided.

Cooking

8. Each separate occupancy shall be provided with a proper cooking appliance. The minimum acceptable will be:
 - (a) two rings or hot plates together with either a grill or oven for a one person unit of accommodation;
 - (b) a cooker with four rings or hot plates together with a grill and an oven for units of accommodation for more than one person.
9. In shared kitchens, one cooking appliance shall be provided for each user in accordance with 8(a) above, a cooking appliance in accordance with 8(b) above shall be shared by not more than three one-person units.

Disposal of Waste Water

10. Each separate occupancy shall be provided with a sink with its own supplies of hot and cold running water.
11. In shared kitchens, sinks with adequate continuous supplies of hot and cold water shall be provided in the ratio of one sink per three one-person units of accommodation. The hot and cold water supplies shall be included in the rental or charge for the accommodation.

I. Space Heating

1. All habitable rooms shall be adequately heated by a fixed space heating appliance of either gas or electricity, solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety

from the removal of hot ashes. Use of the appliance will be exclusive (unless included in the rental or charge for accommodation). Portable or removable heating appliances will not be acceptable.

2. All heating systems shall be of a sufficient output so as to heat adequately the bedrooms and living room to a temperature of 18°C with an outside temperature of -1°C.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided sufficient for the needs of the house and of a type acceptable to the local authority. This should normally be in the ratio of one British Standard dustbin or equivalent per household.
2. All containers should be located on hard standing with suitable access for cleansing of the area and removal of containers.

K. Means of Escape from Fire and Other Fire Precautions

2. These are detailed in the Durham County Council Fire Safety Standards in Houses in Multiple Occupation document.

L. Management of Houses in Multiple Occupation

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to the premises and detail comprehensive responsibilities of managers and occupants.

4. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-
 - (f) all rooms in common use
 - (g) staircases, passageways and corridors
 - (h) halls and lobbies
 - (i) entrances to the house, including entrance doors, porches and entrance steps.
 - (j) any means of escape, apparatus, systems or other equipment provided by way of fire precautions
5. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - (c) sanitary conveniences, baths, sinks and wash hand basins
 - (d) installations for cooking or for storing food

6. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.

Regular visual inspections must be carried out on all portable equipment provided for the use of the occupants. In addition, an annual Portable Electrical Appliances (PAT) Report for all such appliances must be issued by an 'approved electrical contractor' and be in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection and Testing of Electrical Equipment.

A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.

An 'approved electrical contractor' means one who is a member of one of the following organisations or registered with them as an authorised competent person: NICEIC, ECA, BRE Certification Ltd, British Standards Institute, ELECSA Ltd or NAPIT Certification Ltd. In exceptional circumstances, Durham County Council may accept reports from electricians who are not members of one of the aforementioned organisations, but who can demonstrate competency through suitable qualifications and experience.

PAT and PIR Reports must be available for inspection at the premises and copies forwarded to Durham County Council within 14 days from the date of renewal.

5. All gas appliances, fittings and flues must be kept in a safe working condition. They must be regularly serviced and maintained.

In accordance with the Gas Safety (Installation and Use) Regulations 1994 (as amended) an annual gas safety check must be undertaken on all gas installations by a competent gas safe registered installer. The inspection report must be available for inspection at the premises, and a copy forwarded to Durham County Council within 14 days from the date of renewal.

Footnote

These standards may not necessarily be the same as those applied by other organisations with an interest in this type of accommodation.

APPENDIX 3

STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “HOSTELS, GUEST HOUSES AND BED AND BREAKFAST ACCOMMODATION”

“Hostels, Guest Houses and Bed and Breakfast Accommodation” mean, for the purposes of this standard, HMO’s where they are not occupied as shared houses or bedsits, but are nevertheless HMO’s under the meaning of section 254 of the Housing Act 2004 (the ‘Act’), or by virtue of a declaration issued by Durham County Council under section 255 of the Act and not subject to exemption under schedule 14 of the Act. In general terms, but not always, each unit of accommodation in “Hostels” is occupied by unrelated persons on a shorter term basis. “Guest Houses” and “Bed and Breakfast Accommodation” are generally former commercial premises used for holiday purposes, but now occupied by multiple households as their only or main residence.

In deciding upon whether a property provides Hostel, Guest House or Bed and Breakfast accommodation, the following factors will be considered and a balanced view taken of the particular state of affairs, namely:

- (i) The extent, or otherwise, to which each occupier shares facilities such as dining rooms, kitchens, bathrooms and other parts of the property, and whether all parts of the property are accessible to all occupiers;
- (ii) The degree of co-operation and social interaction amongst the occupiers;
- (iii) The terms and conditions contained in the tenancy agreement(s);
- (iv) Payment arrangements for rent, utility bills, food and other such items;
- (v) The extent, or otherwise, of related occupiers;
- (vi) Features present in the property, such as locks on individual units of accommodation and to what extent facilities are shared;
- (vii) Any factors affecting the likely fire safety risks e.g. occupiers with limited mobility, drug / alcohol dependency etc.

PART 1

Prescribed standards for deciding the suitability for occupation of a Licensed HMO by a particular maximum number of households or persons

These standards have been set down in 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 (Additional Provisions) (England) Regulations 2007. They outweigh any locally adopted standards that relate to each individual subject area. They must be applied to any Category of House in Multiple Occupation that is subject to licensing.

1. Heating

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

2. Washing facilities

(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) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and

(b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

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

(2) 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.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

3. Kitchens

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 equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—

(i) sinks with draining boards;

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

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

(iv) electrical sockets;

(v) worktops for the preparation of food;

- (vi) cupboards for the storage of food or kitchen and cooking utensils;
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- (viii) appropriate refuse disposal facilities; and
- (ix) appropriate extractor fans, fire blankets and fire doors.

4. Units of living accommodation without shared basic amenities

(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;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.

(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

5. Fire precautionary facilities

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

Category D Houses - Hostel, Guest House and Bed and Breakfast Type Accommodation

PART 2

Locally adopted standards that apply to all Houses in Multiple Occupation within this Category. Houses in Multiple Occupation that require a licence must also comply with the Part 1 prescribed standards where they are higher than the local standards.

A. Space Standards

1. *Bedrooms* (There shall be prominently displayed in each bedroom, a notice in all relevant languages, setting out the maximum number permitted to sleep in the room):

All bedrooms to be as follows:

i.	1 person	8.5m ²
ii.	2 persons	11m ²
iii.	3 persons	15m ²

For each additional person there shall be an additional 4.5m² of floor area.

2. Measurement of Attic and Similar Rooms with Reduced Headroom

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room, (see also **D.1.** for notes on height of certain rooms).

3. For the purpose of calculating these standards, a child under the age of one shall be disregarded, and a child more than one and less than 10 years of age shall count as $\frac{1}{2}$ a person.

Lounge:

A minimum provision of 3m² per person will be required.

Dining:

A minimum of 2m² per person will be required.

Combined Lounge/Dining Areas:

A provision of 4m² per person will be deemed to be adequate if the floor areas of lounge and dining room are combined.

Kitchens:

To be in accordance with the requirements of the Food Safety Act 1990 and associated legislation.

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing situated in either a window and/or door, equivalent in total to at least 1/10th of the floor area of the room.
2. All kitchens, bathrooms and water closet compartments shall comply with B1 above. Where this is not practicable, adequate artificial lighting shall be provided to the satisfaction of Durham County Council.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity, none of which will be provided via a time switch, and shall be available at all times.
2. There shall be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow all corridors, passages and stairways to be illuminated at the same time.

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m, except in the case of existing underground rooms, which shall have a minimum height of 2.15m and attic rooms, which shall have a minimum height of 2.3m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room.
3. Neither an openable door giving access directly to the external air nor a louvered opening in such a door will be acceptable for the purpose of this requirement.
4. All bathrooms and water closet compartments shall comply with D2 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to a lighting circuit of the room.
5. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all kitchens, bathrooms, water closet compartments and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. Each bedroom shall be provided with a supply of cold running water suitable for drinking purposes. The tap shall be suitably marked "Drinking Water".
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant water authority at all times.
3. All water supplies shall be suitably protected from frost damage.

F. Personal Washing Facilities

1. Each bedroom shall be provided with a wash hand basin together with its own continuous supplies of hot and cold running water, and of minimum dimension 560mm x 430mm.

Where an en-suite bathroom is available, such wash hand basin may be provided in that bathroom.

In self-catering hostels, where a sink is provided to comply with the requirements of paragraph H.1(j) a separate wash hand basin will not be required.

2. A readily accessible bathroom or a shower room shall be provided on every floor where bedroom accommodation is located. The bath/shower shall be sited in a proper room and shall be provided in the following ratios for each occupied floor:

1-5 persons	1 bathroom or shower room
6-10 persons	2 bathrooms or shower rooms
11-15 persons	3 bathrooms or shower rooms

3. The hot and cold water supplies shall be exclusive (unless the rental or charge for accommodation includes the supply of hot water), and available at all times.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. A readily accessible water closet compartment shall be provided on every floor where bedroom accommodation is located. The water closet shall be sited in a proper room and shall be provided in the following ratios for each occupied floor:

1-5 persons	1 water closet
6-10 persons	2 water closets
11-15 persons	3 water closets

External water closets shall not be reckonable for this purpose. Additional water closet accommodation to the satisfaction of Durham County Council shall also be required to be provided on floors used for communal purposes.

3. Each reckonable water closet shall be situated in a room separate from the bathroom or shower room.
4. Separate male and female accommodation shall be required to the satisfaction of Durham County Council.
5. Any water closet accommodation provided for the above purpose is to be exclusive of any requirements under the Food Safety (General Food Hygiene) Regulations 1995.
6. A wash hand basin shall be provided in each separate water closet together with its own supplies of hot and cold running water. The hot and cold water supplies shall be included in the rental or charge for accommodation and available at all times.

H. Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

1. *Self Catering Hostels:*
 - (a) Each occupancy shall have use of a kitchen separate from the sleeping room, and of an area of 4m². Where this is not practicable, each occupancy shall have its own kitchen facilities within the accommodation and 4m² shall be added to the floor areas in A1.
 - (b) Shared kitchens may be provided for single person occupancies, but must be on the same floor as the accommodation provided for those people sharing the kitchen.

Food Storage

- (c) Each separate occupancy shall be provided with a proper food store of adequate size ventilated to external air, within the unit of accommodation. A refrigerator of at least 0.1m³ per person shall be considered to be a proper food store for the purpose of this requirement.
- (d) The space in a sink unit below the sink will not be accepted, ventilated or otherwise.
- (e) Where shared kitchens are provided, each occupancy sharing shall have its own facility either within the unit of accommodation or in the kitchen. If in the kitchen, the facility shall be lockable.

Preparation

- (f) Each separate occupancy shall be provided with a suitable worktop.
- (g) In shared kitchens a worktop of sufficient size shall be provided.

Cooking

- (h) Each separate occupancy shall be provided with a proper cooking appliance. The minimum acceptable will be:
 - (i) two rings or hot plates together with either a grill or oven for a one person unit of accommodation, or
 - (ii) a cooker with four rings or hot plates together with a grill and an oven for units of accommodation for more than one person.

In shared kitchens, one cooking appliance shall be provided for each user in accordance with h(i) above or, a cooking appliance in accordance with h(ii) above shall be shared by not more than three person units.

Disposal of Waste Water

- (i) Each separate occupancy shall be provided with its own sink complete with drainer and provided with its own supplies of hot and cold running water.
- (j) In shared kitchens, sinks shall be provided in the ratio of one sink per three one-person units accommodation.

2. Hostels Providing Meals

Kitchen Facilities

- (a) The facilities for preparation, cooking and serving food shall comply with the Food Safety (General Food Hygiene) Regulations 1995. Kitchen facilities for the cooking and preparation of food for residents as part of the service provided by the establishment shall not be allowed to be used by residents.
- (b) Separate provision for residents to prepare and cook their own food shall be provided within the property.

A suitable area for this purpose will be provided on each occupied floor and will contain the following facilities:

- (i) cooker with four burners, oven and grill;
- (ii) sink with constant hot and cold water supplies, properly connected to the drainage system;

- (iii) four 13 amp electric power outlets;
 - (iv) a worktop of sufficient size.
- (c) Kitchen facilities for the purpose of (b) above shall be available for use 24 hours a day and the cost of running the appliances will be included in the residential charge.
- (d) Separate provision as required by (b) above will not be required in circumstances where it can be shown to the satisfaction of Durham County Council, either by virtue of the scale of their provision of meals or because of the manner in which the premises are occupied, that such provision would be excessive. In these cases a lesser standard may be applied.

I. Space Heating

1. A fixed efficient heating system capable of heating the room temperature to 18°C shall be provided and properly fitted to all rooms. The system shall be capable of attaining this temperature when the outside temperature is -1°C. Solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety from the removal of hot ashes. The cost of running the heating system is to be included in the residential charge, and shall be under the exclusive control of the manager.

A full central heating system shall be deemed to be adequate for this purpose.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided, sufficient for the needs of the premises and of a type acceptable to the local authority. This will depend on the frequency of collection and it may well be that it is necessary for the person having control to arrange for extra collections of refuse. Storage facilities shall be hygienic and regularly maintained.

K. Means of Escape from Fire and Other Fire Precautions

These are detailed in the Durham County Council Fire Safety Standards in Houses in Multiple Occupation document.

L. Management of Houses in Multiple Occupation

1. The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to the premises and detail comprehensive responsibilities of managers and occupants.
2. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-

- a. all rooms in common use
 - b. staircases, passageways and corridors
 - c. halls and lobbies
 - d. entrances to the house, including entrance doors, porches and entrance steps.
 - e. any means of escape, apparatus, systems or other equipment provided by way of fire precautions
 - f. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - g. sanitary conveniences, baths, sinks and wash hand basins
 - h. installations for cooking or for storing food
3. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
 4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.
 5. Regular visual inspections must be carried out on all portable equipment provided for the use of the occupants. In addition, an annual Portable Electrical Appliances (PAT) Report for all such appliances must be issued by an 'approved electrical contractor' and be in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection and Testing of Electrical Equipment.
 6. A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.
 7. An 'approved electrical contractor' means one who is a member of one of the following organisations or registered with them as an authorised competent person: NICEIC, ECA, BRE Certification Ltd, British Standards Institute, ELECSA Ltd or NAPIT Certification Ltd. In exceptional circumstances, Durham County Council may accept reports from electricians who are not members of one of the aforementioned organisations, but who can demonstrate competency through suitable qualifications and experience.
 8. PAT and PIR Reports must be available for inspection at the premises and copies forwarded to Durham County Council within 14 days from the date of renewal.

9. All gas appliances, fittings and flues must be kept in a safe working condition. They must be regularly serviced and maintained
10. In accordance with the Gas Safety (Installation and Use) Regulations 1994 (as amended) an annual gas safety check must be undertaken on all gas installations by a competent gas safe registered installer. The inspection report must be available for inspection at the premises, and a copy forwarded to Durham County Council within 14 days from the date of renewal.

Footnote

These standards may not necessarily be the same as those applied by other organisations with an interest in this type of accommodation.

APPENDIX 4



FIRE SAFETY PRECAUTIONS

IN

HOUSES IN MULTIPLE OCCUPATION

INTRODUCTION

Research indicates that certain types of HMOs present significantly greater health and safety risks to tenants than comparable single occupancy dwellings. Risk assessment carried out by ENTEC on fire safety in HMOs concluded that in all houses converted into bedsits, the annual risk of death per person is 1 in 50,000 (six times higher than in comparable single occupancy houses). In the case of bedsit houses comprising three or more storeys the risk is 1 in 18,600 (sixteen times higher).

This document has been developed by Durham County Council with the co-operation of the County Durham, Darlington Fire and Rescue Service and Darlington Borough Council. The objective of this document is to provide owners, managers, letting agents and contractors with the necessary information which will help them provide their tenants with safe and high quality accommodation, and reduce the need for intervention from local authorities.

The standards referred to in this document are based upon typical 2 or 3 storey houses in multiple occupation, whether they are subject to mandatory licensing or not. Assistance must be sought from Durham County Council or the County Durham and Darlington Fire and Rescue Service in all other cases, or where there are particular concerns.

MEANING OF HOUSE IN MULTIPLE OCCUPATION

The Housing Act 2004, Sections 254 – 259 gives a full explanation of the meaning of house in multiple occupation. A brief outline is shown below;

“House in Multiple Occupation” means a building, or part of a building (e.g. a flat):

- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self contained flats and the standard of conversion does not meet, as a minimum, that required by the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The terms “occupied” and “household” are further defined within the Housing Act 2004.

ENFORCEMENT POWERS

Local Authority Powers

Housing Act 2004

A range of powers has been introduced by the Housing Act 2004 and some associated Regulations have replaced earlier legislation under the Housing Act 1985;

- Part 1 – deals with housing conditions and replaces the fitness standard with a new Housing Health and Safety Rating System (HHSRS). Hazards and defects are now given a numerical score and this will be used to determine the effect on occupiers using a series of categories. Hazards in categories A – C indicate situations where the local authority must take action. Those in categories D – J are those where the local authority has discretion to act. The range of powers available under the Housing Act include, closing orders, demolition orders, prohibition orders, improvement notices and hazard awareness notices. In extreme cases emergency action is available.
- Part 2 – deals with the licensing of houses in multiple occupation.
- Part 4 – deals with control provisions including interim and final management orders.

Associated Regulations made under the Housing Act 2004

- The Housing Health and Safety Rating System (England) Regulations 2005
- The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

Building Act 1984 Section 72

This power may be used in respect of certain buildings, including HMO's where means of escape from fire are deemed to be insufficient and there is a floor in the building of more than 6 metres from ground level. This is concerned only with means of escape and does not cover other fire precautions. The Local Authority has to consult with the Fire and Rescue Authority before serving a Section 72 notice.

Building Regulations 2000 (As Amended)

New purpose-built HMO's must comply with current Building Regulations and satisfy the relevant guidance (see below). Where dwellings are converted or there are structural alterations or any internal alterations in an existing HMO which affect the means of escape, the Building Regulations, Housing Health and Safety Rating System guidance, and DCLG fire safety guidance must be satisfied. In such cases a Building Regulation application should be submitted and consultation with the BCO, EHO and Fire and Rescue Authority is essential. All means of escape from fire in the house should be compliant with the latest release of Approved Document B of the Building Regulations currently in force.

Foam Filled Furniture

The supply of such furniture as part of a letting is controlled by the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

Fire and Rescue Authority Powers

Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (the Order) prohibition notice procedures under this section will only be used by the Fire and Rescue Authority if the EHO is unable to use the powers conferred on them by the Housing Act 2004.

- A tenant displaced by a prohibition notice may not necessarily be considered by the Local Authority to be legally homeless. The Homelessness Officer of the Local authority should be forewarned by the EHO that a prohibition notice is being considered so that appropriate arrangements for tenants can be made.
- Enforcement procedures under the Order preclude enforcement in, among others, “domestic premises”. However the definition of “domestic premises” does not extend to those areas such as stairways, entrance foyers and lifts etc that are “used in common by the occupants of more than one private dwelling”.

It is inferred that in addition to HMOs the order will apply to any areas of “like premises” that are used in common by the occupants. As such the common parts of blocks of flats will fall within this category. The introduction to The Fire Safety Guide to Sleeping Accommodation provides a list of premises, or parts of premises, to which the order applies.

General Reminder

This document is intended to offer general guidance, however relevant officers should be consulted if any concern exists relating to the safety of any premises. The guidance offered in this document is restricted to typical houses in multiple occupation; assistance should be sought from the aforementioned authorities in all other cases.

CONSIDERATION OF FIRE SAFETY MEASURES

An Officer from the Durham County Council will carry out an initial assessment of fire precautions in houses and hostels of multiple occupation.

Where issues of concern are found, the matters will be brought to the attention of the person in control of the property. This will be in writing, in one or more of the following ways:

- A letter advising of the minimum works required to bring the property up to the appropriate fire safety standard and details of the time scale considered to be reasonable in the circumstances;
- A letter advising the same, together with a schedule of additional licence conditions and time scales, for those properties that require a licence; or
- A letter advising the same, together with a relevant enforcement notice in line with Durham County Council’s Private Sector Housing Enforcement Policy (June 2010).

The Officer will take into account the type of accommodation, its method on occupation e.g. shared house or bedsit type, any unusual features and general restrictions such as listed building or architectural features. If appropriate, the Durham County Council Officer will consult the Fire and Rescue Authority, and,

if necessary, a joint inspection will be arranged prior to informing the person in control of the property of any findings.

In exceptional cases, where the officer considers that the property presents an imminent risk to the health of the occupants, then emergency action may be taken.

This document sets down the general fire precautions to be applied to **all** 2-storey and 3-storey houses in multiple occupation. Further advice can be sought from the HMO Team for other property types.

Included within this document is

- specifications for elements of the building fabric
- standards for 2 - storey HMO's - **APPENDIX 1**
- standards for 3 - storey HMO's - **APPENDIX 2**
- fire alarm system definitions - **APPENDIX 3**
- typical layout of 3 – storey HMO's- **DIAGRAM 1**

STANDARDS TO BE APPLIED

The basis for these standards is set out in the LACORS (now Local Government Regulation) Housing – Fire Safety Guidance - ISBN – 978-1-84049-638-3 published in August 2008 and revised March 2009.

Durham County Council and County Durham and Darlington Fire and Rescue Service will generally base fire safety decisions for individual HMOs in line with this guidance. However, there may be certain characteristics relating to either the structure / layout of the HMO or its manner of occupation, which result in variations in decisions on fire safety matters.

Means of Escape

The inter-relationship between means of escape and other fire precautions should always be borne in mind and a degree of flexibility should be exercised. Nevertheless, although the presence of effective means of giving early warning in the event of fire may greatly influence the ability of occupants to escape safely, the basic provision of means of escape in case of fire will always be necessary.

Fire Risk Assessment

Prior to a property being occupied, a suitable and sufficient fire risk assessment should be carried out. Whether or not this risk assessment is recorded will be dependent upon the requirements of the Registration Authority. The assessment should be carried out on behalf of the Responsible Person (generally the owner or premises manager – or licence holder in respect of licensed HMOs) by a competent person. The assessment must consider all fire risks within the particular property. **Bedrooms containing numerous electrical appliances should be considered as risk rooms as should kitchens.**

Note

It is important to note that stairway enclosures must not contain any of the following:

1. Portable heaters of any type.
2. Heaters which have unprotected naked flames or radiant bars.
3. Fixed heaters using a gas supply cylinder.
4. Oil-fuelled heaters.
5. Cooking appliances.
6. Upholstered furniture.
7. Wardrobe or other storage furniture.
8. Coat racks.
9. Storage of any kind (unless it is kept in a locked cupboard, which is constructed to the same standard of fire resistance as the enclosure stairway).
10. Lighting involving the use of naked flames.
11. Gas meters other than those installed in accordance with appropriate Gas Safety Regulations. Gas pipes must be made of a material with a high melting point in order to comply with Gas Safety Regulations.

Building Works Specifications

Protected Route

The protected escape route is designed to allow for residents from all parts of the building to reach the outside without passing through a higher fire risk area. The protected route MUST be kept clear of obstructions and combustible materials. The walls and ceilings to all parts of the protected route MUST be free of highly flammable materials i.e. polystyrene tiles or heavy flock wallpaper. You must ensure that a protected route to a final exit door is provided. This must incorporate half hour fire resisting walls, ceilings and fire doors. Advice on means of compliance may be obtained from the HMO team.

Any cupboard within the means of escape must not be used for the storage of combustible materials unless the access door meets the 30 minute standard and is kept locked. Any gas installations with lead pipe work on the escape route will require that the lead pipe-work is replaced.

The mortice deadlocks to the final exit door/s to be of a type capable of being operated without keys from the inside (e.g. thumb turn locks)

Walls

Should be constructed or upgraded to achieve 30 minutes fire resistance. Every wall which forms part of the protected route of escape, (highlighted in red in the diagrams attached in Diagram 1) must be 30 minutes fire resisting.

Existing lath and plaster walls must retain their integrity and be in sound condition and be upgraded to achieve 30 minutes Fire Resistance. Where upgrading is necessary it is important to ensure that walls achieve the necessary fire resistance from both sides and that the sub structure is in sound condition in all cases, 12.5mm plasterboard and skim coat can in most cases be used to upgrade to 30 minutes fire resistance.

Ceilings

A 30 minutes fire resisting ceiling must separate any accommodation in the floor above. Existing ceilings constructed with lath and plaster must be in sound condition and upgraded as necessary (see above).

Floors

For separation between an occupied basement or commercial premises and the floor above, the fire resistance must be increased to 60 minutes. To achieve this, in most cases existing ceilings can be over boarded with two layers of 12.5 mm plasterboard, fixed with staggered joints and skim coated.

Fire Doors

Fire doors must be provided to protect the means of escape, must have 30 minutes fire resistance and be fitted with smoke seals and self-closing devices

(FD30S). Fire doors should never be wedged open, locked or fastened in any way that prevents easy and immediate opening.

Existing doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with the appropriate British Standard or European equivalent standard, and evidence provided to verify the conversion.

Fire door(s) must be fitted to all risk rooms. These include all rooms identified in the fire risk assessment.

In shared accommodation door sets must comprise of a 30 minute fire resisting door hung on three high melt point hinges and be complete with intumescent strips and cold smoke seals. All doors must fit correctly into the frame.

Where a room contains no interlinked detection, cold smoke seals are omitted from that room entrance door. A closer must be fitted to the door which is adequate for the size and weight of the door; the closer to be adjusted to ensure the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. Any lock or latch must be sleeved in intumescent material.

Existing adequate solid doors may if generally meeting the above description and if correctly fitting, be suitable to be used as fire doors.

Other doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with the appropriate British Standard (currently BS476) or European equivalent standard, and evidence provided to verify the conversion.

Where glazing panels (fan lights) are fitted above doors they must be capable of providing at least half hour fire resistance e.g. by fitting Georgian wired glass. Where there are internal doors to an entrance vestibule they should be removed.

Locks on room doors and any other door leading from the unit of accommodation on to the protected route of escape and the final exit door must be accessed without the aid of keys.

Hasp and staple / padlock type of fastening to bedroom doors are not permitted.

Windows

Where an inner room (a room where the exit route is through another room) is a bedroom on the ground or first floor then an escape window with an unobstructed opening that is at least 0.33 m² and at least 450 mm high x 450mm wide and cill between 800-1100 mm from the floor must be provided.

On second floors or higher then escape windows are not acceptable and an alternative route will be required. Further advice can be sought from the HMO team.

Basements

Where habitable accommodation is provided in basements there must be an alternative means of escape via a door or suitable escape window to the external ground level in addition to the access route from within the house.

Fire Precautions

The Landlord must provide adequate fire safety instructions for residents and any employees. They must be brought to the attention of all tenants and must be kept available for inspection at the premises. A copy must be provided to the local authority on demand.

Fire fighting equipment, where required or provided, must conform to the appropriate British Standard or European equivalent standard.

Any proposals to provide alternative means of protection in the event of fire e.g. sprinkler systems will be considered in consultation with the County Durham and Darlington Fire and Rescue Service.

APPENDIX 1

2 Storey Houses in Multiple Occupation

- **Protected Route** - The protected escape route is designed to allow for residents from all parts of the building to reach the outside without passing through a higher fire risk area. The protected route **MUST** be kept clear of obstructions and combustible materials. The walls and ceilings to all parts of the protected route **MUST** be free of highly flammable materials i.e. polystyrene tiles or heavy flock wallpaper.
- **Fire Doors** – FD30S fire doors with self closers should be fitted to all kitchens or rooms containing kitchens. No requirement for FD30S to other rooms on the staircase enclosure, however these doors must be substantial defect free doors with no glazed element.
- **Walls and Ceilings** – should be constructed or upgraded to achieve 30 minutes fire resistance. Every wall which forms part of the protected route of escape, (highlighted in red in the diagrams attached in Diagram 1) must be 30 minutes fire resisting. Existing lath and plaster walls must retain their integrity and be in sound condition and be upgraded to achieve 30 minutes Fire Resistance. Where upgrading is necessary it is important to ensure that walls achieve the necessary fire resistance from both sides and that the sub structure is in sound condition in all cases, 12.5mm plasterboard and skim coat can in most cases be used to upgrade to 30 minutes fire resistance. A 30 minutes fire resisting ceiling must separate any accommodation in the floor above. Existing ceilings constructed with lath and plaster must be in sound condition and upgraded as necessary.
- **Floors** - For separation between an occupied basement or commercial premises and the floor above, the fire resistance must be increased to 60 minutes. To achieve this, in most cases existing ceilings can be over boarded with two layers of 12.5 mm plasterboard, fixed with staggered joints and skim coated.
- **Escape Windows** – where used as a primary or secondary means of escape, must have 0.33m² openable area with the width and height dimension being a minimum of 450mm. The ground below an escape window must be free from any hazard and be readily accessible. Escape windows must be easily openable from within the room in which it is fitted i.e. any window locks must be capable of being disabled by a responsible adult, without the use of a key.
- **Smoke Detectors** – all equipment and systems must conform to the appropriate British Standard or European equivalent standard. A Grade D LD3 system is required comprising:
 1. Interlinked mains wired or wireless smoke alarms with integral battery back up located in the escape route at all floor levels
 2. An additional interlinked mains wired or wireless heat detector with integral battery back up located in the kitchen
 3. An additional interlinked mains wired or wireless smoke detector with integral battery back up located in the lounge

4. An additional interlinked mains wired or wireless smoke detector with integral battery back up located in any cellar

It is recommended that individual battery operated smoke alarms are also installed in each unit of accommodation.

- **Emergency Lights** – Emergency lighting may be required if the protected escape route is not provided with adequate background lighting either natural or borrowed from street lighting to ensure the safe movement to the final exit door(s). Where emergency lighting is provided it must comply with the appropriate British Standard or European equivalent standard.
- **Fire Blankets** - A fire blanket the appropriate British Standard or European equivalent standard must be provided in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door away from the cooking facility.
- **Fire Extinguishers** – provision of fire extinguishers is not part of this guidance, but where provided by landlords, all residents must be given proper instruction in their use and they must be checked annually.
- **Periodic Inspection** - A Fire Precautions log book, (example log book can be obtained from www.ddfire.gov.uk) should be used to record the periodic inspection checks, testing and maintenance of the
 - alarm and detection system
 - fire fighting equipment
 - and where applicable emergency lighting

in accordance with the relevant British or European Standard.

The log book should be maintained and kept available for inspection at the premises. If the property is to be left vacant for 4 weeks or longer, the systems and equipment must be checked before tenants take up occupancy and always before re-letting the accommodation. Test certificates should be in the format recommended within the relevant British or European Standard.

- **Risk Assessment** - a written fire risk assessment is recommended for the common areas of all HMO's, and all remaining areas of the dwelling. The risk assessment should be periodically reviewed and always reviewed when changes are made to the property. The risk assessment should be brought to the attention of the occupiers of the property.

APPENDIX 2

3 Storey Houses in Multiple Occupation (whether or not an HMO licence is required)

- **Protected Route** - The protected escape route is designed to allow for residents from all parts of the building to reach the outside without passing through a higher fire risk area. The protected route **MUST** be kept clear of obstructions and combustible materials. The walls and ceilings to all parts of the protected route **MUST** be free of highly flammable materials i.e. polystyrene tiles or heavy flock wallpaper.
- **Fire Doors** – Fire doors must be provided to protect the means of escape, must have 30 minutes fire resistance and be fitted with smoke seals and self-closing devices (FD30S). Fire doors should never be wedged open, locked or fastened in any way that prevents easy and immediate opening. Existing doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with the appropriate British Standard or European equivalent standard, and evidence provided to verify the conversion. Fire door(s) must be fitted to the kitchen or any room containing a kitchen.
- **Walls and Ceilings** – should be constructed or upgraded to achieve 30 minutes fire resistance. Every wall which forms part of the protected route of escape, (highlighted in red in the diagrams attached in Diagram 1) must be 30 minutes fire resisting. Existing lath and plaster walls must retain their integrity and be in sound condition and be upgraded to achieve 30 minutes fire resistance. Where upgrading is necessary it is important to ensure that walls achieve the necessary fire resistance from both sides and that the sub structure is in sound condition in all cases, 12.5mm plasterboard and skim coating can in most cases be used to upgrade to 30 minutes fire resistance. A 30 minute fire resisting ceiling must separate any accommodation in the floor above. Existing ceilings constructed with lath and plaster must be in sound condition and upgraded as necessary.
- **Floors** – For separation between an occupied basement and the floor above, the fire resistance must be increased to 60 minutes. To achieve this, in most cases existing ceilings can be over boarded with two layers of 12.5 mm plasterboard, fixed with staggered joints and skim coated.
- **Escape Windows** – where used as a primary or secondary means of escape, should have 0.33msq openable area with at least the width or height dimension being a minimum of 450mm. The ground below an escape window must be free from any hazard. Escape windows must be easily openable from within the room in which it is fitted i.e. any window locks must be capable of being disabled by a responsible adult, without the use of a key. Escape windows are not permitted on second floors and above, except in exceptional circumstances – e.g. to a place of safety via a protected external route.
- **Smoke Detectors** – all equipment and systems must conform to the appropriate British Standard or European equivalent standard. Fire warning and detection conforming to BS 5839 Grade A to be provided in common areas, in individual dwellings / bedsits / study bedrooms, a Grade D LD2 System must be

provided. This includes automatic interlinked smoke detectors in all living rooms and bedrooms, on all landings and within the entrance hall (see example in Diagram 1). A Grade D LD2 System only may be used throughout the HMO where a written fire risk assessment clearly indicates that the protection reaches an equivalent standard to that set down above.

- **Heat Detector** –an interlinked heat detector must be installed within the kitchen or any habitable room containing cooking facilities.
- **Emergency Lights** – suitable emergency lights be installed in accordance with the appropriate British Standard or European equivalent standard to all escape routes and windowless accommodation. Location of fittings to be decided by a competent installing engineer (see example in Diagram 1).
- **Fire Blankets** - A fire blanket to BS 6575 (or equivalent) is to be provided in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door away from the cooking facility.
- **Fire Extinguishers** – provision of fire extinguishers is not part of this guidance, but where provided by landlords, all residents must be given proper instruction in their use and they must be checked annually by a competent person.
- **Periodic Inspection** - A Fire Precautions log book, (example log book can be obtained from www.ddfire.gov.uk) should be used to record the periodic inspection checks, testing and maintenance of the
 - alarm and detection system
 - fire fighting equipment
 - and where applicable emergency lighting

in accordance with the relevant British or European Standard.

The log book should be maintained and kept available for inspection at the premises. If the property is to be left vacant for 4 weeks or longer, the systems and equipment must be checked before tenants take up occupancy and always before re-letting the accommodation. Test certificates should be in the format recommended within the relevant British or European Standard.

- **Risk Assessment** - a written fire risk assessment **is required** for the common areas of all licensed HMO's, and is recommended for all remaining areas of the dwelling. The risk assessment should be periodically reviewed and always reviewed when changes are made to the property. The risk assessment must be brought to the attention of the occupiers of the property.

APPENDIX 3

Definition relating to Fire Alarm Systems and grading

BS 5839 – 6 : 2004

Fire detection and fire alarm systems for dwellings -
Part 6: Code of practice for the design, installation and maintenance of
fire detection and fire alarm systems in dwellings.

System Category:

Category LD – Protection of life

- LD1** a system installed throughout the dwelling, incorporating detectors in all circulation spaces that form part of the escape routes from the dwelling, and in all rooms and areas in which fire might start, other than toilets, bathrooms and shower rooms.
- LD2** a system incorporating detectors in all circulation spaces that form part of the escape routes from the dwelling, and in all rooms or areas that present a high fire risk to occupants (following risk assessment). The specification for a type LD2 system should always include details of the areas or rooms of the dwelling that are to be protected.
- LD3** a system incorporating detectors in circulation spaces that form part of the escape routes from the dwelling only.

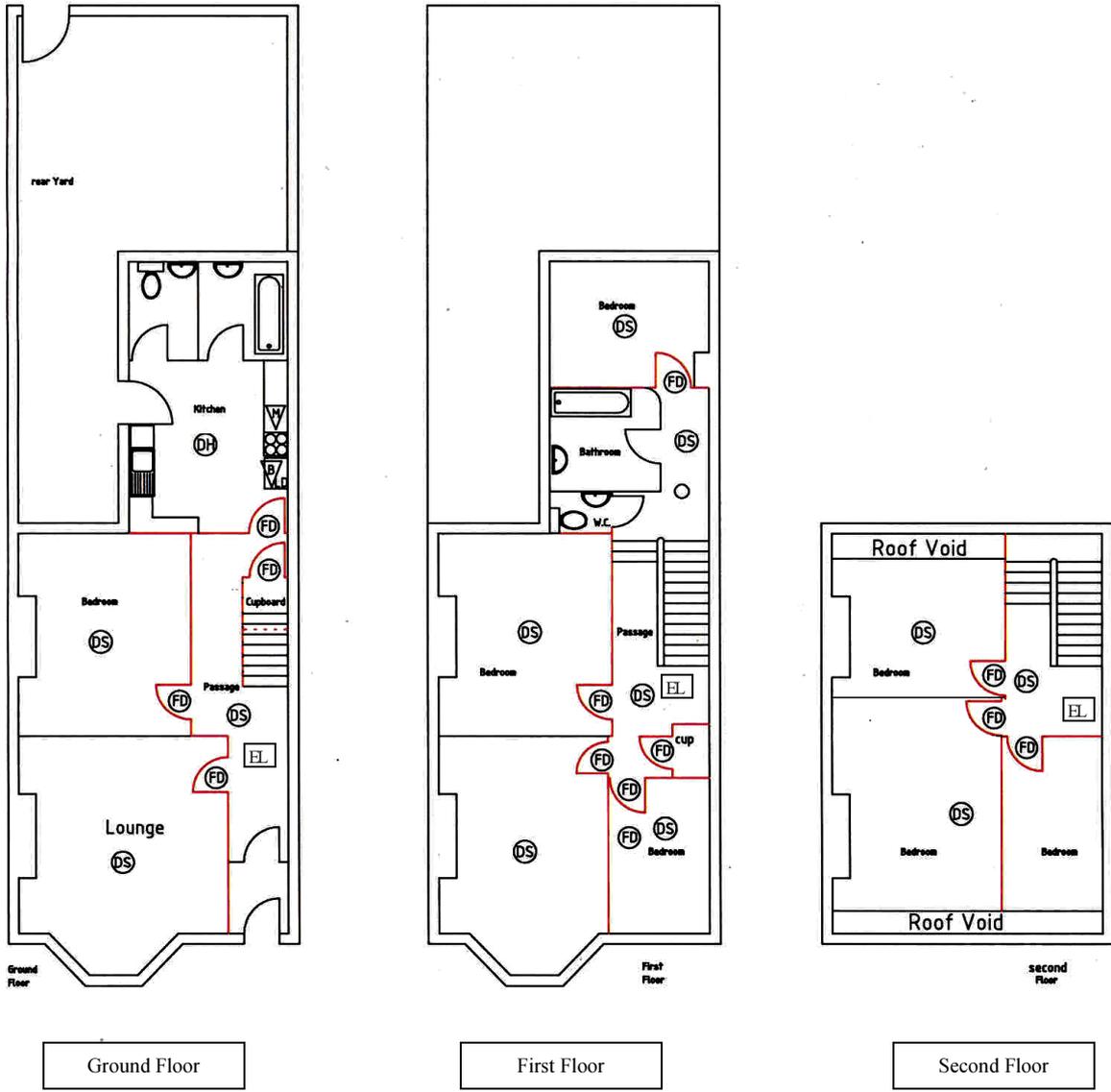
System Grade:

Grades B and C are included for completeness and to help general understanding

- A** A fire detection and alarm system which incorporates control and indicating equipment conforming to BS EN 54-2 and which is designed, installed and serviced in accordance with all the recommendations of BS 5839 pt 1 (with certain substituted clauses, see BS5839: pt 6: 2004).
- B** A fire detection and alarm system comprising fire detectors, fire alarm sounders, and control and indicating equipment which either conforms with BS EN 54-2 or BS5839-6: 2004 Annex C.
- C** A system of fire detectors and alarm sounders (which may be combined in one unit) connected to a common power supply, comprising the normal mains and a stand by supply, with an element of central control.
- D** A system of one or more mains-powered smoke alarms, each with an integral power supply (the system may include heat alarms).

Diagram 1

Example of Typical Layout of 3 Storey Houses in Multiple Occupation



DS = SMOKE DETECTOR DH = HEAT DETECTOR FD = FIRE DOOR EL = EMERGENCY LIGHTS

NOTE The drawing does not show fire separation between all occupancies

APPENDIX 5

Housing Act 2004 - Licensing of Houses in Multiple Occupation

Licence Reference Number; ^ND,REFVAL.LICASE;

Licence Conditions

Part A - General Conditions – applicable to all licensed Houses in Multiple Occupation (HMO's)

1. A copy of the licence shall be displayed within the common parts of the dwelling.
2. The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.
3. The licence holder shall submit a copy of the tenancy agreement to Durham County Council within 14 days of the property becoming occupied.
4. The dwelling shall be occupied by no more than xxxx persons.
5. The dwelling is categorised as a [shared house] [bedsit] HMO. Any change in the style or nature of occupation shall be notified to Durham County Council in writing, including a copy of any revised tenancy agreement.
6. The dwelling shall comply with the prescribed standards and management practices for deciding the suitability for occupation of a house in multiple occupation, as set down in Schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI No. 373, and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) Regulations 2007 SI No. 1903.
7. The dwelling shall comply with the Durham County Council's adopted standards for [shared house] [bedsit] HMO's.
8. The licence holder must display, within the common parts of the house, his or her contact details together with those of any manager or agent appointed in connection with the running of the house. This must include their: -
 - Name
 - Address
 - Contact Telephone Number (and alternative contact number(s) if the licence holder and / or manager cannot be contacted within a 24 hour period by a tenant or relevant Durham County Council Officer).

9. The Licence holder shall provide a copy of the current gas safety certificate to Durham County Council within 14 days of its renewal. The certificate must be issued by a gas safe registered engineer confirming that all appliances, flues and installation pipe work provided for use by the tenants are in a safe condition.
10. The Licence holder shall provide a copy of a Periodic Inspection Report (PIR) for the electrical installation to Durham County Council, confirming that the installation is safe for use, as specified in BS7671: 2008. The electrical certificate must be issued by a 'competent person' and be valid for a period of not less than 5 years from the date of inspection. The following installations, where applicable, shall be inspected and tested:
 - General electrical installation
 - Fire alarm system
 - Smoke / heat detection system
 - Emergency lighting system

A 'competent person' means an approved electrical contractor who is a member of one of the following organisations, or registered with them as an authorised competent person: - NICEIC, BRE Certification Ltd, British Standard Institution, ELECSA Ltd, or NAPIT Certification Ltd. Similar schemes / organisations as approved by the Department of Communities and Local Government will also be acceptable. In exceptional circumstances, the Council may accept a PIR from an electrician who is not registered by one of the aforementioned organisations, upon consideration of the person's proof of qualifications.

11. The Licence holder shall provide a copy of the current annual Portable Electrical Appliances Test (PAT) Report for all such appliances provided by the landlord. The Report must be issued by a 'competent person' in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection of Testing of Electrical Equipment. A 'competent person' has the same meaning as that for clause 10.
12. The Licence holder must notify Durham County Council in writing prior to any transfer of ownership or management of the dwelling.
13. The Licence holder must seek and obtain written permission from Durham County Council before making any material changes to the layout, amenity provision, fire precautions or mode of occupation.
14. The Licence holder must notify the tenants and Durham County Council in writing immediately of any change of their circumstances in connection with the running of the dwelling. Such changes include home address and contact details or those of any manager or appointed agent.
15. The Licence holder shall ensure that at all times gardens, yards, and other areas within the curtilage of the dwelling are kept in a clean and tidy condition and free from infestations.
16. The Licence holder shall take all reasonable and practical steps to prevent, or where appropriate reduce, anti-social behaviour by persons

occupying or visiting the dwelling. If requested, written notification of any such steps shall be given to Durham County Council within 10 working days from the date of the request.

17. The Licence holder shall provide a written Fire Risk Assessment (FRA) for the dwelling in accordance with the requirements of the Regulatory Reform (Fire Safety) Order 2005. The FRA shall contain, as a minimum, such information and instructions so as to record:

- Any significant findings identified from carrying out the FRA
- Identification of any fire hazards, including details of sources of ignition and sources of fuel
- Persons at risk from any fire hazards
- Measures required to evaluate, remove, reduce and protect from risk
- Details of the person carrying out the FRA, the date the FRA was carried out and the date of the next review.

A copy of the FRA shall be displayed at the premises and a further copy provided to Durham County Council. This assessment must be reviewed at least annually and updated to reflect any changes that may occur.

18. The Licence holder shall ensure that appropriate fire precautions are provided within the dwelling in accordance with statutory and/or local guidance and maintained in proper working order. The licence holder shall, on demand, submit a written declaration to Durham County Council as to the condition and positioning of all equipment, within 10 working days from the date of the request.

19. The Licence holder shall ensure that appropriate instruction and or training is given to each tenant at the beginning of their occupancy, regarding all fire precautions and equipment provided in the dwelling. This must include, but not limited to, understanding the alarm systems, the importance of the fire doors, and protecting the escape route, keeping the escape route free of obstructions and the use of fire fighting equipment.

20. The Licence holder and or his/her manager must not unreasonably cause or permit the gas or electrical supply that is used by any occupier at the dwelling to be interrupted.

21. The Licence holder and or his/her manager must not unreasonably cause or permit the water supply or drainage system that is used by any occupier at the dwelling to be interrupted.

22. The Licence holder must ensure that suitable refuse / recycling receptacles are provided for the storage of household refuse within the accommodation, and also, that there are adequate receptacles for the storage of rubbish within the boundary of the dwelling. These receptacles must be made readily accessible to the refuse / recycling collection service on the day of collection and the empty containers returned within the boundary of the property as soon as practicable.

23. The Licence holder shall ensure that all 'relevant furniture' provided by the landlord meets the Furniture and Furnishings (Fire) (Safety)

Regulations 1988 and shall, on demand, submit a written declaration to Durham County Council as to the condition of all 'relevant furniture', within 10 working days from the date of the request.

'Relevant furniture' means most items of furniture provided by the landlord including sofas, beds, mattresses, pillows and cushions. It does not include carpets, curtains or duvets. The Regulations apply to all furnishings within lettings commencing after 1st January 1997, but do not apply to furniture made before 1950 or to re-upholstered furniture made before that date.

If confirmation cannot be ascertained that all relevant furniture meets the requirements of the Regulations, the Licence holder shall take all appropriate steps without delay to remove, or otherwise make safe, all non-compliant items.

24. The Licence holder shall ensure that deadlocks on final exit doors and any exit windows must be capable of being operated without the use of a key.

Advisory: Final exit door(s) should be fitted with a five lever mortise deadlock conforming to BS EN 12209 Security Grade 3 (minimum) and cylinder conforming to BS EN 0130 Security Grade 3 (minimum), allowing escape from the building without use of a key e.g. thumb turn release.

25. The Licence holder shall ensure compliance with any requirement set down within Part B – Specific Conditions - as they may relate to the dwelling to which this licence is for the time being in force.

26. The Licence holder must, if required by the Council, attend training or otherwise demonstrate competence in relation to any Code of Practice appropriate under section 233 of the Housing Act 2004.

27. The licence holder must be resident in the UK.

28. The licence holder must inform Durham County Council in writing within 14 days of any 'relevant criminal convictions', including impending cases and those subject to appeal proceedings.

'Relevant criminal conviction' means

- Any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- Practising of unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- A contravention of any provision of the law relating to housing, public health, environmental health, or of landlord and tenant law.

- Being refused a licence or had a licence revoked for any property in relation to HMO, additional or selective licensing under the Housing Act 2004.
- Being the owner or manager of any property that has been the subject of an interim or final management order or a special management order under the Housing Act 2004.
- Demonstrating any conduct or business practices which are considered by Durham County Council to indicate unsuitability to be a licence holder or manager of a licensed property.

Footnote to Conditions:

The above conditions do not over-ride other legislative responsibilities incumbent on persons in control of private rented properties. It follows that proceedings may be considered by a number of appropriate enforcing authorities for offences relating to housing conditions, tenancy conditions, fraud and other criminal matters.

Licence Reference Number; ^ND,REFVAL.LICASE;

Part B - Specific Conditions

As per officer instructions