

27 January 2023

Our Ref Licensing and Regulation Committee
7 February 2023
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To: Members of the Committee: Councillor Daniel Allen (Chair), Councillor Lisa Nash (Vice-Chair), Councillor Ian Albert, Councillor David Barnard, Councillor Elizabeth Dennis-Harburg, Councillor Jean Green, Councillor Gerald Morris, Councillor Richard Thake, Councillor Tom Tyson, Councillor Raj Bhakar, Councillor Ruth Brown, Councillor Chris Lucas, Councillor Nigel Mason, Councillor Michael Muir, Councillor Tom Plater and Councillor Sam North

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE LICENSING AND REGULATION COMMITTEE

to be held in the

**COUNCIL CHAMBERS, DISTRICT COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF**

On

TUESDAY, 7TH FEBRUARY, 2023 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item	Page
<p>1. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p>	
<p>2. MINUTES - 2 NOVEMBER 2021 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 2 November 2021.</p>	
<p>3. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect to any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or a Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p>4. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>5. PUBLIC PARTICIPATION To receive petitions, comments, and questions from the public.</p>	
<p>6. ADOPTION OF A HMO LICENSING POLICY Adoption of a policy that summarises the standards and guidance applicable to houses in multiple occupation that meet the mandatory licensing criteria.</p>	(Pages 5 - 158)
<p>7. PRESENTATION OF THE ANNUAL LICENSING REPORT 2021/22 An overview of the work undertaken by the licensing service during the reporting period, plus an update on current projects and future workload.</p>	(Pages 159 - 184)

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LICENSING AND REGULATION COMMITTEE
7 February 2023

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: **ADOPTION OF AN HMO LICENSING POLICY**

REPORT OF: **THE LICENSING AND COMMUNITY SAFETY MANAGER**

EXECUTIVE MEMBER: **HOUSING AND ENVIRONMENTAL HEALTH**

COUNCIL PRIORITIES: **PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE TOGETHER**

1. EXECUTIVE SUMMARY

The purpose of this report is to adopt a licensing policy for houses in multiple occupation, consolidating existing local guidance plus national legislative standards into one single policy document.

2. RECOMMENDATIONS

- 2.1. That the Committee be recommended to adopt the HMO Licensing Policy attached as Appendices 1 to 5.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Whilst the Council has applied national legislative standards and local guidance to all existing HMOs, it is important to ensure that the Council has a clear and transparent policy for the determination of applications and the enforcement of licences. This policy should also be easily accessible for customers.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 No alternative options were considered as the key consideration at this stage is to adopt existing guidance and standards into one single policy to make the licensing process more accessible and transparent for customers.
- 4.2 All licensing policies are subject to regular review and this policy can be reviewed at the appropriate time to ensure it remains fit for purpose.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member (and his Deputy) for Housing and Environmental Health has been consulted and supports the proposal to consolidate existing documentation into one single policy document.

- 5.2 No public consultation was undertaken as the proposed policy document does not change the current standards applied to all existing HMOs and will place no additional burden on them.
- 5.3 The policy includes provisions for public consultation regarding any future changes to the policy if it is determined appropriate to review standards in the future.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Most of the requirements of mandatory HMO licensing are legislative, although there is a degree of subjectivity in local interpretation.
- 7.2 The environmental health service, who previously administered and enforced HMO licensing, worked on a cross-district basis to ensure consistent local standards for Hertfordshire.
- 7.3 New applicants for an HMO licence would have access to all the legislative standards, local standards, and mandatory conditions required for a licensable HMO however they are covered in multiple documents and numerous Statutory Instruments. This information would not be easily accessible to customers.
- 7.4 This policy seeks to combine all the existing documentation into one single policy document.

8. RELEVANT CONSIDERATIONS

- 8.1. The adoption of this policy will not impact on existing licensed HMOs which have all been considered against the policy, albeit a formal policy document did not exist.
- 8.2 HMOs are a cross-service function with those meeting the criteria for mandatory licensing being administered by the licensing service, and those not subject to mandatory licensing being administered by the environmental health service.
- 8.3 The proposed policy makes reference to this separation of duties, and it is important that the standards applied to all HMOs, whether licensable or not, are consistent.
- 8.4 It is not appropriate at this stage to consider changes to the local standards. Once a policy is adopted, standards could be reviewed in the future and be subjected to a public consultation before returning to this committee for consideration.

9. LEGAL IMPLICATIONS

- 9.1. Section 8.2.3 states that the Licensing and Regulation Committee shall meet at least twice per civic year:
 - (a) *to consider all licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those*

*matters delegated to the Licensing Sub-Committee and the Service Director:
Legal and Community*

(c) *to consider and amend other non-executive licensing policies (minor amendments to be delegated to the Licensing Manager in consultation with the Chair of Committee and the relevant Executive Member).*

9.2 The adoption of an HMO policy is not an executive function, nor is it delegated to a licensing sub-committee or the relevant service director, therefore falls within the remit of the Licensing and Regulation Committee.

9.3 Whilst the policy proposes no change to the current administrative or enforcement practices, no formal policy exists, therefore this would not fall under the definition of a minor amendment for officers in consultation with the Chair and Executive Member.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.

10.2 Legislation permits the Council to recover its reasonable costs of administration and enforcement of the HMO licensing regime through licence fees.

10.3 Licence fees are set annually in accordance with the Medium-Term Financial Strategy and a resolution of the Licensing and Appeals Committee held on 12 December 2013.

11. RISK IMPLICATIONS

11.1 The refusal to grant, the revocation of, or formal enforcement action against licences has an appeal to the courts therefore it is essential that the Council exercises its discretion reasonably and consistently to avoid the risk of a successful appeal. It is normal practice in the Magistrates Court that the losing party pays the successful party's costs. The provision of a robust, transparent policy will help mitigate this risk.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. The policy contains a section on equality and diversity and appropriate consideration will be given during the application process.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known environmental impacts or requirements that apply to the adoption of this policy.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.

16. APPENDICES

- 16.1 Appendix 1 Policy for licensing houses in multiple occupation (HMOs)
16.2 Appendix 2 Standards for houses in multiple occupation
16.3 Appendix 3 Guide to fire safety for houses in multiple occupation
16.4 Appendix 4 Minimum space requirements
16.5 Appendix 5 Standard licence conditions

17. CONTACT OFFICERS

- 17.1 Steve Cobb, Licensing and Community Safety Manager
steven.cobb@north-herts.gov.uk; ext. 4833

18. BACKGROUND PAPERS

- 18.1 None



**North
Herts**
Council

Policy for Licensing Houses in Multiple Occupation (HMOs)

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Appendices

A	Standards for houses in multiple occupation
B	Guide to fire safety for houses in multiple occupation
C	Minimum space standards
D	Standard licence conditions

PART 1 - INTRODUCTION

1.1 The policy

- 1.1.1 This document sets out how North Hertfordshire District Council (the Council) will exercise its functions regarding the regulation of houses of multiple occupancy (HMOs) that fall within the mandatory licensing provisions.
- 1.1.2 The aim of this policy is to ensure that existing licence holders, applicants and the public are familiar with how the Council undertakes the regulation of licensed HMOs in North Hertfordshire.
- 1.1.3 A separate policy exists for HMOs that fall outside the remit of the mandatory licensing provisions.
- 1.1.4 This policy is to be read in conjunction with the Council's Policy for Housing Standards and Regulation in Houses in Multiple Occupation.

1.2 Policy duration and amendments

- 1.2.1 This policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, national guidance, best practice, and other relevant Council policies.
- 1.2.2 Administrative amendments to this policy such as, but not restricted to, those required by virtue of:
- legislative changes
 - revised national guidance and/or best practice
 - Council restructure
 - administrative processes
 - clarification of policy
 - amendments required by virtue of changes to other relevant Council policies

may be made by the licensing and community safety manager in consultation with the relevant Executive Member and Chair of the Licensing and Regulation Committee. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position, and fall outside the remit of sub-section 1.2.4, rather than amendments that change the focus of local policy.

- 1.2.3 The policy will be periodically reviewed to ensure it remains fit-for-purpose and amended where necessary in accordance with the delegations authorised by this section. Every five (5) years, the Licensing and Regulation Committee will be asked to formally review the Policy unless this is agreed to be unnecessary by the licensing and community safety manager in consultation with the relevant Executive Member and the Chair of the Licensing and Regulation Committee.
- 1.2.4 In the event of any significant amendment to the policy, a full public consultation will be undertaken prior to consideration by the Licensing and Regulation Committee. For the purpose of this section, a significant amendment is defined as one that:

- (a) will have significant financial impact on applicants, licence holders or the public;
- (b) will have a significant procedural impact on applicants, licence holders or the public; or
- (c) may not be perceived by the trade or the public to be consistent with the licensing principles set out in this policy.

1.3 Departure from policy

1.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy and the objectives set out therein.

1.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the policy.

1.3.3 Substantial departure from policy

Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so must be given. The licensing and community safety manager, in consultation with the relevant Executive Member and Chair of the Licensing and Regulation Committee, may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances. All such decisions will be advised to Councillors via the Members Information Service (MIS).

1.3.4 Minor departure from policy

Where an applicant or licence holder can demonstrate that a minor departure from this policy, based on the specific individual circumstances, would still ensure that the policy objectives are achieved, the licensing and community safety manager may authorise such a departure.

1.4 Delegations

1.4.1 Authorised officers

All officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day-to-day operation of this policy, save for any issues reserved for the licensing and community safety manager or the Licensing and Regulation Committee.

1.4.2 Licensing and community safety manager

The following powers are specifically reserved to the licensing and community safety manager (or in their absence, any officer delegated to act in the licensing and community safety manager's absence):

- (a) the management of the Council's authorised officers as detailed in section 1.4.1
- (b) minor departures from policy in accordance with section 1.3.4
- (c) varying or excluding standard conditions, or adding special conditions

- (d) suspension or revocation of existing licences
- (e) refusal to renew existing licences
- (f) refusal to grant new applications
- (g) minor amendments to Policy in accordance with section 1.2.2; and
- (h) substantial departures from policy in consultation with the relevant Executive Member and Chair of the Licensing and Regulation Committee in accordance with section 1.3.3
- (i) formal enforcement actions including, but not limited to, financial penalties, simple cautions or prosecutions
- (j) interim management orders

PART 2 – LICENSING PRINCIPLES AND POLICY OBJECTIVES

2.1 The need for good quality houses of multiple occupation in North Hertfordshire

- 2.1.1 Houses in multiple occupation (HMOs) form a vital part of the housing stock in North Hertfordshire and nationally.
- 2.1.2 In 2019-20, the Council carried out a study to identify HMOs in the district and explore associated issues and solutions. Addresses of actual and potential HMOs were gathered from various sources and mapped to help target future action to apply existing legislation. An analysis was also undertaken regarding complaints/service requests received regarding HMOs.
- 2.1.3 The study confirmed that there are relatively few HMOs in North Hertfordshire, insufficient to meet local housing need, and there had been few complaints. The combined data revealed that of the 55,000 or so dwellings in North Hertfordshire, only around 200 were believed to be HMOs.
- 2.1.4 The Council's Housing Strategy and Strategic Housing Market Assessment (SHMA) both forecast a growing need for HMOs in the District.^{1,2}
- 2.1.5 The Housing Strategy describes housing affordability problems in the district, in terms of the ratio of housing prices to average earnings, and high demand for a limited supply of smaller affordable housing, making the private rented sector, and HMOs, increasingly important.
- 2.1.6 The SHMA found that many people living in HMOs can only afford shared accommodation.

¹ North Hertfordshire District Council. Housing Strategy 2019-24. March 2019

² [Opinion Research Services. Stevenage and North Hertfordshire SHMA Update: Volume 2-Establishing the need for all types of housing. August 2016.](#)

2.2 The need for regulation of houses in multiple occupation

- 2.2.1 Although many of our privately rented dwellings and HMOs are of a high standard, local and national surveys have found that the privately rented sector compares unfavourably with other tenures in terms of energy efficiency and housing conditions.^{3,4,5}
- 2.2.2 Enforcement powers in Part 1 of the Housing Act 2004 allow hazards to be tackled in all dwellings regardless of size or tenure. The Council's Corporate Enforcement Policy sets out how these powers will be used.⁶
- 2.2.3 However, some HMOs are not suitable for the number of people living there, and can contain additional risks, such as from poor management, increased risk of harm in the event of fire,⁷ or problems with sharing amenities and increased refuse production.
- 2.2.4 Therefore, there are legal requirements in addition to the general powers, in order to manage risks in HMOs. This HMO Licensing Policy should be read in conjunction with the Council's Policy for Housing Standards and Regulation in Houses in Multiple Occupation. Together they detail how the Council will apply the housing legislation relating to all HMOs, whether they fall within the remit of mandatory licensing or not.

2.3 Policy objectives

- 2.3.1 The Council is committed to supporting landlords and tenants in the housing sector and its policy objectives are:
- (a) ensuring licensed HMOs are safe
 - (b) encouraging an appropriate HMO provision within North Hertfordshire
 - (c) reinforcing or exceeding national standards in North Hertfordshire
 - (d) ensuring a transparent approach to licensing and enforcement of HMOs

2.4 Relevance to the Council's Housing Strategy

- 2.4.1 The Council's current Housing Strategy⁸ contains two priorities for improving standards in HMOs:
- To seek to ensure that all HMOs that require licensing are licensed, and
 - To revise and update the Council's HMO Policy periodically and use this to ensure that good standards are achieved in all licensed HMOs.

The Housing Strategy gives priority to meeting statutory obligations in respect of HMOs falling within the scope of mandatory licensing.

³ MHA (2007) Private Sector Housing Stock Condition Survey 2006/7

⁴ Cambridge Centre for Housing & Planning Research (2015) Private sector housing in North Herts: a secondary data analysis

⁵ [Ministry of Housing, Communities and Local Government. English House Condition Survey 2006 to 2007; English Housing Survey 2008 onwards.](#)

⁶ [North Hertfordshire District Council. Corporate Statement of Enforcement Policy 2022](#)

⁷ ENTEC. Fire risk in houses in multiple occupation: research report. Department of the Environment, Transport & the Regions. Stationery Office, London. 1998

⁸ [Housing Strategy 2019 – 2024](#)

2.4.2 Whilst this policy outlines the Council's approach to licensing HMOs, a separate policy for Housing Standards and Regulation in Houses in Multiple Occupation details the Council's approach to regulatory functions which apply to HMOs falling outside the mandatory licensing remit.

2.5 Equality and diversity

2.5.1 The Council is committed to promoting equality of opportunity in its services for all and will endeavour to ensure that all landlords, applicants and tenants are treated fairly and without discrimination.

2.6 What is a house in multiple occupation (HMO)?

2.6.1 In simple terms, an HMO is a building (or part of a building) occupied by three or more people, in two or more households, as their only (or main) residence, where there is some sharing (or lack of the sole use) of basic amenities. This includes houses containing bedsits, hostels, and shared houses.

2.6.2 The full legal definition is given under [sections 254-259](#) and [Schedule 14](#) of the Housing Act 2004 and it is that definition that is used throughout this policy.

2.7 Which HMOs need a licence?

2.7.1 Legislation makes it mandatory for HMOs, as defined in section 2.6, with five or more occupiers to obtain a licence.

2.7.2 Exemptions exist for HMOs owned by:

- [registered](#) providers of social housing
- the police
- health authorities

2.7.3 Buildings that are converted into fully self-contained flats are also exempt. However, if an amenity for any flat is not located within the flat itself, even if not shared, the exemption does not apply, and a licence will be required.

2.8 HMO declarations

2.8.1 The Council may declare a building (or part of a building) to be an HMO if it is used for some other purpose, but the living accommodation is also occupied by persons as their main residence, who do not form a single household, and this constitutes a significant use of that accommodation.⁹

2.8.2 The purpose of serving such a declaration, would be to remove any doubts about a property's status, and make it clear that the building will be regarded as an HMO for the purposes of the Housing Act 2004

⁹ [Housing Act 2004 \(legislation.gov.uk\)](#)

2.9 What is a household?

- 2.9.1 A household is where members of the same family are living together.
- 2.9.2 People who are not related to each other by blood, marriage, or an equivalent cohabiting relationship will be considered as separate households.
- 2.9.3 For example:
- (a) Three friends sharing together under a shared tenancy are considered three households
 - (b) A married couple sharing with another person are considered two households

2.10 Identifying HMOs

- 2.10.1 The Council will use a variety of methods to actively identify HMOs in North Hertfordshire in particular to identify those which require a licence.
- 2.10.2 This will facilitate the achievement of the licensing objectives to ensure an adequate supply of safe HMOs meeting the Council's published standards.
- 2.10.3 Once an HMO is identified as needing, or potentially needing, a licence the Council will, where practicable engage with and advise the property owner to allow a licence application to be made.

2.11 Action against tenants

- 2.11.1 Due to the nature of HMO accommodation, there is an increased risk that issues may arise between tenants from different households living in the same property. Landlords are responsible for ensuring that the behaviour of their tenants does not cause detriment to other tenants, neighbours, or the wider community.
- 2.11.2 If the Council has to intervene with tenant-related problems, the housing team and environmental health team should be consulted and/or engaged in the process.

2.12 Housing consultancy service

- 2.12.1 The Council encourages constructive dialogue with landlords and provides a chargeable advice service to all landlords who are either renting or looking to rent out their property in North Hertfordshire. This may include, for example, outlining legal requirements, discussing the landlord's plans and concerns with them and their builder, or assisting with making an HMO licence application.
- 2.12.2 Initial basic advice, limited to one hour, will be free thereafter chargeable on a cost recovery basis in accordance with published fees and charges. The advice recipient will be notified of such charges before they become applicable.

2.13 Overcrowding in HMOs

- 2.13.1 The legislation relating to overcrowding is complex and is explained in this policy, specifically Appendix A. Where HMOs are licensed, overcrowding is controlled by

specifying in the licence the maximum number of occupiers or households allowed to occupy the HMO.

- 2.13.2 The number of occupiers permitted by the licence will be calculated based on the standards set out in Appendix A.

2.14 Management of HMOs

- 2.14.1 The Management of Houses in Multiple Occupation (England) Regulations 2006 sets out the duties place on managers of all HMOs.¹⁰

2.15 Enforcement and licensing of HMOs

- 2.15.1 In North Hertfordshire, HMOs subject to mandatory licensing are the responsibility of the licensing team. This policy sets out how the licensing process will operate, and Part 3 sets out the application process in more detail.

- 2.15.2 HMOs not subject to mandatory licensing are the responsibility of the environmental health team in accordance with a separate policy.

2.16 Safeguarding

- 2.16.1 The Council strongly believes that all licence holders have a responsibility to ensure that safeguarding is a key priority in respect of staff, occupants, and any person in the vicinity.

- 2.16.2. All licence holders and management should sufficiently understand safeguarding matters including, but not limited to:

- gangs and knife crime
- county lines
- modern day slavery
- child Sexual Exploitation
- supply, distribution or taking of illegal substances

to enable them to spot warning signs of any safeguarding matter and know who to report it to. Information and training materials can be found on the websites of Hertfordshire County Council and Hertfordshire Police.

PART 3 – LICENSING OF HOUSES IN MULTIPLE OCCUPATION

3.1 Types of HMO licensing

- 3.1.1 The Housing Act 2004¹¹ introduced three different types of licensing, two of which apply specifically to HMOs.

¹⁰ [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)

¹¹ [The Housing Act 2004](#)

3.2 Mandatory licensing

- 3.2.1 The most important of these is mandatory licensing which, since it was implemented in 2006, has helped identify larger HMOs and has improved management, safety, and amenities in this sector.
- 3.2.2 Originally, mandatory licensing had only applied to properties with three or more storeys, however in 2018 the Government extended mandatory licensing to include all HMOs with five or more occupiers.
- 3.2.3 Under Part 2 of the Housing Act 2004, an HMO with five or more occupiers is required to be licensed unless a temporary exemption notice, or an interim or final management order, is in force in relation to it.
- 3.2.4 The Council must take all reasonable steps to ensure that applications for licences are made to them in respect of HMOs in their area which are required to be licensed but are not.¹²
- 3.2.5 Ensuring HMOs that require licensing are licensed, and ensuring that good standards are achieved, are priorities within the Council's Housing Strategy. The Council will carry out pro-active work to further publicise the licensing requirements, and to engage with landlords who have not yet applied for a licence.
- 3.2.6 Local housing authorities have a statutory duty to satisfy themselves, as soon as is reasonably practicable, that there are no Part 1 Housing Act 2004 (housing conditions) functions that ought to be exercised by them in relation to HMOs for which they have received a licence application and must do so within 5 years of the application.¹³

3.3 Additional licensing

- 3.3.1 Local councils have discretion to introduce additional licensing of other types of HMOs which are not subject to mandatory licensing. This may be in a defined geographical area or across the whole of a council's area.
- 3.3.2 These schemes are aimed at dealing with problems, such as unmet safety standards or poor management, that cannot be improved by any other means.
- 3.3.3 Now that mandatory licensing has been extended to include all HMOs with five or more tenants, additional licensing schemes have less scope than when introduced by the Housing Act 2004. They can apply to privately rented HMOs occupied by three or four people (including children) who form two or more households, and to poorly converted self-contained flats (also known as section 257 HMOs after the section in the Act which defines them).
- 3.3.4 An additional licensing scheme can only be introduced if the Council is satisfied that a significant proportion of the HMOs are being poorly managed and are giving rise, or likely to give rise, to problems affecting the occupiers or members of the public.

¹² [Section 61\(4\) of the Housing Act 2004](#)

¹³ [Section 55 \(5\) of the Housing Act 2004](#)

- 3.3.5 The Council must be satisfied that there are no other courses of action that might provide an effective remedy and that the introduction of a licensing scheme will significantly assist in dealing with the problem.
- 3.3.6 Any decision to implement a selective or additional licensing scheme must be consistent with the Council's Housing Strategy and must be part of a coordinated approach for dealing with homelessness, empty homes and anti-social behaviour.¹⁴
- 3.3.7 Currently, there is not the considerable amount of evidence required to demonstrate that additional licensing is necessary or appropriate, nor that it would be effective to tackle problematic housing in North Hertfordshire.
- 3.3.8 There are no proposals to introduce an additional licensing scheme in North Hertfordshire.

3.4 Selective licensing

- 3.4.1 Local authorities have discretionary powers to introduce selective licensing of privately rented homes, not just HMOs, to address problems in the area.
- 3.4.2 A selective licensing designation may be made if the area to which it relates is one experiencing one or more of the following conditions:
- low housing demand (or is likely to become such an area)
 - a significant and persistent problem caused by anti-social behaviour
 - poor property conditions
 - high levels of migration
 - a high level of deprivation
 - high levels of crime.¹⁵
- 3.4.3 Only where there is no practical and beneficial alternative to a designation should a scheme be made.¹⁶
- 3.4.4 Currently there is no evidence that any of the above criteria apply in North Hertfordshire, therefore selective licensing is not an available option to the Council.
- 3.4.5 There are no proposals to introduce a selective licensing scheme in North Hertfordshire.

3.5 HMOs subject to mandatory licensing that are discovered to be unlicensed

- 3.5.1 Failure to apply to license an HMO which requires a licence may result in an unlimited fine or a financial penalty of up to £30,000.¹⁷ In addition, the landlord may be ordered to repay up to twelve months' rent and any housing benefit paid during that period.
- 3.5.2 More information on financial penalties and rent repayment orders can be found in the Council's Corporate Enforcement Policy.

¹⁴ Housing Act 2004, sections [57](#) & [81](#)

¹⁵ [The Selective Licensing of Houses \(Additional Conditions\) \(England\) Order 2015](#)

¹⁶ [Selective licensing in the private rented sector: a guide for local authorities March 2015 issued by the Department for Levelling Up, Housing and Communities](#)

¹⁷ [Housing Act 2004 section 72](#)

- 3.5.3 Where a licensable HMO has been operating without a licence the Council will, depending on the individual circumstances, normally give the opportunity to apply for a licence before considering formal action such as a Simple Caution, civil penalty, or prosecution.
- 3.5.4 If the Landlord has pro-actively approached the Council for a licence, an informal approach will be adopted so long as a complete application is duly made within twenty-one days of the need for an application becoming known. Exceptional circumstances that have resulted in a delayed application will be considered by the licensing and community safety manager.
- 3.5.5 A licence would not be required for the property if it is:
- managed by a registered social housing provider
 - managed by a health service body
 - occupied by the owner and their family, with no more than two lodgers
 - owned and managed by one of the other national organisations exempt from HMO licensing

3.6 How to apply for a mandatory HMO licence

- 3.6.1 Councils are required to effectively implement the licensing regime,¹⁸ therefore the Council encourages applications to be made online at [HMO licence application](#). Where an applicant prefers to make a paper application, there may be a higher set fee to reflect the increased administration costs.
- 3.6.2 All HMO applications must include the following:
- complete application form, signed and dated, accompanied by the correct fee
 - a plan of the property showing room numbers, room dimension measurements in metric, location of automatic fire detection/fire alarms, fire doors, and emergency lighting
 - fire safety risk assessment
 - emergency lighting test certificate (if emergency lighting is installed)
 - landlord's gas safety certificate (issued within the preceding 12 months)
 - electrical installation test certificate (issued within the preceding 5 years)
 - automatic fire detection test certificate
 - portable electrical appliance test certificate
 - proof of the applicant's address (utility bill, bank statement, driving licence, passport)
 - tenancy agreement
 - any relevant building control document
 - proof of planning permission (where planning permission is needed)
 - furniture fire safety statement of compliance
- 3.6.3 Applicants should endeavour to supply all required documentation at the time of application. The minimum required to enable the application process to commence is:
- complete application form, signed and dated, accompanied by the correct fee
 - proof of the applicant's address

¹⁸ [Housing Act 2004 section 55\(5\)\(a\)](#)

- two passport type photographs of the applicant
- tenancy agreement

3.6.4 The applicant is also required to declare they are a fit and proper person and that there are no legal measures pending that would impact this status; failure to confirm such a declaration renders the application invalid.

3.6.5 Where plans are not provided, the Council will ordinarily produce appropriate plans and the applicant will be responsible for the costs incurred.

3.6.6 Where the other required documentation, such as gas or electrical safety inspection certification, or automatic fire detection or emergency lighting commissioning certification, are not provided, these will ordinarily be required through a condition on the licence.

3.6.7 Continued failure to provide the minimum requirements will be regarded as a failure to apply for a licence and legal proceedings may be commenced in line with the Council's Corporate Enforcement Policy.

3.7 The licensing process

3.7.1 Once a complete application has been received, the licence will be granted where:

- the property is reasonably suitable for occupation as an HMO, or it can be made suitable by the imposition of licence conditions
- the management arrangements are satisfactory
- the licensee and manager are fit and proper persons to hold the licence

3.7.2 The applicant must be the most appropriate person to hold the licence.

3.7.3 The 'person managing' is defined in section 263 (3) of the Housing Act 2004¹⁹.

3.7.4 The licensing process is lengthy and complex, the legal procedures and requirements being set out in Part 2²⁰ and Schedule 5²¹ of the Housing Act 2004, along with associated regulations and amendments.

3.8 HMO inspections

3.8.1 The Act and its associated guidance do not require a physical inspection of the property prior to issuing a licence, and therefore as a minimum the Council may base its decision upon an assessment of the licence application, the accompanying property plan, and any other documents provided by the applicant, along with its internal checks.

3.8.2 However, a Council officer will ordinarily visit before licensing an HMO to assess compliance with the licensing requirements and the number of people the HMO should be licensed for.

¹⁹ [Section 263 \(3\) of the Housing Act 2004](#)

²⁰ [Part 2 of the Housing Act 2004](#)

²¹ [Schedule 5 of the Housing Act 2004](#)

3.9 Assessment of management arrangements

3.9.1 In deciding whether the proposed management arrangements for the property are satisfactory, the council must consider whether:

- any person proposed to be involved in the management of the property has a sufficient level of competence
- any person proposed to be involved in the management of the property is a fit and proper person
- any proposed management structures and funding arrangements are suitable

3.9.2 Licence applicants are required to complete a questionnaire as part of the application form, giving details of how they propose to manage the property, and how essential repair work and routine maintenance is undertaken and funded. From this information, it will usually be possible to make a reasonably informed decision as to whether satisfactory management arrangements are in place.

3.10 Fit and proper person

3.10.1 The Council must satisfy itself that the proposed licence holder and the manager (if they are different people) are fit and proper persons to hold a licence or to manage a licensable property. The test is applied to:

- the licence holder
- any person managing the property
- any director or partner in a company or organisation which owns or manages the property

3.10.2 A person will ordinarily be considered fit and proper if the Council is satisfied that they:

- have no unspent convictions²² relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- have no unspent convictions relating to unlawful discrimination on grounds of sex, colour, ethnic or national origins, race or disability
- have no unspent convictions relating to housing or landlord and tenant law
- have no unspent convictions for breaches of planning, compulsory purchase, environmental protection or other legislation enforced by local authorities
- have not been refused an HMO licence, been convicted of breaching the conditions of a licence, or have acted otherwise than in accordance with the approved code of practice under section 233 of the Act (regarding the management of HMOs) within the last five years
- have not been in control of a property subject to an HMO Control Order, an Interim Management Order (IMO) or Final Management Order (FMO) or had work in default carried out by a local authority
- do not have a banning order under section 16 of the Housing and Planning Act 2016 in force against them

This is not an exhaustive list, and the Council may take into account other matters, for example where it has been identified that a landlord is or has been in council tax arrears,

²² [Rehabilitation Periods](#)

or where there is a history of non-compliance with any of the Council's requirements. Fit and proper person checks will be carried out with other council departments, including housing advice and benefits teams.

- 3.10.3 The Council will have regard to whether the proposed licence holder or manager has received a Civil Penalty for housing offences within the previous five years. This will not usually preclude them from being considered fit and proper but may do so if the Civil Penalty has not been fully paid within the prescribed time (including after an appeal has been finally determined and the charge upheld) depending on circumstances, such as the level of harm and culpability. The Council will consider each case on its own merits including the reasons for the penalty and the extent of the person's involvement in any property under consideration.
- 3.10.4 Since 2014 it has been a legal requirement for all letting agents and property managers to belong to a government approved redress scheme.²³ Any property manager who is not a member of such a scheme will not be considered to be a fit and proper person. Failure to be a member of an approved scheme is also an offence with fines of up to £5000.
- 3.10.5 In 2018, the Department for Levelling Up, Housing and Communities launched the rogue landlord database. Every application received will be checked against the rogue landlord database and, if necessary, the Council will contact the enforcing local authority to gather more information.
- 3.10.6 The applicant is required to complete a fit and proper person questionnaire and declaration during the application process. The applicant must also sign the form on behalf of all joint licence holders and the manager and must ensure that those persons do not have any offences that must be declared.
- 3.10.7 It is an offence to give false or misleading information. Where no issues are identified, a self-declaration together with our internal checks, will ordinarily be accepted as sufficient evidence of all relevant persons' fit and proper status.
- 3.10.8 Where an applicant indicates that one or more issues applies to them, or where other information comes to light, then further information must be disclosed in order for the Council to assess whether this is of relevance to that person's ability to be regarded as being fit and proper to hold a licence. Applicants may be contacted by the Council with a view to establishing the exact circumstances of the matter. The Council may require a DBS (Disclosure and Barring Service) disclosure or a PNC (Police National Computer) disclosure. Declarations of any unspent conviction will not necessarily mean that the applicant is not a fit and proper person to hold a licence.
- 3.10.9 Wherever possible, applicants who are assessed as not being fit and proper will be encouraged to propose an alternative person or company, who has no personal connection with the refused person, to act as the licence holder on their behalf. The Council will actively work with the initial proposed licence holder to assist in this process wherever possible.
- 3.10.10 In such cases, if a more suitable licence holder is not found, the final decision as to whether a person is to be regarded as not being fit and proper will be made by the licensing and

²³ [The Redress Schemes for Lettings Agency Work and Property Management Work \(Requirement to Belong to a Scheme etc\) \(England\) Order 2014](#)

community safety manager. Applicants will be invited to state their case in writing as appropriate. If a licence is refused, then the Council must take on the management of the property by making an Interim Management Order.

- 3.10.11 The Council attaches great importance to safeguarding issues. Therefore, where accommodation is, or is likely to be, occupied by vulnerable persons the applicant will be required to support their declaration by obtaining a basic disclosure certificate from the Disclosure and Barring Service (DBS). Existing certificates to this or a higher level will be acceptable, provided they are no more than twelve months old. This applies to supported accommodation housing persons with a background of dependency issues, mental illness, on probation, those under the age of 18, and any other persons considered to be vulnerable.
- 3.10.12 In certain cases, particularly larger hostel-type premises accommodating persons with drug/alcohol dependency, or persons who are still under supervision by the Probation Service, there may be other agencies who would wish to have their views or concerns taken in to account as part of the licensing process, such as the Police or Probation Service. Such concerns may indicate that the proposed licence holder is failing to take reasonable steps to control the behaviour and activities of the occupiers, and this may have an impact upon the local community. As such, the competency of the proposed licence holder or manager may be questioned, even though they may not have declared any outstanding issues and may have a clear DBS Disclosure. The Council will actively work with all such agencies and will consider their views as part of the decision-making process for the licence application, and whether any specific licence conditions are required.
- 3.10.13 In all cases, the proposed licence holder must have a permanent address within the United Kingdom before they can be regarded as being suitable to hold a licence.

3.11 Assessment of the suitability for occupation

3.11.1 The Council must be satisfied that licensable premises are reasonably suitable for occupation by the specified maximum number of persons or households.²⁴

3.11.2 Facilities and amenities

3.11.2.1 Regulations require that the Council takes into account the adequacy of provision of:

- means of space heating in each unit of living accommodation
- toilet, personal washing, and bathing facilities
- kitchen facilities
- fire precautions and equipment²⁵

3.11.2.2 Councils may set their own standards accordingly and the Council's guidance at Appendix A has been developed in partnership with other authorities in Hertfordshire and Bedfordshire. The guidance is applied with a degree of flexibility having regard to the use, layout, and occupancy of each property, and therefore is one of the reasons why a property inspection is usually carried out prior to issuing a draft licence.

²⁴ [Housing Act 2004, section 65](#)

²⁵ [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](#)

3.11.3 Room sizes

3.11.3.1 The government introduced absolute minimum sizes for bedrooms in HMOs where a mandatory licence has been approved on or after 1st October 2018.²⁶ These are cited in Appendix C.

3.11.3.2 When calculating the usable floor area, any area of the room where the ceiling height is less than 1.5m is disregarded.

3.11.3.3 In deciding whether a bedroom for a single adult can be reduced from 8 square metres, the Council must consider the occupier's health. This would include aspects such as mental and social space and the facility to dry clothes outside of the bedroom.

3.11.3.4 The Council has allowed a smaller room size than 8 square metres where the following facilities have been provided either to the occupier or within the house:

- additional exclusive room for the occupier
- additional shared room in the property e.g., a lounge
- a dining space that is separate from the kitchen which provides space for a sofa or tables and chairs
- an area designated within the kitchen which allows the occupier to sit and eat a meal which does not impact on the use of the kitchen

Other options could include:

- where a conservatory is provided, and this is adequately heated
- a suitably sized utility room is provided so this could be used as a place to dry washing

3.11.3.5 Where an HMO licence was in force prior to 1st October 2018, the new room sizes will apply to the property when the licence is renewed. This may see a reduction in occupiers allowed within the property.

3.11.4 Wash hand basins

3.11.4.1 Where 5 or more persons occupy an HMO, a wash hand basin with hot and cold water and a tiled splashback should generally be provided, where reasonably practicable, within each letting (unless a sink is already provided in the letting), of sufficient size to allow personal washing.²⁷

3.11.4.2 Where these are lacking, the Council will undertake an assessment of the property to evaluate the practicalities of the installation of additional wash hand basins in bedrooms. Factors that are taken into consideration include the location of the water source (hot and cold), waste disposal and the size of the bedroom in relation to the likely installation cost.

3.11.4.3 As a guide, if it is not reasonably practicable to provide a wash hand basin within each letting, then where 5 or 6 occupiers are sharing 2 wash hand basins in a property, e.g., the

²⁶ [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regs 2018](#)

²⁷ [Schedule 3 of The Licensing & Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006](#)

bathroom and separate WC (or second bathroom with wash hand basin) the Council will look to require an additional wash hand basin to be installed in at least 2 bedrooms.

3.11.4.4 The Council will normally specify which rooms require the installation of a wash hand basin but will consider alternative proposals from the landlord so long as the room size meets the Council's standard. In exceptional circumstances, with the Council's approval, this licence condition may be completed at the change of a tenancy.

3.11.4.5 If the property is being converted to an HMO, then the Council will expect wash hand basins to be installed at the time of the conversion.

3.11.5 Fire alarm systems

3.11.5.1 The Council and Hertfordshire Fire and Rescue Service have adopted and periodically reviewed a joint protocol to improve fire safety, which includes an agreement as to consultation procedures and as to which enforcing authority will lead in different situations, thus avoiding duplication of enforcement action. This applies to all HMOs, whether or not they are licensable, and is therefore referred to in both the general and licensing HMO policies.

3.11.5.2 The fire precaution standards expected in North Hertfordshire are in accordance with the guidance given by the Local Authority Coordinators of Regulatory Services (LACoRS), developed in association with the Chief Fire Officers Association and the Chartered Institute of Environmental Health "Housing – Fire Safety."²⁸

3.11.5.3 A guide has been produced in liaison with the Hertfordshire Fire and Rescue Service and the local authorities within Hertfordshire.²⁹ The guide, attached as Appendix B, helps landlords meet the standards of fire precautions normally required in various types of HMO, without the need for intervention by the local authority. The Council will however carry out an HHSRS assessment when determining actual legal requirements for each specific dwelling, and the requirements may therefore vary from the guide depending on the circumstances.

3.11.5.4 The Council will consider the use of wireless controlled fire alarm systems so long as they have been approved by the Hertfordshire Fire and Rescue Service.

3.12 **Issuing a draft licence**

3.12.1 A Notice of Intention to Grant, including a copy of the draft licence, must be served on all interested parties allowing a minimum of fourteen days for representations before granting the actual licence.

3.12.2 The Council will consider the individual circumstances of any representations having regard to this policy before making a decision and issuing a final licence.

3.12.3 Where the draft licence contains conditions requiring works to be carried out, or where the permitted number of occupiers or households is to be less than the number applied for, the officer may offer the applicant a meeting to discuss the conditions and their implications, thus providing the opportunity to pre-empt and consider representations.

²⁸ [LACORS Housing-Fire Safety Guidance on fire safety provisions for certain types of existing housing](#)

²⁹ [Guide to Fire Safety in Houses in Multiple Occupation](#)

3.12.4 Licences will specify the maximum number of occupiers or households. The occupancy number will depend on the number and size of rooms and the kitchen and bathroom facilities. When assessing the number of households and occupiers, regard will be given to the prescribed standards and the good practice guide developed by the Council in partnership with other Herts and Beds authorities, attached as Appendix A.

3.13 Licence fees

3.13.1 The Council requires the licence application to be accompanied by a fee fixed by the Council. The fee takes into account all reasonable costs incurred by the Council in carrying out its HMO licensing functions, and the Act permits certain costs incurred in carrying out functions in relation to Interim and Final Management Orders to also be taken into account.³⁰

3.13.2 Following the decision of the Supreme Court in *R. (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council* and the subsequent referral of one point of law to the European Court of Justice, clarity has been given to the implementation of the EU Services Directives on licensing fees through the Provision of Services Regulations 2009.

3.13.3 The law now precludes any requirement at the time of application for the payment of a fee relating to anything other than the authority's cost of processing and determining the application. The authority's costs of enforcement and ongoing management of a licence should be subject to a separate fee which becomes payable once the licence has been granted and prior to the licence being issued. This does not preclude an applicant from paying both parts of the fee at the time of application however the authority is precluded from making this a requirement.

3.13.4 *R (Gaskin) v LB Richmond Upon Thames*³¹ held that the EU's Provision of Services Directive, which is enshrined in UK law as the Provision of Services Regulations 2009, should apply to property licensing fees and the processes involved in implementing and delivering such schemes.

3.13.5 The Council will now split licence fees into two parts as follows:

Application fee

Payable at the time of application representing the authority's costs in processing and determining the application. This fee would not ordinarily be refundable should an application be unsuccessful. Only in exceptional circumstances, such as discovering that a property was not licensable at the time of application, would the application fee be refunded.

Licence fee

Payable upon the grant of the application, but prior to the issue of the licence, representing the authority's costs of ongoing enforcement and maintenance of the licensing regime. This fee would be refundable, where paid in advance, if the application was not successful.

³⁰ [Section 63\(3\) and \(7\) of the Housing Act 2004](#)

³¹ [\[2018\] EWHC 1996 \(Admin\)](#)

- 3.13.6 It is important to note that once the application has been processed to the point that it can be granted, the licence will not be issued until the licence fee has been paid.
- 3.13.7 The licence fee becomes due when the Notice of Intention to Grant a Licence is served. If a change in circumstances comes to light after this stage, a refund of the licence fee may be given if the final licence and Notice of Decision to Grant a Licence have not yet been served.
- 3.13.8 There is no entitlement to a refund after the licence has been granted and all associated documentation has been appropriately served.

3.14 Amending or varying licences

- 3.14.1 If there is a change of circumstances in an HMO since it was licensed, the Council can vary the licence. Rather than risk prosecution for breach of licence conditions, the licence holder should apply for a variation if the change might affect the licence. This would include proposed changes of their address or manager, and any proposals to change the layout or amend the number of people on the licence.
- 3.14.2 There is no fee for amending or varying a licence however, a licence is non-transferable. A new licence application will need to be submitted if the licence holder is to change.

3.15 Tacit consent

- 3.15.1 The concept of tacit consent came from an EU Directive,³² given effect in the UK by the Provision of Services Regulations 2009, which after leaving the EU continue effectively unchanged.³³
- 3.15.2 One of the requirements of the Directive is that applicants should be provided with a guarantee that their application will be dealt with as quickly as possible and within a reasonable, publicly stated fixed period once all documentation has been received. This period may be extended for a limited time due to issues of complexity provided the applicant is notified before the fixed period for determination has expired.
- 3.15.3 Failing a response within those time periods, authorisation will ordinarily be deemed to have been granted (tacit approval), unless there are overriding reasons relating to the public interest, including a legitimate interest of third parties.
- 3.15.4 Having considered the above Directive, Regulations, and case law, the Council has determined that **tacit consent will not apply to HMO licensing**, as it is in the public interest that applications should be fully processed before a licence can be granted. This is because the licence process determines whether the applicant is a fit and proper person to hold the licence and whether the property is suitable to be multi-occupied, and the licence contains appropriate conditions which are required to be met.
- 3.15.5 After an application for a licence has been submitted, the landlord is able to operate a house in multiple occupation as if they have a licence until the Council has processed the application. Councils are required to determine licence applications within a reasonable

³² [Directive 2006/123/EC of the European Parliament and of the Council](#)

³³ [The Provision of Services \(Amendment etc.\) \(EU Exit\) Regulations 2018](#)

time.³⁴ The Council aims to process complete applications as quickly as possible, ordinarily within 20 weeks of receipt, and to keep applicants informed of progress at regular intervals.

3.16 Licence conditions

- 3.16.1 All licences have generic licence conditions ensuring compliance with Appendix A, which are listed at Appendix D.
- 3.16.2 In many cases there will also be conditions specific to the property such as to provide more amenities for the number of occupants and minimum room sizes.
- 3.16.3 Where works are required to comply with a condition, timescales for compliance are provided as part of the condition.

3.17 Breaches of licence conditions

- 3.17.1 Failure of the licence holder to comply with any licence conditions imposed when the licence was granted is a criminal offence.
- 3.17.2 Breaches of licence conditions will be investigated in line with the Council's Corporate Enforcement Policy, and each case will be judged on its own individual merits.
- 3.17.3 A letter will ordinarily be sent to the licence holder requesting immediate compliance.
- 3.17.4 Informal action may be taken in relation to minor breaches of licence conditions, for example not producing certificates on time, provided that the breaches have not significantly affected a person's health, safety, or welfare.
- 3.17.5 Formal action will be considered where there have been serious and/or persistent, or repeated breaches of licence conditions. The result may be to offer a Simple Caution, impose a Civil Penalty, or to seek prosecution, and may also be grounds to revoke the licence.

3.18 Breaches of occupancy limits

- 3.18.1 Under section 72 (2) of the Housing Act 2004, it is an offence, punishable by prosecution or Civil Penalty, for a person having control of, or managing, a licensed HMO to knowingly permit it to be occupied by any additional person or persons so as to exceed the maximum number of persons or households authorised by the licence.
- 3.18.2 Cases may arise where other persons move into a licensed HMO at the invitation of existing occupiers (usually as friends or relatives), and the licence holder or manager may have no knowledge that this has taken place. If this is discovered, the situation will be brought to the attention of the licence holder or manager, and a period of 28 days will be given to allow the licence holder or manager adequate time to take appropriate action to require the additional person or persons to vacate the premises.
- 3.18.3 The Council's housing team may provide assistance and advice on alternative housing options to those persons affected. A person who has no tenancy or licence agreement will

³⁴ [Housing Act 2004, section 55\(5\)\(b\)](#)

be regarded as an occupier for these purposes once they have remained in continuous occupation for a period of 28 days or more.

- 3.18.4 If work is undertaken to extend the property, or to increase the number of occupiers, then a variation of the licence will be required to increase the permitted numbers. The responsible person will normally be invited to, and given adequate opportunity to, apply for a variation to the HMO licence. Failure to then apply for a variation of the licence will result in a visit to the property, and an investigation into the number of occupants and any non-compliance with the licence conditions, which may lead to legal proceedings, or a Civil Penalty being pursued.

3.19 Register of licensed HMOs

- 3.19.1 The Housing Act 2004 requires councils to publish a register of their licensed HMOs³⁵ containing information prescribed by Regulations made under the Act.³⁶ This includes the requirement to publish the address and certain details of the HMO, and the name and address of the licence holder and manager.
- 3.19.2 The register must also include particulars of any Temporary Exemption Notices and Management Orders.
- 3.19.3 The [register](#) can be viewed on the Council's website.

3.20 Management orders

- 3.20.1 Where there is no reasonable prospect of a licensable HMO becoming licensed, or where the health, safety and welfare of occupiers is placed at serious and imminent risk (known as the '*health and safety condition*') the Act requires that the Council use its interim management powers to apply for an Interim Management Order (IMO).
- 3.20.2 The Council may also apply for an Interim Management Order (IMO) for non-licensable properties where the health and safety condition applies, or where there are significant and persistent problems of anti-social behaviour with respect to a particular property.
- 3.20.3 This enables the Council to take over the management of an HMO and become responsible for running the property and collecting rent for up to a year. This may be followed by a Final Management Order (FMO) for a further five years.
- 3.20.4 The Council reserves the right to contract an appropriate third party to manage HMOs where there is a need to implement interim management powers.
- 3.20.5 The Council will make full use of the range of management order powers in appropriate cases, but this will always be regarded a last resort. Officers will work in partnership with other council departments, and statutory enforcement agencies and voluntary organisations as necessary, in order to secure improvements to property management standards with the aim of protecting the health, safety, and well-being of residents.

³⁵[Section 232 of the Housing Act 2004](#)

³⁶[Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006, regulation 11.](#)

3.21 Temporary exemption from licensing

- 3.21.1 The Council may serve a Temporary Exemption Notice (TEN) where a landlord is, or shortly will be, taking steps to make an HMO non-licensable.
- 3.21.2 The circumstances in which a TEN may be served are limited. Where a licensable HMO is not licensed, and no application for a licence has been made, the landlord cannot serve notice to quit until the HMO is licensed.
- 3.21.3 A landlord may wish to apply for a TEN for example where they are proposing to convert a licensable HMO into self-contained flats, thereby excluding the premises from any licensing requirements under the mandatory scheme. In such cases, evidence that the proposed conversion has planning consent and building regulation approval must be produced before consideration will be given to granting a TEN.
- 3.21.4 A TEN can only be granted for a maximum period of three months, however a second three-month TEN can be served in exceptional circumstances.
- 3.21.5 If at the end of the TEN period the property is still licensable, the landlord must apply for a licence immediately to avoid enforcement action for running an unlicensed HMO.
- 3.21.6 A TEN may also be granted if the licence holder dies while the licence is in force.

3.22 Revocation of a licence

- 3.22.1 If there is a serious breach, or there are repeated breaches of the licence conditions, or the licensee or manager are no longer fit and proper persons, the licence can be revoked.
- 3.22.2 The licence can also be revoked if the property is no longer a licensable HMO, or if the condition of the property means it would not be licensable were an application made at the later time.
- 3.22.3 Any remaining period of the licence will be forfeited, and there will be no right to a refund of any part of the original payment.

3.23 Duration of licences

- 3.23.1 Licences will ordinarily be valid for five years from the date the licence was required, i.e., from when evidence has demonstrated to the satisfaction of the Council that the property first became a licensable HMO with the current owner. This ensures there is no incentive to delay making an application.
- 3.23.2 To avoid impractically short licence periods, the minimum period of such a licence will ordinarily be 2 years.
- 3.23.3 Where there is evidence of previous poor management, or the planning status for HMO use is unconfirmed, the duration of the licence will ordinarily be limited to two years.
- 3.23.4 Properties held by an applicant under a lease with an unexpired term of less than five years will be granted a licence for no more than the remaining unexpired term.

3.24 Assessing hazards under the Housing Health and Safety Rating System (HHSRS)

- 3.24.1 HMOs will be prioritised for assessment under the Housing Health and Safety Rating System³⁷ within five years of the licence being granted. However, subject to available resources, the Council aims to carry out all such assessments within two years of the licence being granted, and in many cases will do so before granting the licence.
- 3.24.2 When a licence is issued, information will be made available to the applicant to help them identify and deal with Category 1 hazards under the HHSRS.

³⁷ [Housing Health and Safety Rating System \(HHSRS\): guidance for landlords and property-related professionals](#)

APPENDIX A Standards for houses in multiple occupation

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A Introduction

- A1 This document gives advice to anyone involved with letting out a house in multiple occupation (HMO). All HMOs with five or more tenants, belonging to two or more households, require a licence.
- A2 This guidance is likely to form the basis of conditions attached to a licence.
- A3 This document sets out the legal framework and the standards required for living space, amenities, fire safety and management adopted by North Hertfordshire District Council.
- A4 This document does not constitute legal advice on the interpretation of the legislative requirements. If this is needed, you should seek legal advice or refer to the specific part of legislation.

B Definitions and categories of property

B1

House	'House' is not conclusively defined in legislation but includes flats, blocks of flats, and the grounds, outbuildings, and boundaries.
Household	Each of these is a single household: <ul style="list-style-type: none"> • a single person • co-habiting couples whether married or not, including those in same-sex relationships • a family of related people (includes blood relatives such as parents / children / nieces / nephews / cousins / siblings and grandparents as well as stepchildren and those adopted or fostered).
House in Multiple Occupation	A rented house (or flat) that is let to three or more unrelated tenants in two or more households who share a kitchen, bathroom, or toilet.
Licensable HMO	An HMO that is <ul style="list-style-type: none"> • occupied by 5 or more people, and • occupied by people as their only or main home.

C Further advice and information

- C1 If you need help in applying these standards to your own situation, or you have an alternative proposal for meeting a particular standard, please contact the Licensing Team using licensing@north-herts.gov.uk or 01462 474000

C2 Planning permission

C2.1 Planning permission may be required if an owner is considering:

- using their property as a large HMO for seven or more tenants
- major conversions or extensions

C2.2 The Council has not introduced an 'Article 4 Direction' to remove permitted development rights to change the use from a single-family home to a small HMO with six or fewer occupiers.

C2.3 For planning advice, please contact the Council's planning team:

Development and Conservation
North Hertfordshire District Council
PO Box 10613
Nottingham
NG6 6DW

01462 474000 (Duty Planning Officer service 9am-12 noon Monday to Friday.)
Planning.control@north-herts.gov.uk

C3 Building regulation permission

C3.1 Building regulation approval may be required if an owner is considering:

- conversion
for example, converting a garage into a bedroom
- adaption
- structural alterations

C3.2 If you are buying a property that has already had work done of this type, you are always advised to ensure that this has building regulation approval prior to purchase.

C3.3 Hertfordshire Building Control Ltd is responsible for building control services for North Hertfordshire District Council. For enquiries please contact:

Hertfordshire Building Control Ltd
A1 Area Team
4th Floor
Campus West
Welwyn Garden City
Hertfordshire
AL8 6BX

The office is open Mon–Fri 8am–5.30pm

Tel: 01438 879 990

Email: building.control@hertfordshirebc.co.uk

C4 The Council has considered local needs before adopting these standards for use.

C5 For ease of use, the document is structured as follows:

C5.1 **Legal requirements as given in Schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006¹ as amended by The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007² and other relevant legislation are set out in bold type and enclosed in a text box.**

C5.2 Adopted standards which give greater explanation of what is required, are set out following each legal requirement.

STANDARDS

S1 Heating

S1.1 **Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.**

S1.2 Fixed heating shall be provided in every bedroom, lounge, and hallway. Where reasonably practical, fixed heating shall be provided in kitchens and bathrooms. The means of heating shall be capable of maintaining the following internal temperatures when the outside temperature is -1°C.

- Living room 21°C
- Bedrooms 18°C
- Kitchen 18°C
- Bathroom 22°C
- Hall/passageway 18°C

S1.3 The provision of insulation can assist in meeting this standard.

S1.4 Gas central heating

S1.4.1 Central heating controls should be located in a communal area and be easily accessible to all tenants.

S1.4.2 Radiators should ideally be provided with thermostatic radiator valves (TRVs) but as a minimum, the property should have a room thermostat and each radiator should have a control valve.

S1.5 Fixed electric heating

S1.5.1 An electric wall socket/fused spur should be provided for the exclusive use of each heater.

¹ [The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\) \(England\) Regulations 2006](#)

² [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007](#)

- S1.5.2 The installation must be capable of using 'off peak' electricity e.g., Economy 7 as the primary energy input.
- S1.5.3 If storage heaters are used, they must have a built in 'boost' convector heater function in order to ensure that additional heat can be provided where necessary.
- S1.6 Wherever practicable, heaters (including radiators) should be fixed to an existing chimney breast or be positioned so as to direct heat towards the centre of the room, such as under a window.
- S1.7 The heating appliances must be capable of being safely used at any time and be suitably guarded. All such appliances shall be installed and maintained by a competent person. Gas appliances shall be inspected annually and certificated in accordance with the [Gas Safety \(Installation & Use\) Regulations 1998](#) as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018.
- S1.8 The use of portable paraffin, electric fan, or liquefied petroleum gas (LPG) (bottled gas) heaters is unacceptable under any circumstances, whether provided by the landlord or the tenant. If an additional source of heating is required by a tenant this can be provided by an oil filled radiator where necessary.
- S1.9 A carbon monoxide detector should be installed in any bedroom or living room where there is a combustion appliance e.g., a boiler and must be installed in any room, hall, or landing in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. For the purposes of this condition, bathrooms or lavatories are to be treated as rooms used as living accommodation. Any such alarm must be maintained in proper working order and the licence holder must supply the authority, on demand, a declaration by him/her as to the condition and positioning of any such alarm.

S2 Washing facilities and sanitary conveniences (shared)

S2.1 **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**

S2.2 Washing facilities

S2.2.1

Number of Occupiers Sharing	Washing Facilities
Up to 5 people	One bathroom with wash basin and bath or shower
6 to 10 people	Two bathrooms each with wash basin and bath or shower
10 or more people	An additional bathroom for each additional 5 persons each with wash basin and bath or shower

S2.3 Wash basins

S2.3.1 Wash basins shall be supplied in each shared bath/shower room serving a maximum of five occupiers. The wash basins shall be:

- a standard sized wash hand basin (approx. 550mm x 400mm)
- provided with a 300mm high waterproof splashback at least equal to the width of the wash basin with all joints adequately sealed
- provided with a plug
- connected to the drainage system via a suitable trap
- provided with a constant supply of hot and cold running water

S2.3.2 In licensed HMOs, wash basins as described above are required (where reasonably practicable) in all bedrooms other than a unit in which a sink has been provided.

S2.4 Bath and shower facilities

S2.4.1 Where practicable, each unit of accommodation shall be provided with a bath or shower, located in a separate room. Otherwise, a readily accessible standard sized bath in a bathroom, or a standard sized shower, together with adequate drying and changing space, shall be provided.

S2.4.2 A 300mm waterproof splashback to the bath is to be provided.

S2.4.3 In the case of a shower (whether it is over a bath or in its own compartment):

- the splashback shall be 150mm above the shower head and at least to the edge of a fixed shower screen
- where a shower curtain is used, the splashback should extend 300mm beyond the shower curtain
- all joints shall be adequately sealed

S2.5 Toilet facilities

S2.5.1

Number of Occupiers Sharing	Toilet Facilities Required
1 to 4 occupiers	- 1 toilet - can be sited within the bathroom
5 occupiers	- 1 toilet separate from the bathroom but can be sited within a second bathroom
6 to 8 occupiers	- 2 toilets - can be sited within separate bathrooms
9 to 10 occupiers	- 2 toilets - 1 of which must be separate from any bathrooms

11 to 16 occupiers	<ul style="list-style-type: none"> - 3 toilets - 1 of which must be separate from any bathrooms
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S2.5.2 Where there is sufficient space to install this, each separate toilet compartment shall be provided with a suitable wash basin with constant hot and cold water and a 300mm tiled splash back. Any toilet compartment not provided with a wash basin will not be counted for the number of toilets required.

S2.5.3 Externally located toilets should be ignored for the purpose of this standard.

S2.6 **(b) Where reasonably there must be a wash hand basin with appropriate splashback in each unit other than a unit in which a sink has been provided, having regard to the age and character of the HMO, the size and layout of each unit, and the existing provision for wash hand basins, toilets, and bathrooms.**

S2.7 The splashback to a wash hand basin shall be a minimum of 300mm high and at least equal to the width of the wash basin and all joints shall be adequately sealed. This requirement applies to bedrooms in all licensable HMOs.

S2.8 If a property is to be licensed for the first time, the Council strongly advises discussion with officers over the location of wash hand basins in bedrooms before these are installed.

S2.9 **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.**
All bathrooms in an HMO must be suitably and adequately heated and ventilated.

S2.10 Heating provisions are detailed previously in section S1 above and the ventilation provisions are detailed in section S7 below.

S2.11 **All bathrooms and toilets in an HMO must be of an adequate size and layout.**
All baths, toilets, and wash hand basins in an HMO must be fit for the purpose.

S2.12 The walls and floor of any toilet, bathroom or shower room must be reasonably smooth and non-absorbent and capable of being readily cleansed.

S2.13 All bathroom furniture must be of non-absorbent material and capable of being easily cleaned.

S2.14 All bathroom furniture must be located at an appropriate height and with sufficient free user space to facilitate use.

S2.15 **All bathrooms and toilets in an HMO must be suitably located in, or in relation to, the living accommodation in the HMO**

S2.16 A bathroom shall be no more than one floor distant in relation to the bedroom, where practicable.

S2.17 A toilet shall be no more than one floor distant from living rooms and bedrooms.

S3 Shared kitchens

S3.1 **Where all, or some, of the units of accommodation within the HMO do not contain any facilities for the cooking of food:**

- (a) **there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size, and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare, and cook food**
- (b) **the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in sufficient quantity for the number of those sharing the facilities**

S3.2 Sinks with draining boards

S3.2.1 A metal or ceramic sink and drainer in good condition and of minimum dimensions of 500mm x 600mm, set on a stable base or support shall be supplied at the ratio of one sink for every 5 occupiers.

S3.2.2 Where a house is occupied by 6 occupiers, either the provision of a double bowled sink, or a dishwasher in addition to a single sink, may be treated as meeting this standard where the Council considers that such a provision adequately meets the occupiers' needs.

S3.2.3 A wash basin shall not be used in place of a sink.

S3.3 An adequate supply of cold water and constant hot water must be supplied to each sink.

S3.4 Electrical sockets

S3.4.1 There should be a minimum of six power outlets per five occupiers sharing the kitchen and sited above the worktops. In addition, one power outlet for each major appliance set at a convenient height and safe position.

S3.4.2 Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.

S3.4.3 Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker.

S3.4.4 Fixed electric space or water heating appliances sited in the kitchen shall be provided with a separate, dedicated point.

S3.5 Installations, or equipment, for the cooking of food

S3.5.1 The requirements for kitchen facilities within an HMO are for a full set of facilities for every five occupants. The kitchen must be sited no more than one floor distant from the bedroom or living/dining room where practicable. The Council has discretion to allow certain alternatives of facilities for properties occupied by six tenants.

S3.5.2 The table below outlines the minimum requirements based on different numbers of occupants:

Number of Occupants	Minimum Facilities Required
1 to 5 occupants	<ul style="list-style-type: none"> • 1 full sized cooker (comprising a minimum of 4 ring burners, a standard sized oven and a grill) • 1 sink (min 500mm X 600mm) with drainer unit • 1 fridge/freezer
6 occupants	<p>As for 1 – 5 occupants, plus:</p> <ul style="list-style-type: none"> • 1 combination microwave oven • 1 full size dishwasher or double bowled sink
7 to 10 occupants	<ul style="list-style-type: none"> • 2 full sized cookers positioned away from each other (each comprising a minimum of 4 ring burners, a standard sized oven and a grill) • 2 separate sinks with drainer units • 2 fridge/freezers <u>or</u> 2 fridges and 2 freezers
<p>All appliances must be properly connected to the gas or electricity supply and must be working correctly. All gas appliances shall be installed and maintained by a gas safe engineer. All electrical works must be installed by a qualified electrician.</p>	

S3.6 Worktops for the preparation of food

S3.6.1 A fixed worktop made of smooth, impervious material of a minimum 600 mm depth x 500mm length per occupier must be provided.

S3.6.2 It should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit or cooker.

S3.7 Cupboards for the storage of food and kitchen or cooking utensils

S3.7.1 Each household shall be provided with dry goods storage space either within the kitchen, or in an adjacent and readily accessible position. One standard size wall cupboard or base unit (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.

S3.7.2 If located in a communal kitchen, the dry goods storage may need to be lockable or otherwise secure.

S3.7.3 The space in a sink unit below the sink will not be accepted for the above purposes.

S3.8 Refrigerators with an adequate freezer compartment (or where the freezer compartment is not adequate, sufficient separate freezers

S3.8.1 Where possible, separate fridges should be provided per household.

S3.8.2 Each separate household shall be provided with refrigerator space either within the kitchen, or in an adjacent and readily accessible position.

S3.8.3 Adequate freezer space should be provided for all occupants.

S3.9 Appropriate refuse disposal facilities

S3.9.1 Refuse disposal facilities are detailed in section S9 below

S3.10 Appropriate extractor fans, fire blankets, and fire doors

S3.10.1 Fire precautions are detailed in section S5 below

S3.10.2 All kitchens must be ventilated by means of a suitably sited extractor fan, that expels moisture to the external air and is compliant with Part F of the Building Regulations.

S4 Units of living accommodation without shared basic amenities

S4.1 **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:**

S4.2 Adequate appliances and equipment for the cooking of food

S4.2.1 The minimum requirements are:

- four rings/hot plates; and
- minimum 28 litre oven and a grill

S4.2.2 All appliances must be properly connected to the gas or electricity supply and must be working correctly.

S4.2.3 All gas appliances must be maintained by a competent person.

S4.3 A sink with an adequate supply of cold and constant hot water

S4.3.1 The minimum requirements are:

- a metal or ceramic sink and drainer in good condition, with minimum dimensions of 500mm x 600mm, set on a stable base or support
- a waterproof splashback should be provided to the sink and a draining board
- all joints shall be adequately sealed
- the sink shall be connected to the drainage system via a suitable trap and provided with a plug

S4.3.2 A wash basin is not acceptable to be used in place of a sink.

S4.4 A worktop for the preparation of food

S4.4.1 A fixed worktop must be provided made of smooth, impervious material.

- S4.4.2 The worktop must be a minimum size of 600mm depth x 500mm length per occupier.
- S4.4.3 The worktop should be suitably located and is to be in addition to any space taken up by any large appliance, sink unit, or cooker.
- S4.5 Sufficient electrical sockets
- S4.5.1 A minimum of four power sockets, in addition to any serving major appliances, must be set at a convenient height and safe position above the work surface.
- S4.5.2 Power outlets above worktops should be sited at least 150mm from any cooker and at least 300mm from any sink or drainer.
- S4.5 A cupboard for the storage of kitchen utensils and crockery
- S4.5.1 Each separate unit shall be provided with dry goods storage space either within its kitchen or in an adjacent and readily accessible position.
- S4.5.2 One standard size wall cupboard or base unit cupboard (minimum 400mm x 400mm) is required per occupant for the storage of dry goods and utensils.
- S4.5.3 Where the room is occupied by more than one individual it will require additional space.
- S4.5.4 The space in a sink unit below the sink will not be accepted for the purpose of this standard.
- S4.6 A refrigerator
- S4.6.1 Each separate unit shall be provided with refrigerator space either within its kitchen or in an adjacent and readily accessible position.
- S4.6.2 Adequate freezer space must also be provided for each occupant.
- S4.7 **The standards referred to in S4.2 to S4.6 shall not apply where the landlord is not contractually bound to provide such appliances or equipment, the occupier of the unit is entitled to remove such appliances or equipment, or the appliances or equipment are otherwise outside the control of the landlord.**
- S4.8 **Where there are no adequate shared washing facilities provided for a unit of living accommodation, 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
- S4.9 *Reasonable proximity to the living accommodation* shall mean no more than one floor away from the living accommodation.
- S4.10 Any unit of accommodation without access to shared facilities shall be provided with a separate bathroom or shower room, to include:

- a readily accessible standard size bath or standard size shower in a suitable room with adequate drying and changing space
- a 300mm waterproof splashback to the bath
- in the case of a shower, whether it is over a bath or in its own compartment, the splashback shall be 150mm above the shower head and up to at least the edge of a fixed shower screen
- where a shower curtain is used, the splashback should extend at least 300mm beyond the shower curtain
- all joints shall be adequately sealed
- any shower shall have fully tiled walls or a complete self-standing cubicle

- S4.11 One standard size wash basin (approx. 550mm x 400mm) with a 300mm waterproof splashback, with constant hot and cold water, shall be supplied in the bath/shower room.
- S4.12 The bath/shower shall be provided with an adequate supply of constant hot and cold water at all times.
- S4.13 The walls and floor of any toilet, bathroom, or shower room must be smooth and made of non-absorbent materials that are readily cleansable.
- S4.14 All bathroom furniture must be made of non-absorbent material and be capable of being easily cleansed.
- S4.15 Each separate toilet compartment shall be provided with a suitable wash hand basin with constant hot and cold water, and a minimum 300mm tiled splashback.
- S4.16 Externally located toilets should be ignored for the purpose of this standard.

S5 Fire precautionary facilities

- S5.1 **Appropriate fire precaution facilities and equipment must be provided of such type, number, and location as is considered necessary.**
- S5.2 All HMOs require additional fire precautions above and beyond those required for single occupancy dwellings; this is because HMOs are known to present a higher risk of fire.
- S5.3 The manager of an HMO has responsibility for ensuring appropriate fire precautions are in place. This responsibility is placed on the manager by Regulation 4 of the Management of Houses in Multiple Occupation (England) Regulations 2006.³
- S5.4 Part 1 of the Housing Act 2004 is used to assess the risk of fire hazards in HMOs under Hazard 24 of the Housing Health and Safety Rating System. This will identify deficiencies in relation to fire precautions and, if necessary, an improvement notice will be served to ensure that these hazards are removed or reduced.
- S5.5 All HMOs shall be provided with an adequate protected means of escape from fire, together with other fire precautions including (so far as necessary), a fire detection and

³ [Management of Houses in Multiple Occupation \(England\) Regulations 2006, Regulation 4](#)

warning system, fire exit signs and emergency lighting (if the routes are long or complex), to the satisfaction of the inspecting officer.

S5.6 There must be self-closing fire doors that provide 30 minutes fire and smoke protection (FD30S) on all bedrooms, kitchens and living rooms.

- the gaps between the frame and the door shall be no more than 3mm
- all fire doors should have combined cold smoke seals and intumescent strips
- all bedroom fire doors and final exit doors (front and back door) must have locks that are capable of being opened from the inside without the use of a key (e.g., Yale type or thumb turn locks). All locks are to comply with BS 3621 or BS 1303 for cylinder locks.

S5.7 A fire blanket to BS 1869:1997 (or equivalent) 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.

S5.8 All glazing panels that are above doors that open on to the fire escape route or are in walls in the escape route should be upgraded to provide at least 30 minutes fire resistance. This can either be done by replacing existing glazing with fire resistant glazing or over boarding with suitable fire-resistant material such as a double layer of plasterboard.

S5.9 The use of fire extinguishers is not recommended in HMOs however if they are provided, they must be:

- checked and serviced annually with records kept
- all tenants must be trained in how to use them properly and safely, with records kept demonstrating this

S5.10 **All HMOS must have automatic fire alarm systems installed**

S5.11 The requirements are different for two storey HMOs and for three (or more) storey HMOs. The requirements are given below, and further technical guidance is available in a separate document compiled by the Hertfordshire Fire and Rescue Service entitled 'Guide to Fire Safety in Houses in Multiple Occupation – Guide for Owners, Agents, and Managers of HMOs' available at Appendix B.

S5.12 All automatic fire alarm systems (AFD) must be checked annually by a qualified person and an inspection and test certificate obtained. The AFD system and sounders should be checked monthly to ensure they are in good working order and records kept of these checks.

S5.13 Two storey HMO

S5.13.1 A Fire Alarm System to include smoke detectors must be provided in every bedroom, throughout the escape route and in communal living rooms.

S5.13.2 Storage cupboards on the means of escape may also need detection installed.

S5.13.3 A heat detector should be installed in the kitchen.

- S5.13.4 The detectors must be hard wired to the mains and interlinked with integral battery back-up.
- S5.13.5 The system must comply with the current British Standard 5839 part 6: **Grade D1**, LD2 (or equivalent).
- S5.13.6 On completion, a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard must be submitted to the Council.
- S5.14 Three storey (or more) HMO
- S5.14.1 A Fire Alarm System to include smoke detectors must be provided in every bedroom, throughout the escape route and in communal living rooms.
- S5.13.2 Storage cupboards on the means of escape may also need detection installed.
- S5.13.3 A heat detector should be installed in the kitchen.
- S5.13.4 The detectors must be hard wired to the mains and interlinked with a control panel containing battery back-up.
- S5.13.5 The system must comply with the current British Standard 5839 part 6: **Grade A** LD2 (or equivalent).
- S5.13.6 On completion, a certificate from the installer to confirm that the system has been designed and installed in accordance with the relevant British Standard must be submitted to the Council.
- S5.15 Emergency lighting
- S5.15.1 Where required by this policy, the property owner shall arrange for the installation of suitable and sufficient emergency lighting to provide adequate coverage to the protected fire escape route.
- S5.15.2 The number and position of any luminaries should be determined by the property owner's fire risk assessment.
- S5.15.3 On completion, a certificate to confirm that the arrangements comply with BS 5266 should be submitted to the Council.
- S5.16 Pre-payment meters
- S5.16.1 It is not acceptable to provide power to the fire precautions via pre-payment or coin operated electric meters.
- S5.16.2 The manager is required to maintain the electric supply to the fire precaution system.
- S5.16.3 Ideally this should be achieved by the installation of a dedicated electric meter that is under the control of the manager. Alternatively, the contract to supply electricity should be under the control of the manager or owner of the property.

The following matters are not covered specifically in The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 but must be considered in regard to the Housing Health and Safety Rating System (HHSRS).

S6 Natural and artificial lighting

S6.1 All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window, or combined windows and/or door(s). The glazed area is to be equivalent to at least $\frac{1}{10}$ th (10%) of the floor area and to extend normally to a point 1.75m above floor level. The window shall be positioned so that the light from the window is able to illuminate most of the room.

S6.2 Windows to bathrooms and toilets are to be glazed with obscured glass.

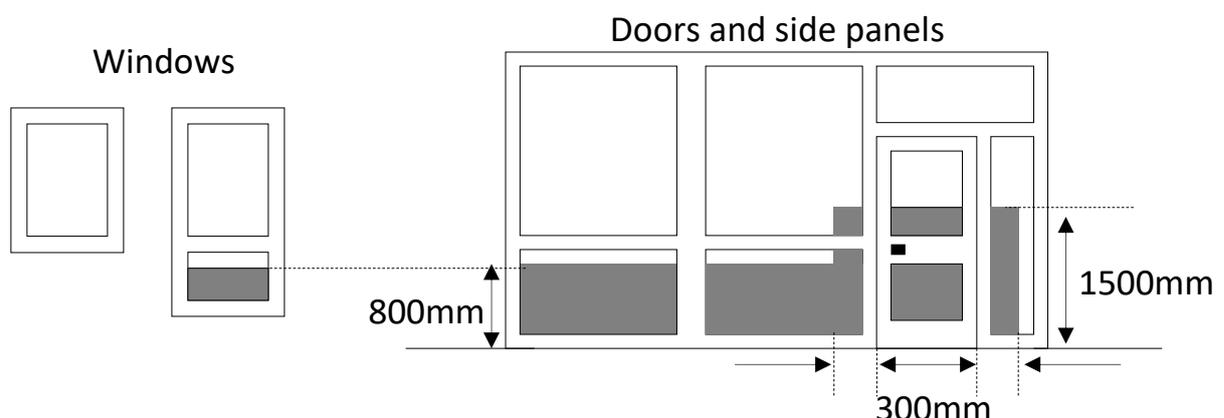
S6.3 Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms, and toilets. The manager is responsible for ensuring lighting is functioning in all communal areas of the HMO and this should be checked as part of the monthly inspection.

S6.4 Glazing in critical locations (i.e., where there is a danger of falling through or of lacerations) should meet both fire resistance and safety standards i.e., the use of fire resisting safety glazing complying with current British Standard 6206: 1981 and Part N of the Building Regulations (or equivalent). See diagram in section S6.6 below for critical locations of safety glazing. Glazing directly adjacent to staircases must also meet this standard.

S6.5 Windows from the first floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows.

S6.6 Safety glazing diagram

S6.6.1 Critical locations of glazing in internal and external walls



S7 Ventilation

S7.1 All habitable rooms shall be ventilated directly to the external air by a window that has an openable area not less than $\frac{1}{20}$ th (5%) of the floor area of that room.

S7.2 All bathrooms and toilet compartments shall have mechanical ventilation compliant with Part F of the Building Regulations. Such an installation shall be fitted with an adequate overrun device. In the case of bathrooms, this can be connected to the lighting circuit of the room; however, the Council recommends humidistat style fans in order to reduce the chances of tenants turning extractor fans off due to noise disturbance.

S7.3 A kitchen shall have extract ventilation compliant with Part F of the Building Regulations.

S7.4 Ground floor bedrooms

S7.4.1 Many ground floor rooms which are used as bedrooms were originally designed as a living room and as such, the only ventilation is by a sliding patio door.

S7.4.2 This arrangement is not suitable for a ground floor bedroom because it does not provide suitable ventilation as it cannot be effectively secured against entry. It would therefore not be possible for a tenant to satisfactorily ventilate the room at night in a secure way.

S7.4.3 There are two options available in these circumstances:

Either

- replace the patio door with a suitable double-glazed unit which provides a secure way of ventilating the room. This could be by means of a door and window combination, the glazed area should be equivalent to at least $\frac{1}{10\text{th}}$ of the floor area with a window that has an openable area not less than $\frac{1}{20\text{th}}$ of the floor area.

Or

- revert the use of the ground floor room back to a communal living area as originally designed.

It is recommended that a proposal is submitted to the Council for agreement prior to carrying out such works.

S8 Drainage

S8.1 All new drainage shall comply with current Building Regulations.

S8.2 The whole house shall be provided with an effective system, both above and below ground, for the drainage of foul, waste, and surface water.

S8.3 The Council recommends that gutters are checked each Spring and accumulated debris cleared, as poorly maintained gutters can lead to damp within the property.

S9 Refuse, storage, and disposal

S9.1 **The licence holder must comply with any scheme which is provided by the local housing authority to the licence holder, and which related to the storage and disposal of household waste at the HMO pending collection**

- S9.2 Refuse and recycling bins or containers shall be provided in sufficient numbers to meet the needs of the house and an acceptable means of disposal provided to comply with the Council's storage and waste disposal scheme.
- S9.3 All refuse containers should be located away from habitable rooms and wherever practicable at the rear of the premises. All bins to be positioned so that they do not cause obstruction of footways and access ways and do not obscure natural lighting from windows below bin height.
- S9.4 Tenants should be provided with information on how to use their bins correctly.
- S9.5 Where an HMO has five or more residents and they are recycling correctly, the landlord may be eligible for a larger rubbish bin.

S10 Electricity supply

- S10.1 The Management of Houses in Multiple Occupation (England) Regulations 2006 previously put specific duties on landlords around electrical safety. Part of this requirement has now been repealed, and HMOs are now covered by the new Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020⁴.
- S10.2 The Regulations came into force on 1 June 2020, they apply to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021.
- S10.3 These new Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants, and to the Council if requested.

- S10.4 **The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4(4) & 6(4) state:**
- **the manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO**
 - **the manager must not unreasonably cause the gas or electric supply that is used by any occupier within the HMO to be interrupted**

- S10.5 **the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, Regulation 3 states:**
- **duties of private landlords in relation to electrical installations: ensure every electrical installation in the residential premises is inspected and tested at regular intervals by a qualified person**

- S10.6 Electrical socket outlets shall be provided to individual rooms or lettings to a minimum standard as shown in the table below. If evidence of multiple interconnected extension leads and/or overloading of sockets is found additional sockets should be provided.

⁴ [Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)

Location	Number of Sockets
Living room	4 sockets
Bedroom/study	4 sockets
Bedroom within a letting, comprising more than one room	4 sockets
Bedsits containing cooking facilities	4 sockets in kitchen area, plus 4 elsewhere

- S10.7 Where there is no communal living room in a property, it may be necessary to install additional sockets as tenants are likely to have more electrical devices in their bedroom.
- S10.8 In the kitchen area of a bedsit, at least 4 socket outlets shall be located above the work surface for the use of portable appliances.
- S10.9 All socket outlets shall be located in positions which permit safe, convenient and proper use at all times, having regard to the room layout. They shall not be positioned where the appliance cables are likely to pose a safety hazard.
- S10.10 All new electrical installations shall comply with current Building Regulations and be suitably certified.
- S10.11 Installations must be checked at a minimum of 5-yearly intervals by a qualified electrician, and an electrical safety certificate, known as an Electrical Installation Condition Report (EICR), obtained. Where the certificate shows Code 1 or 2 faults these must be addressed immediately. If the certificate advises a re-inspection is needed in less than 5 years this advice should be followed. Visual checks should be carried out during routine visits.
- S10.12 Portable Appliance Testing (PAT) must be carried out annually; a PAT certificate should be obtained. Ensure vacuum cleaners are remembered when carrying out testing. For portable electrical appliances less than one year old, receipts should be kept.

S11 Gas safety

S11.1 The Management of Houses in Multiple Occupation (England) Regulations 2006, Regulation 4(4) & 6(4) state:

- **the manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to the design of the HMO**
- **the manager must not unreasonably cause the gas or electric supply that is used by any occupier within the HMO to be interrupted**

S11.2 **The Gas Safety (Installation and Use) Regulations 1998, Regulation 36 (2 & 3) states:**

- every landlord shall ensure that there is maintained in a safe condition:
 - (a) any relevant gas fitting; and
 - (b) any flue which serves any relevant gas fitting, so as to prevent the risk of injury to any person in lawful occupation of relevant premises
- a landlord shall ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety (whether such check was made pursuant to these Regulations or not)

S11.3 Landlords are required to ensure that gas appliances, fittings and flues provided for tenants' use are safe.

S11.4 An annual safety check must be carried out and records kept for 2 years.

S11.5 A copy of the Gas Safety Certificate must be provided to each tenant at the start of the tenancy.

S12 Furniture safety

S12.1 The Furniture and Furnishings (Fire) (Safety) Regulations 1988 ⁵(as amended) set down levels of fire resistance for items of domestic upholstered furniture, furnishings and other products containing upholstery. They require that certain furniture included in rented accommodation complies with the fire safety requirements detailed in the Regulations.

S12.2 Any relevant furniture supplied as part of the letting will need to comply.

S12.3 For licensable HMOs, the furniture safety requirements form part of the licence conditions.

S13 Personal safety and security

S13.1 Sufficient measures must be in place to provide a secure environment for the occupiers, including appropriate locks to external doors and bedrooms to prevent unauthorised access but permit safe egress in case of fire (see section S5 above).

S13.2 Vulnerable windows must also be capable of being effectively secured against entry without compromising the means of escape in case of fire.

S13.3 Windows from the first floor and above should have window restrictors installed. These must be capable of being disabled when necessary if the windows are designated as escape windows.

S13.4 Appropriate arrangements must be in place to control the issue and return of house keys on changes of tenancy, or the changing of locks. Any advice on crime prevention measures provided by the Crime Reduction Officer, contactable on the Police Non-Emergency number 101, must be acted on.

S13.5 Simple locks must be provided to communal bathrooms and toilets to provide privacy.

⁵ [The Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#)

S13.6 Where necessary, the installation of external security lights is recommended. This can be by means of a sensor or by using a dawn till dusk light.

S14 Thermal efficiency

S14.1 Where possible, every property should have cavity wall insulation and loft insulation installed to current standards. At the time of adopting this Policy, the minimum depth of loft insulation is 270mm.

S14.2 Heating should be professionally installed. The controls should be in the communal area and easily accessible by each occupant.

S14.3 There should be means of providing low level background ventilation without excessive heat loss or draughts. This can be by the installation of trickle vents or lockable ventilation latches on the window.

S14.4 Properties with an EPC of F or below must not be let unless measures have been taken to improve the energy performance to E or above or the property has a registered exemption. Where the property has an exemption, you should contact the Licensing Team as improvements may still be required before the property is let.

S15 Asbestos

S15.1 Landlords have a duty to identify and manage any asbestos containing materials in their property.

S15.2 Management of asbestos containing material involves identifying its location and condition, ensuring it is effectively sealed or making it inaccessible to prevent damage, labeling it and keeping a record of its location in the building.

S15.3 If the material is in good condition and not liable to damage or disruption (for example during work or alteration) then it is normally appropriate to leave it alone. Where the asbestos is already damaged or is likely to be damaged or disturbed, an assessment needs to be made and action taken to repair, seal, enclose or remove it with professional advice.

S15.4 Where a property owner is aware of any asbestos containing materials, the manager should keep a record of the location and type of material and confirm that it is in a sound condition. It should be checked every 6 months to see there has been no damage and the record should be dated and signed by the person undertaking the check.

S15.5 Any contractors must be advised of the location of possible asbestos containing materials before commencing work.

S15.6 There are specific requirements for working with asbestos material and you should seek further advice from a qualified asbestos surveyor if you suspect asbestos is present in your property. Information is also available on the [Health and Safety Executive website](#).

S16 Space standards**S16.1 General requirements**

S16.1.1 Rooms used for sleeping are not suitable for occupation by more than two people. No persons should share a room unless:

- they are married or living together as if married.
- they are a parent or close relative and child (as long as the child is the same sex as the parent, or the child is under 10 years of age if opposite sex).
- they are related children of the same family and are both of the same sex, e.g., two brothers (if under 10 years of age, opposite sexes can share a room).
- the room meets the minimum size as given below

S16.1.2 The number of people sharing includes babies and children. Everyone must have their own allocation of space. Close relative means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, or cousin.

S16.1.3 All rooms, including kitchens, bathrooms, and toilet compartments, shall have a minimum floor to ceiling height of 2.13m. In the case of rooms with sloping ceilings, there shall be a minimum height of 2.13m over half of the floor area of the room. Measurements shall be taken on a plane, 1.5m above the floor. Any floor area where the ceiling height is less than 1.5m high shall be disregarded.

S16.1.4 The room sizes outlined in the tables below are minimum sizes.

- only usable space may count towards the room size
- if a room is of an unusual shape, it has a sloped ceiling or a ceiling height of less than 1.5m some of the floor area may not be counted
- the space directly behind the door may not be counted
- a staircase, landing, or any room which is used as a kitchen or bathroom, shall not be used as sleeping accommodation.

Bedroom sizes

S16.2 Statutory requirements for the minimum floor area for sleeping accommodation were introduced in The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018⁶. The minimum sizes are given in the box below.

S16.3 All rooms used as bedrooms must be of a minimum size as outlined in the table below.

Legal Minimum Bedroom Size		
1 Adult	2 Adults	1 Child under 10 years
6.51m ²	10.22m ²	4.64m ²

S16.4 Any room in an HMO with a floor area of less than 4.64 square metres must not be used as sleeping accommodation.

⁶ [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#)

S16.5 Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room.

S16.6 Bedrooms must be occupied by a maximum of two people as outlined in the general space standard requirements.

S16.7 In order for a bedroom of the legal minimum size (6.51m²) to be accepted, a member of the Licensing Team must determine that suitable communal space is available to tenants.

S16.8 One person units of accommodation

S16.8.1 One room units:

including kitchen facilities in the room	11m²
separate individual or shared kitchen	8m²

S16.8.2 One room unit sizes can be reduced by up to 1.49m² down to a minimum of 6.51m² at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

S16.8.3 Two or More room units:

each living kitchen/diner	10m²
each living room	8.5m²
each bedroom	6.5m²

S16.8.4 A trade-off between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 14.5m².

S16.9 Two person units of accommodation

S16.9.1 One room units:

including kitchen facilities in the room	16m²
separate individual or shared kitchen	13m²

S16.9.2 One room unit sizes can be reduced by up to 2.78m² down to a minimum of 10.22m² at the discretion of the inspecting officer where a communal living room or kitchen with dining area exists. This will depend on the size and nature of the communal facilities and adequate standards of management. Health and Safety issues will also be taken into consideration when accepting reduced space standard.

S16.9.3 Two or More room units:

each kitchen/diner	10m²
each living room	8.5m²
each bedroom	11m²

S16.9.4 A trade-off between room sizes in two or more roomed units may be acceptable at the discretion of the inspecting officer, providing the proposed layout is acceptable and the aggregate habitable floor area of the rooms is not less than 19.5m².

S16.10 Communal rooms

S16.10.1

Numbers sharing	Minimum Floor Area
Kitchens	
Used by 1 – 5 occupiers	6m²
Used by 6 – 10 occupiers	11m²
A kitchen must be sited no more than one floor distant from the bedroom or living/dining room	
Kitchen/Diners	
Used by 1 – 5 occupiers	8.5m²
Used by 6 – 10 occupiers	12.5m²
Living Rooms	
Used by 1 – 5 occupiers	8.5m²
Used by 6 – 10 occupiers	12.5m²

S16.10.2 The above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the room for the number of users.

S16.10.3 It is unlikely that communal rooms intended for use by more than 10 people will be accepted.

S17 **Management**

S17.1 General

S17.1.1 The manager of an HMO must comply with The Management of Houses in Multiple Occupation (England) Regulations 2006⁷.

S17.1.2 The manager is the owner, or lessee of the property, who receives rent from the residents, either directly or through an agent or trustee. The manager is legally responsible for maintaining the standards within an HMO. There may be more than one person who falls under the definition of manager.

S17.1.3 If you are unsure as to who has responsibility under the management regulations, please contact the Licensing Team to discuss the property in question.

S17.1.4 In order to fulfil their duties, managers must undertake regular inspections of the property either personally or via a representative; to ensure standards are maintained and where necessary, improved. Tenants must be given at least 24 hours' notice of a visit and should

⁷ [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)

be advised of the reason for the visit. In the event of an emergency, 24 hours' notice may not be possible, e.g., in the event of a fire, gas leak or flood.

S17.1.5 Management checks should be carried out monthly. Written records of the checks carried out and any action taken must be kept and should be available on request.

S17.1.6 All landlords and managers should maintain a good standard of management. In particular, managers have a duty to:

- provide information to occupiers.
- take safety measures.
- maintain water supply and drainage.
- supply and maintain gas and electricity.
- maintain common parts, fixtures, fittings, and appliances.
- maintain living accommodation.
- provide waste disposal facilities.

S17.2 Certification

S17.2.1 There are a number of safety checks and certificates which must be provided for houses rented out as HMOs. The certificates which are required and the regularity at which they are required are outlined in the table.

For all HMOs

Type of Certificate	How Often it is Needed
Fire Alarm Test Certificate	Annual
Emergency Lighting Test Certificate	Annual
Gas Safety Certificate	Annual
Portable Appliance Test Certificate (PAT)	Annual
Electrical Installation Condition Report (EICR)	5 yearly

S17.2.2 Where there is an earlier date or time period specified on a current certificate, this must be complied with.

S17.2.3 For licensable HMOs, the Regulatory Reform (Fire Safety) Order 2005 places an obligation on the landlord to undertake and record a fire risk assessment and to update the assessment as necessary. It should be reviewed annually or at change of tenancy, whichever is soonest.

S17.2.4 There is a risk of Legionnaire's Disease in any residential property and managers of rented properties must assess this as part of their duty of care to their tenants. A Legionella Risk Assessment is required for all licensed properties.

S17.3 Deposits

S17.3.1 Where deposits are taken, they must be placed in a government backed tenancy deposit scheme within 30 days. The tenants must be provided with certain information as to where their deposit is held and how to get it back at the end of the tenancy period. The specific details will vary dependant on which scheme is used.

S17.3.2 In the setting of deposits and any other fees or charges the landlord must take into account the restrictions in the Tenant Fees Act 2019⁸.

Priority of repairs

S17.4 Priority 1: emergency repairs (within 24 hours of report)

S17.4.1 These include any repairs required in order to avoid a danger to health, risk to the safety of residents or serious damage to buildings or internal contents.

S17.4.2 In circumstances where this is not practicable, managers must make best temporary arrangements until the repairs are completed at the earliest practicable opportunity.

S17.4.3 Examples include, but are not limited to:

- damage that puts people or building at serious risk.
- fire alarm system not working.
- fire precautions not in good working order.
- obstructed escape route.
- total loss of heating in winter months.
- total loss of gas supply.
- total loss of electrical power.
- loss of water supply or a burst water main.
- serious water leaks/flooding.
- insecure outside doors or windows.
- blocked or leaking foul drain or soil stack.
- blocked or non-flushing toilet (if the only toilet in the property).

S17.5 Priority 2: urgent repairs (within 3 working days of report)

S17.5.1 These include repairs to defects, which materially affect the comfort or convenience of the residents.

S17.5.2 Examples include, but are not limited to:

- blocked drains, sinks, basins and toilets (where there is another one working in the property).
- total loss of hot water in summer months (except vulnerable households).
- minor plumbing leaks.
- minor electrical faults.
- defective flooring or stair treads if causing trip hazard.

⁸ [Tenant Fees Act 2019](#)

S17.6. Priority 3: non-urgent day-to-day repairs (within 30 working days of report)

S17.6.1 These include reactive repairs not falling within the above categories.

S17.6.2 Examples include, but are not limited to:

- General joinery repairs.
- Non-urgent electrical work not listed above.

S17.5 Enforcement

S17.5.1 The Council endeavours to work closely with owners and managers to ensure they are able to comply with their legal obligations by providing information, advice, and support.

S17.5.2 If owners or managers are unwilling to meet their obligations or where failures are significant, the Council may undertake more formal enforcement action in accordance with their enforcement policy to protect the health, safety and well-being of occupiers and others affected.

S17.5.3 Where necessary, the Council will seek to:

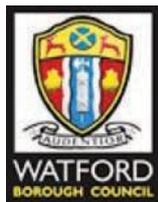
- prosecute owners or managers who fail to comply with the Housing Act 2004 or any of the associated regulations, in particular the Management of Houses in Multiple Occupation (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006
- serve an Improvement Notice under Part 1 of the Housing Act 2004
- serve a Prohibition Order under Part 1 of the Housing Act 2004
- take emergency action under Part 1 of the Housing Act 2004
- impose a Financial Penalty

S17.5.4 The Housing and Planning Act 2016 also enables Local Authorities to impose Civil Penalties as an alternative to prosecution for certain offences under that Act or the Housing Act 2004. The amount of penalty is set by the local authority but can be up to a maximum of £30,000 per offence.

S17.5.5 Where formal enforcement action is taken, it would be taken into account and may affect future decisions as to whether someone associated with a licence or property is a 'fit and proper person'.



Guide to Fire Safety in Houses in Multiple Occupation



This guide outlines the fire safety provisions recommended for HMOs in Hertfordshire. It draws on the national guidance, originally produced by LACORS in 2008 and has been updated to take into account more recent guidance and good practice, new legislation and technological developments, as well as revisions to British Standards.

Guide for **Owners, Agents, and Managers of HMOs**

Foreword

The Local Authorities of Hertfordshire in partnership with Hertfordshire Fire and Rescue Service have produced this document to provide owners, managers, letting agents, and contractors with user friendly, accessible information. This is to help ensure tenants are housed in safe, high quality accommodation and to provide a consistent approach to fire safety enforcement within houses of multiple occupation.

This document contains general advice and suggested specifications; whilst the examples and advice given is based on the national fire safety guidance produced by LACoRs, both the national guide and this document are only guidance and the requirements in individual properties may vary dependent on the risks presented.

If you have any questions or believe your property does not fit comfortably within one of the examples given in this document, you should contact your Local Authority for further advice. It will probably be necessary to carry out a risk assessment to determine what fire precautions are required and additional advice on how to do this is provided in Part 1 on page 7.

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

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

For further information or assistance on HMOs please contact the department within your Local Authority responsible for private sector housing.

The information contained in this guide is based on the document “Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing” produced by LACoRs and published in August 2008. This guidance has not been significantly reviewed since its publication, therefore the information no longer reflects current technological developments or legislative changes. Although the information contained within this guidance document was correct at the time of publication, legislation does change over time and guidance is subject to revision. This guidance has been produced collaboratively by Hertfordshire Local Authorities and Hertfordshire Fire & Rescue Authority and is intended to illustrate good practice. It is not to be seen as a definitive interpretation of statutory legislation, which can only be done by the Courts or Tribunals.

Purpose of this Guide

This document does not set prescriptive or new standards, it gives recommendations and guidance for use when a landlord or enforcing authority are assessing and determining the adequacy of fire precautions within an HMO. This guide is intended to aid Owners, Landlords or managers seek compliance with regulations. It is also intended to provide a consistent approach for enforcing authorities when assessing the fire precautions within an HMO; thus ensuring compliance with the Regulators Code.

The Housing Act 2004 takes the view that someone with overall control of the house, (i.e. the owner, landlord or manager) must take steps to protect everyone living in it. In standard layout and use properties it is likely that completion of the works suggested in this document will suffice. However, it may be necessary for additional or different works to be undertaken in certain circumstances. If you have any questions, and in particular if the layout of your property is not shown in this document or the use is different to that explained you should contact the department within the Local Authority responsible for private sector housing for advice prior to undertaking any works.

Alternatives to these suggested specifications will be considered by the appropriate regulatory authority to determine if they provide a sufficient level of protection to residents. It is likely that a fire risk assessment will need to be completed in order to demonstrate this. The Council and the Fire Service must agree to any alternative solutions and failure to do so could result in enforcement action being taken against you by the appropriate regulatory authority. An example of alternative fire safety precautions is the installation of a sprinkler system – an example specification of this is included in the Appendices.

There are additional requirements under housing legislation, for example, space and amenity standards which also need to be met. In particular, three storey HMOs with five or more residents will need to be licensed by your Local Authority.

For certain conversion, alteration or improvement works you may require planning permission or approval from Building Control; you should always seek advice from the Council before starting any work on converting or renovating a property. Licensed HMOs are also required to produce a written Fire Safety Risk Assessment. This is good practice for all HMOs and further guidance and examples can be sought from your Local Authority or Hertfordshire Fire and Rescue Service.

This guidance document is constructed of 2 parts and appendices.

Part 1 details the requirements to carry out a fire risk assessment and the management procedures to be followed. This part is to aid you in completing your fire risk assessment for your HMO.

Part 2 details the minimum requirements for means of escape and means of giving early warning required within your HMO.

The appendices provide further technical guidance and information on how to achieve the minimum requirements to ensure compliance.

Part One of this guidance document outlines the basic requirements of fire risk assessment within Houses in Multiple Occupation. This part is intended to aid Landlords identify the risks within their HMO and ensure suitable control measures are put in place to address all risks.

Section 1 - What is an HMO and why is fire safety important?

Houses in Multiple Occupation (HMOs) Definition of an HMO:

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

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

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

If your premises is a Flat that is an HMO or a shared house, you should contact your Local Authority or Hertfordshire Fire and Rescue Service for advice in relation to these properties.

This document does not detail fire precaution recommendations for self-contained flats that are HMOs, nor does it cover Shared Houses; this is because a shared house would have different fire safety requirements to that of a bed-sit type HMO (for the definition of a shared house, please see the Glossary).

See also the Housing Act 2004 – Section 254 Meaning of a house in multiple occupation

Why is fire safety important?

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

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

The following pages are to provide Landlords with examples of the level and type of fire safety provisions required in typical Licensable and Non-licensable premises. The tables do not contain all the fire safety measures that may be needed for every premises and further information regarding additional requirements can be found in Section 2.

Type of Premises	Definition and Example	Legislation	Fire Safety Requirements
3 Storey HMOs - Ground, First and Second with 5 or more people Plan 3 and 4 (Part 3)	A premises that is rented by 5 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. There is living accommodation on all floors.	Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)	A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. A fire alarm system complying with British Standard 5839 part 6 to Grade A LD2 coverage.
3 Storey HMOs - Ground, First and Second with 5 or more people (Garage on Ground Floor or separate unit) Plan 6 (Part 3)	A premises that is rented by 5 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. There is a Garage on the Ground Floor. The staircase may be external to the premises from First to Ground Floor. (No access to areas of a separate use)	Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)	A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. A fire alarm system complying with British Standard 5839 part 6 to Grade A LD2 coverage. This level of detection is required due to the top storey being above 4.5m, escape windows cannot be utilised, and the only means of escape is the protected route.

Please note that under the Housing Act additional Licensing requirements may be set by the Local Authority, therefore it is advised that all landlords discuss their case with the department in their local authority that is responsible for private sector housing.

Type of Premises	Definition and Example	Legislation	Fire Safety Requirements
3 Storey HMOs - Ground, First and Second less than 5 people Plan 4 (Part 3)	A premises that is rented by 3 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. There is living accommodation on all floors.	Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)	A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance, all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. A fire alarm system complying with British Standard 5839 part 6 to Grade A LD2 coverage.
3 Storey HMOs - Ground, First and Second with less than 5 people (Garage or commercial premises on Ground Floor) Plan 6 (Part 3)	A premises that is rented by 3 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. There is a Garage on the Ground Floor. The staircase may be external to the premises from First to Ground Floor.	Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)	A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. A fire alarm system complying with British Standard 5839 part 6 to Grade A LD2 coverage. This level of detection is required due to the top storey being above 4.5m, escape windows cannot be utilised, and the only means of escape is the protected route.

<p>2 Storey HMO - Ground and First</p> <p>Plan 1 (Part 3)</p>	<p>A premises that is rented by 3 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. The living accommodation for the HMO will be on the Ground and First floors.</p>	<p>Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)</p>	<p>A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. However, if this cannot be achieved the provision of an alternative means of escape, by use of escape windows, may be considered. A fire alarm system complying with British Standard 5839 part 6 to Grade D LD2 coverage.</p>
<p>2 Storey HMO - Ground floor separate use to first floor HMO</p> <p>No Plan</p>	<p>A premises that is rented by 3 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. The living accommodation for the HMO will be on the First floor with a staircase leading down to the Ground floor final exit door. (No access to areas for a separate use)</p>	<p>Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)</p>	<p>A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. However, if this cannot be achieved the provision of an alternative means of escape, by use of escape windows, may be considered. A fire alarm system complying with British Standard 5839 part 6 to Grade D LD2 coverage.</p>

<p>3 Storey Bedsit HMO - Ground, First and Second</p> <p>Plan 3 (Part 3)</p>	<p>A building which is divided into individual non-self-contained lettings, let to unconnected individuals. Each letting will usually contain one room which contains cooking / food preparation facilities, washing facilities and sleeping / living space. There is a usually a shared facility which is normally a bathroom, shared lounge or kitchen.</p>	<p>Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)</p>	<p>A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance, all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. A fire alarm system complying with British Standard 5839 part 6 to Grade A LD2 coverage. With heat detection adjacent to any cooking facilities which are interlinked to the smoke detection in the common areas. Non- interlinked smoke detection should also be sited adjacent to the sleeping / living area within each bedsit.</p>
<p>2 Storey Bedsit HMO - Ground and First</p> <p>Plan 2 (Part 3)</p>	<p>A building which is divided into individual non-self-contained lettings, let to unconnected individuals. Each letting will usually contain one room which contains cooking / food preparation facilities, washing facilities and sleeping / living space. There is a usually a shared facility which is normally a bathroom, shared lounge or kitchen.</p>	<p>Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)</p>	<p>A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance, all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. A fire alarm system complying with British Standard 5839 part 6 to Grade D LD2 coverage. With heat detection adjacent to any cooking facilities which are interlinked to the smoke detection in the common areas. Non-interlinked smoke detection should also be sited adjacent to the sleeping / living area within each bedsit.</p>

<p>Flat in Multiple Occupation (FMO)</p> <p>No Plan</p>	<p>A self-contained flat occupied by 3 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. The self-contained flat may form part of a purpose built block of flats.</p>	<p>Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas of FMO and block of flats)</p>	<p>A protected means of escape from the bedroom door to a place of ultimate safety (final exit door). This protected route must afford a minimum of 30 minutes fire resistance, all walls and doors opening onto it must be constructed of 30 minutes fire resisting materials. The front door to the self-contained flat must also be a minimum of a FD30s door. A 30 minute fire resisting door. A fire alarm system complying with British Standard 5839 part 6 to Grade D LD2 coverage.</p>
<p>HMOs with a Basement Storey</p> <p>Plan 5 (Part 3)</p>	<p>A premises that is rented by 3 or more people who are from more than 1 household (e.g. a family), that also share a common facility such as a toilet, bathroom or kitchen. That comprises of a Basement, Ground and any number of storeys above Ground.</p>	<p>Housing Act 2004 (for whole premises) The Regulatory Reform (Fire Safety) Order 2005 (for common areas)</p>	<p>The ceiling between the basement and the Ground floor must be constructed of a minimum of 30 minutes fire resisting materials. A fire alarm system complying with British Standard 5839 part 6, the level of coverage would be dependent on the number of storeys above ground floor. If the HMO is simply Basement and Ground a system to Grade D LD3 coverage would be required. Interlinked smoke detection must be installed in the basement.</p>

Section 2 - Fire Risk Assessment and Management

Introduction

Certain HMOs fall under the provisions of the Regulatory Reform (Fire Safety) Order 2005 (FSO) and the 'responsible person' for the HMO is required to carry out a fire safety assessment. However, in all types of HMO it is good practice to carry out a fire risk assessment and doing so will help demonstrate to enforcing authorities and the Courts / Tribunals that the person responsible for the HMO has taken their duties seriously. The responsible person may be the landlord or managing agent. It is good practice for fire risk assessments to be written and recorded although this is not always a legal requirement.

A Fire Risk Assessment is a tool that those responsible for HMOs can use to identify potential fire hazards, and enables them to take action to remove or reduce these hazards to as low a level as practically possible and then decide what physical fire precautions and management arrangements are necessary to ensure people's safety.

Guidance on fire risk assessments follows in this section. More detailed guidance can be found in HM Government Fire Safety Risk Assessment Sleeping Accommodation Guide, which is available on the government website:

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation>

What is a fire risk assessment?

- 1.1 A fire risk assessment is an organized and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. In most properties it will be straightforward to carry out a fire risk assessment, but in large or mixed use properties specialist advice may be required.
- 1.2 The aims of the fire risk assessment are:
 - to identify the fire hazards;
 - to reduce the risk to as low as reasonably practicable; and
 - to decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in the premises if a fire does start.
 - "hazard" is anything that has the potential to cause harm and "risk" is the chance of that harm occurring

2. Suggested method for carrying out a risk assessment

- 2.1 The fire risk assessment should be carried out in a practical and systematic way. This is fundamentally an important document and time spent carrying out this exercise in a diligent manner will ensure that all risks are highlighted and ensure that a suitable and sufficient risk assessment is produced. It may be useful to subdivide larger and /or mixed use premises into rooms or a series of assessment areas using natural boundaries (for example kitchens, offices and stores; and corridors, stairways and external routes).
- 2.2 The process can be broken down into five steps:
 1. Identify fire hazards (paragraph 2.3).
 2. Identify people at risk (paragraph 2.7).
 3. Evaluate, remove or reduce risk and protect against remaining risk (paragraph 2.10).
 4. Record, plan and inform or train (paragraph 2.12).
 5. Review (paragraph 2.16).

Step 1: identify the hazards within the premises

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

2.4 Sources of ignition: these may include:

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

2.5 Sources of fuel: these may include

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

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

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

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

Step 2: Identify people at risk

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

- 2.8 The risk assessment should consider people at risk, who may include:
- people asleep (who will be disorientated and slow to respond);
 - people who are unfamiliar with the premises (guests and visitors);
 - people with disabilities (including mobility impairment and hearing or vision impairment);
 - people who may have some other reason for not being able to leave the premises quickly (such as parents with young children);
 - people who have impaired senses due to alcohol, drugs or medication;
 - unaccompanied children and young people;
 - anyone working in enclosed, isolated parts of the building; and
 - anyone who has difficulty understanding English
- 2.9 In evaluating the risk to people with disabilities it may be necessary to discuss their individual needs with them or seek professional advice.

Step 3: evaluate, remove or reduce risk and protect against remaining risk

- 2.10 Hazards should be removed where it is practicable to do so, and where they cannot be removed, they should be reduced as far as possible. What is considered reasonable in a particular case will depend on an evaluation of the potential to cause harm and the chance of that harm occurring. Some simple examples are given below:
- replace portable heating appliances with fixed convector heaters or a central heating system;
 - ensure electrical sockets are adequate in number and sited appropriately to avoid overloading and trailing leads;
 - ensure electrical, mechanical and gas equipment is installed, used, maintained and protected in accordance with the manufacturer's instructions;
 - ensure all furniture complies with the Furniture and Furnishings (Fire)(Safety) Regulations 1988;
 - ensure combustible items such as furniture, laundry and decorations are stored properly and are kept away from potential ignition sources such as cookers, heaters and boilers;
 - ensure refuse is properly stored and disposed of; and
 - in crowded accommodation, provide adequate shelving and cupboard space so that everyday items are not in proximity to cookers or heat sources, e.g. heaters.
- 2.11 Having taken measures to remove or reduce fire hazards as far as is practicable, adequate fire precautions should be in place to warn people in the event of a fire and to allow them to escape to a place of safety. The general principles of fire risk reduction are outlined in the rest of this guide, where guidance is also given on what measures should be implemented and to what standards, based on overall fire risk assessment.

Step 4: record, plan, inform, instruct and train

- 2.12 It is a good idea for everyone to keep a written record of their fire safety risk assessment. If the property is subject to the FSO the law says you must make a written record of your risk assessment. In these cases, it is the "significant findings" of the risk assessment that must be recorded. Significant findings are the actions to be taken as a result of the assessment and details of anyone at particular risk. Significant findings should include details of:
- the fire hazards that have been identified (but ignore trivial things such as a tube of solvent-based glue);
 - the actions taken, or which will be taken, to remove or reduce the chance of a fire occurring (preventive measures);
 - persons who may be at risk, particularly those especially at risk;
 - the actions taken, or which will be taken, to reduce the risk to people from the spread of fire

Part One – Fire risk assessment

and smoke (protective measures);

- the actions people need to take if a fire occurs. For most HMOs this will simply be to evacuate the property in the case of a fire and to summon the Fire & Rescue Service
- any information, instruction and training identified as being needed, and how it will be given; and
- any discussions that have taken place with residents (or, if appropriate, with staff).

- 2.13 It is recommended that a record of the significant findings of the fire risk assessment is kept in all cases, even where it is not a requirement to do so. An example template is shown below, and a blank template for you to use can be found at the end of this document, however, any alternative format will be acceptable provided it contains the information above.
- 2.14 An appropriate emergency plan should be put in place. In most residential accommodation this is unlikely to extend beyond advising residents what to do in the event of a fire or fire alarm and how to contact the fire and rescue service. In large or mixed use premises a more sophisticated plan may be necessary.
- 2.15 There is no requirement under the FSO to provide training to residents, but providing them with basic information on fire precautions is a simple and effective way of reducing fire risk in the premises.

Step 5: review

- 2.16 The risk assessment and the general fire precautions in the premises should be reviewed regularly. There is no specific timescale for this other than where there is a reason to suspect that it is no longer valid or where there has been a significant change in the premises.
- 2.17 In practice the fire precautions should be kept under constant review. Where problems are identified they should be dealt with as soon as possible.

3. Example Risk Assessment

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

Management and Maintenance of Fire Safety

Whatever physical fire safety measures are provided in residential accommodation, their effectiveness will only be as good as their management and maintenance.

While single household dwellings will generally be self-managing, HMO accommodation will require ongoing attention to ensure fire safety measures remain effective. This section outlines management and maintenance measures applicable to HMOs. The responsible person (the licensee, landlord or managing agent) has a duty to ensure that the day-to-day management of fire safety in the premises is properly undertaken and that essential routine maintenance and emergency repairs are properly carried out. This is not only common sense and good practice, but also an obligation in law for those premises to which The Management of Houses in Multiple Occupation Regulations 2006 and The Regulatory Reform (Fire Safety) Order 2005 apply.

The level of management attention required will be determined as part of the fire risk assessment. Detailed recommendations are to be found in the HM Government Fire Safety Risk Assessment Sleeping Accommodation Guide. These recommendations may be appropriate in very large and complex buildings, but not all will apply fully for the average residential accommodation of normal risk covered by this guide.

Guidance on best practice in fire safety management can be found in BS 9999:2017 Code of Practice for Fire Safety in the Design, Management and Use of Buildings but the points outlined below should be expected in any acceptable fire risk assessment as a minimum.

Escape routes:

- Must be free from obstruction at all times, and regular checks should be made to guarantee this;
- There should be no free storage on the escape routes;
- There should be no trip hazards such as trailing electrical leads or worn carpets;
- In most cases fire-resisting doors should be effectively self-closing to engage their latches with no obstructions or hindrances such as catching carpets. This will always be the case in bedsit- type HMOs. However, the requirement for self-closers is considered unnecessary in some situations, such as individual room doors within flats (the flat entrance door will still require one), within single household occupancies, and in smaller low-risk shared houses;
- All doors should be close fitting as designed. Fire doors should never be propped or wedged open. Any damage to fire doors should be noted and repaired. Any damaged or missing smoke seals must be replaced like-for-like.

Automatic fire detection (AFD) and warning systems:

BS 5839: part 1, section 6 contains recommendations for regular, routine testing of AFD systems as follows:

Grade A systems

- Routine testing – at least one detector or call point in each zone should be tested weekly to ensure correct operation of the system. Any defect should be recorded in the log book and action taken to correct it.
- Routine maintenance – a six-monthly service should be carried out by a competent person, usually a specialist alarm engineer, under a maintenance contract. It entails a full test to ensure compliance, as specified in BS 5839: part 1, section 6. It should be recorded in the log book and a periodic inspection and test certificate issued.

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Grade D and E systems

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

All systems

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

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

Fire blankets and extinguishers:

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

Artificial lighting:

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

Water suppression systems:

- Where provided, the responsible person must ensure that any water suppression system is fully maintained and ready for use at all times. The landlord should enter into a maintenance contract with a competent person or company to maintain the system in accordance with clause 7 (maintenance) of BS 9251;
- The responsible person must ensure that the system is fully functional at all times and that any defects are rectified as soon as possible;
- The responsible person should check the pressure gauge readings monthly and record these readings in the systems log book. Any significant fluctuations or pressure readings below the agreed system design must be rectified immediately; and
- the system log book must be used to record all actuations, testing, maintenance, system faults and any remedial action.

Gas installations

- The Gas Safety (Installation and use) Regulations 1998 require that gas installations and appliances are maintained in safe condition and good working order and receive a gas safety check annually. The gas safety check and any other work to the installation may only be carried out by a competent and registered engineer. The findings must be recorded, and the records kept for at least two years.

Electrical installations

- The electrical installation should be installed and maintained by a competent person and should be inspected periodically by a competent electrical engineer. An inspection every five years is recommended for all types of premises and is a legal requirement in HMOs under the Management of Houses in Multiple Occupation (England) Regulations 2006.

Electrical appliances:

- Letting agents and landlords should check all electrical appliances at the start of each new tenancy for defects (for example frayed wiring or badly fitted plugs) and remove any unsafe items;
- It is good practice to have the equipment checked at regular intervals thereafter, but there is no legal requirement to do so unless appliances are used by employees;
- Records should be kept of the checks carried out;
- Instruction booklets should be available at the property for all appliances and any necessary safety warnings should be given to tenants; and
- Second-hand electrical appliances should not be supplied, but if they are then they should be checked by a competent electrical engineer.

Furniture and furnishings regulations

- All furniture within lettings commencing after 1 January 1997 must meet fire resistance requirements. However, the regulations do not apply to furniture made before 1950 and re-upholstered furniture made before that date;
- all new furniture (except mattresses and bed bases) must carry a permanent label stating that it complies with the fire resistance standards. However, absence of such a label does not mean that the furniture does not comply, as the label may have been removed after the furniture was supplied. Some furniture manufactured before the regulations were applied may comply with the requirements anyway; and
- landlords and managing agents must ensure that the furniture supplied meets the fire resistance

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requirements, and the only practical way of doing so is to ensure that the furniture is labelled by the manufacturer in this way. If this cannot be ascertained, then the furniture should be replaced.

- The furniture and furnishing regulations are enforced by Hertfordshire County Council Trading Standards Department.

Information and training:

- Each occupier should be given specific advice on fire prevention and fire safety in the home. This should be provided at the start of each new tenancy and reviewed periodically. Suitable advice can be found in BS 9999: Section 9 and annexes Q & R Advice to occupiers of domestic residential buildings, and advice is also available from local fire and rescue authorities. Information should include:
- An explanation of the escape routes, particularly where secondary means of escape is provided;
- How the fire detection and alarm system operates and what to do if it activates;
- How and when to re-set the fire alarm system;
- If extinguishers or fire blankets are provided, training in their application and safe use;
- Avoidance of false alarms;
- How and when to call the fire brigade;
- How to report defects;
- The importance of maintaining clear escape routes, free of storage;
- The importance of keeping fire doors closed, not propped or wedged open;
- Smoking and cooking safety;
- Gas safety advice;
- Safe storage and disposal of refuse; and
- The safe use of escape windows where appropriate.

Record keeping:

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

Part Two of this guidance document addresses additional fire safety arrangements that Landlords are required to comply within their site-specific HMO. Further information can be found in the Appendices in Part 3, this includes detailed plans of HMOs and a Glossary of terms.

Section 1 - Fire Risk Reduction

1.1 General Principles

The most important action you can take as a property manager is to try and prevent fires. Whilst the advice given in this booklet has mainly been concerned with methods of warning residents of a fire and preventing the spread of the fire to enable them to escape; fire precaution measures can never guarantee absolute safety for residents, or prevent extensive property damage.

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

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

Part Two – Further guidance on fire risk assessment and fire precautions

Inform your residents of the following information and make sure they understand the importance of:

The dangers of:

- smoking in bed or when drowsy
- careless use of candles or joss sticks
- overloading electrical sockets
- having trailing cables
- leaving a chip pan or frying pan unattended, or over-full of oil or fat
- placing clothes to dry over or near heaters

and the importance of a bedtime fire safety routine:

- turning off the cooker
- unplugging electrical appliances (except those designed to remain on)
- making sure that no cigarettes or candles are left burning
- closing all doors

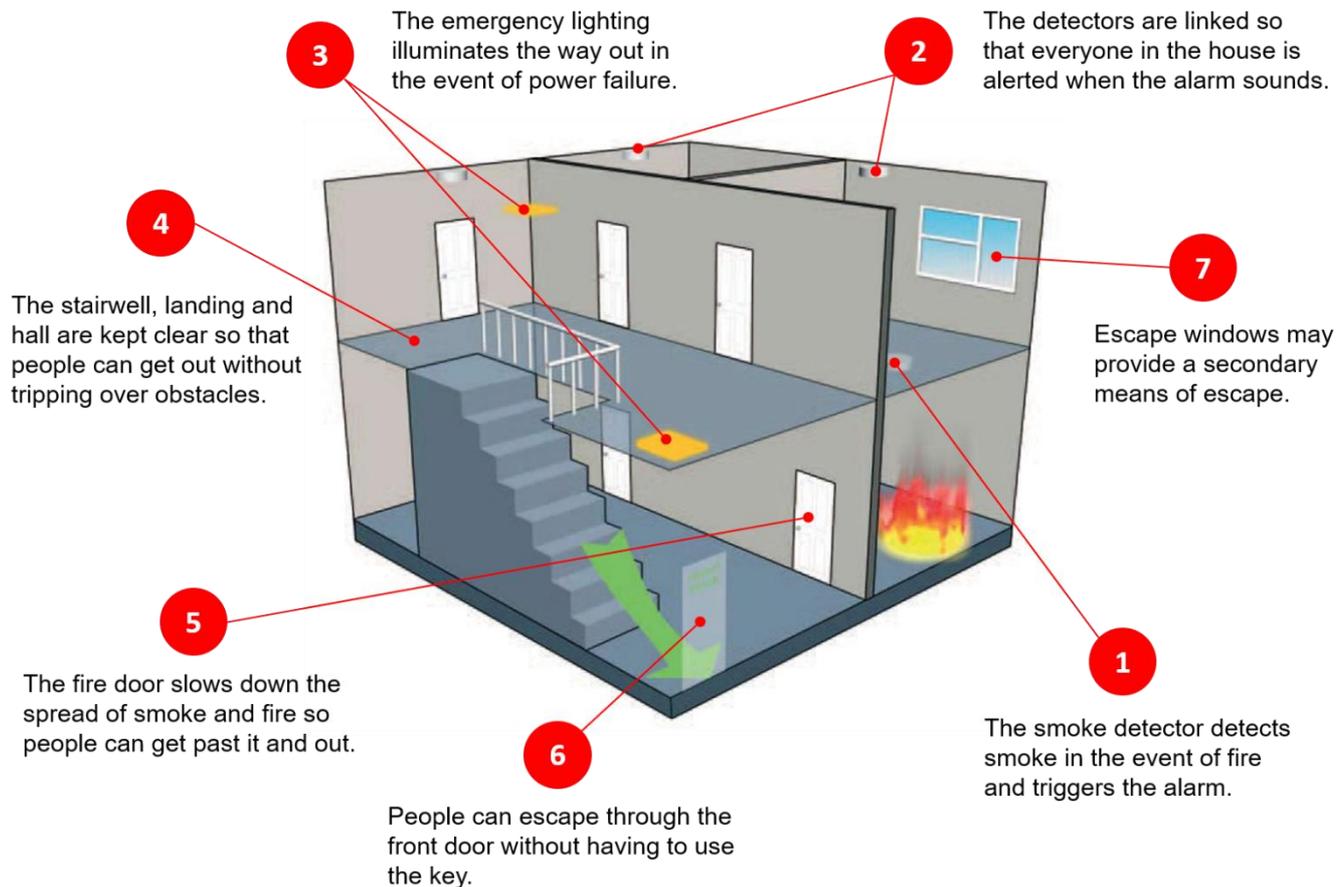
You should advise residents that in the event of a fire: -

- Do not attempt to fight fires that have already taken hold – evacuate yourself from the house.
- If you share the house with other people sound the alarm as you make your escape.
- Do not try to rescue belongings or pets. Your life and the lives of other residents are too precious to risk.
- Telephone the Fire Brigade on 999 immediately from a place of safety. Speak slowly and try to be calm answering the questions you are asked. If you think there may be someone left in the building inform the 999 operator.

A template leaflet/poster may be available from your Local Authority.

General Principles for Fire Precaution Standards

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



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

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

Part Two – Further guidance on fire risk assessment and fire precautions

6. All risk rooms (bedroom, living room, kitchen) need 30 minute fire resisting doors with smoke and heat seals and self-closing devices. The fire door slows down the spread of smoke and fire so people can move past it to exit the house. Fire doors are provided to protect the route of escape and should never be wedged open.
7. The methods of locking or fastening risk rooms and escape room doors should not prevent them from being opened internally without the use of a key.
8. Fire blankets and fire extinguishers can be useful in tackling small fires, and preventing their uncontrolled spread, but on balance it is best to encourage people to get out of the house quickly and call the Fire Service. There are injuries every year as a result of ineffective or inappropriate use of equipment. Where equipment is provided, all residents must receive proper instruction in the use of it. Therefore, whilst fire blankets should be provided to all cooking facilities normally there will be no requirement for fire extinguishers.
9. Where a basement or commercial premises are present, these shall be separated from the residential area by structure including doors providing 60 minutes fire protection. See plan 5 and 6 of Part 3. Where an automatic fire detection system includes the basement area the level of separation between the basement and the rest of the house need only be 30 minutes.

Section 2 – Means of escape

2.1 General Principles

The guidance contained in this section is intended to aid the evaluation of the adequacy of the means of escape from the premises.

Travel distances

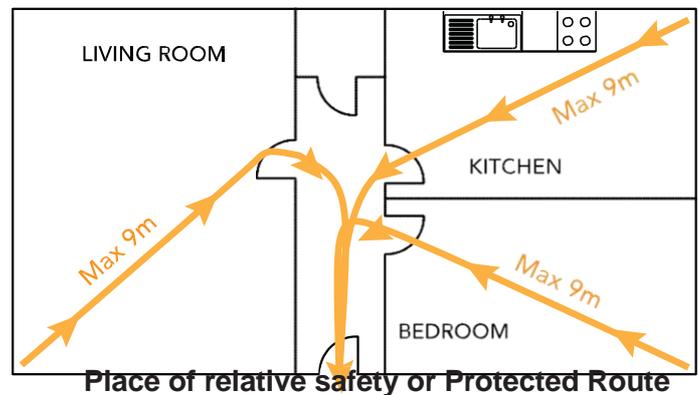
Travel distances within HMOs are an important matter. In the event of fire, occupiers need to be reasonably sure that they can reach a place of safety within reasonable time. The layout of the premises needs to be such that occupiers can quickly find their way across the room they are in and then through any protected route to the final exit. This must be achieved despite possible heat, flames and most importantly smoke. Smoke is often toxic but can also reduce visibility both by fogging and by causing irritation to the eyes. Occupiers need to be able to get through the escape route with a minimum of exposure to these hazards particularly by inhalation.

Like most elements of fire safety, judging the adequacy of travel distances is a matter of risk assessment and needs to be considered along with all other risks.

As a guideline however:

The distance between any point on the premises and a place of safety should ideally be a maximum of 9 metres. A place of relative safety would, for example, be a protected route within the building.

In HMOs without a protected route (for example in smaller two storey shared houses) the travel distance will generally need to be calculated from the furthest corner of the most distant bedroom to the front door. The distance will often exceed 9m.



Where 9m travel distance is exceeded, landlords should consider this as an item of additional risk. Some examples of the ways that excessive travel distances can be offset are:

- alternative escape measures (e.g. an escape window) or routes;
- a higher standard of smoke detection or coverage;
- water suppression system

Premises converted after 1991 with full Building Regulation Approval should already comply with travel distance requirements

Inner Rooms

A room from which the only escape is through another room is called an inner room. It is a risk if a fire starts in the other room; this room is the access room. Inner rooms may arise due to open planning of the premises. This situation is acceptable when the inner room is:

- A kitchen
- A laundry or utility room
- A dressing room
- A bathroom, WC or shower room
- Any other room on a floor not more than 4.5m above the ground level which has an alternative means of escape
- The access room is not a higher fire risk to that of the inner room
- The travel distance from any point within the inner room to the exit(s) from the access room do not exceed those given.

Protected Routes and Stairs

Protected routes should be designed so that remain free of the products of combustion, smoke and flame, for a sufficient time to allow all occupants of the premises to evacuate along it to a place of ultimate safety.

To achieve this there should be a level of fire separation between the risk rooms and the protected route and stairs; this can be achieved with 30 minute fire resisting construction.

Subject to a risk assessment it may be satisfactory to accept sound conventional construction throughout the route.

All protected routes should be maintained free of any obstructions and/or fire risks. In particular protected staircases should not include;

- any portable electric, gas or oil heaters;
- any fixed heaters using a portable heating source such as liquefied gas;
- any cooking facilities; and
- any furniture or storage

Storage cupboards should not be located in protected routes unless they are fire resisting and kept locked shut and smoke alarms / detectors are fitted within them. Note: Cupboards less than 1msq need not have detection

Escape Windows

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

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

The bottom of the open-able area (window sill level) must be not more than 1100mm, and not less than 800mm above floor level. Windows are suitable for means of escape where the drop from the window to ground level is one storey only (not exceeding 4.5m from first floor level to outside ground level). Where a fire can affect both the primary and alternative means of escape, any opening within 1.8m either side of the escape window and 4.5m below, e.g. windows or doors must be constructed of fire resisting materials.

Part Two – Further guidance on fire risk assessment and fire precautions

Where the escape window cannot meet the above guidance and where a non-fire resisting window or other opening, located immediately (1.8m rule) below the window escape, and that opening cannot be protected by 30/60 minutes (dependant on requirement) fire resistance, then a window escape is not suitable.

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

Persons using a window as a means of escape **must be able bodied and capable of escaping, unaided, through a window in the case of emergency.**

Electricity or Gas meter on escape route

Provide 30 minutes fire resisting enclosure to the electric and gas meter. Enclosure to consist of 100mm x 50mm softwood framing faced with 12.5mm plasterboard both sides or alternatively 6mm fire protective board (e.g. Supalux) to the inner side of the framework, scrim joints and apply minimum 3mm plaster skim to outer surface. Provide 30 minutes fire resisting door. Where a fire door is to be cut down to fit a smaller door opening, then solid core 30 minutes fire resistant door blanks only are to be used. Hardwood lippings are to be glued and screwed to leaf edges once the door blank has been cut down to the required size. Ensure points where pipes or cables penetrate the cupboard are tightly sealed with a non-combustible compound capable of maintaining the 30 minutes fire resistant integrity of the cupboard structure (e.g. intumescent foam etc).

Lead pipes are unsatisfactory, and the gas supply pipes should be of high melting point metal. The cupboard to the gas meter should be provided with ventilation grills at high and low levels, these must provide 30 minutes fire protection. The gas provider should be consulted to ensure they are satisfied with the arrangements, as they will require access to read meters.

Loft Hatches

Loft hatches must provide the 30 minutes fire resistance to the ceiling structure along the means of escape for the property.

Remove the existing loft hatch. Provide and fix suitable lining complete with minimum 25mm deep stops, both to be glued and screwed to loft hatch frame. Provide and fit 30 minutes fire resistant loft hatch door to comprise solid core 30 minutes fire door blank cut down to appropriate size, with hardwood lippings glued and screwed to each leaf edge. Provide and fit 10mm intumescent and smoke seals to be pinned into rebates on each leaf edge of the loft hatch door or alternatively into the loft hatch frame. The whole door to fit into the existing frame with no more than a 4mm gap at any point between the hatch door and the frame. 2-barrel bolts are to be provided and fitted on opposite sides of the exposed face to keep the hatch in a closed position under pressure when not in use.

Under stairs cupboard

The soffit and spandrel partition to the staircase is to be made 30 minutes fire resisting. Apply to the existing soffit and spandrel 12.5mm plasterboard with 3mm skim coat, or 6mm minimum fire protective board (e.g. SUPALUX) with all joints filled with fire resisting compound. The cupboard below the stairs at ground floor level, in addition to the above, is to have all combustible materials removed. Fit new 30 minutes fire resisting door and frame. The door is to be kept locked shut. Apply notice to door reading "TO BE KEPT LOCKED SHUT", to comply with The Health and Safety (Safety Signs and Symbols) Regulations 1996.

2.2 Emergency Lighting

Provision of an Emergency Lighting System to comply with parts of Current British Standard 5266 Part 1 (or equivalent)

This is a system of battery-powered lights, where the battery is continuously trickle charged from the mains supply. The lights are to be located on the fire escape route and are designed to operate if the local primary lighting sub-circuit fails, via a relay switch. The wiring should be carried out in twin and earth cable and power must be taken directly from the landlord's supply. A qualified electrical contractor must carry out the installation. Upon completion, the contractor must provide an appropriate certificate. The system must have a suitable means for simulating failure of the normal supply so that you can test the system. It will not normally be necessary to install emergency lighting in all the locations required by the BS 5266, but the lighting should cover changes in direction and level.

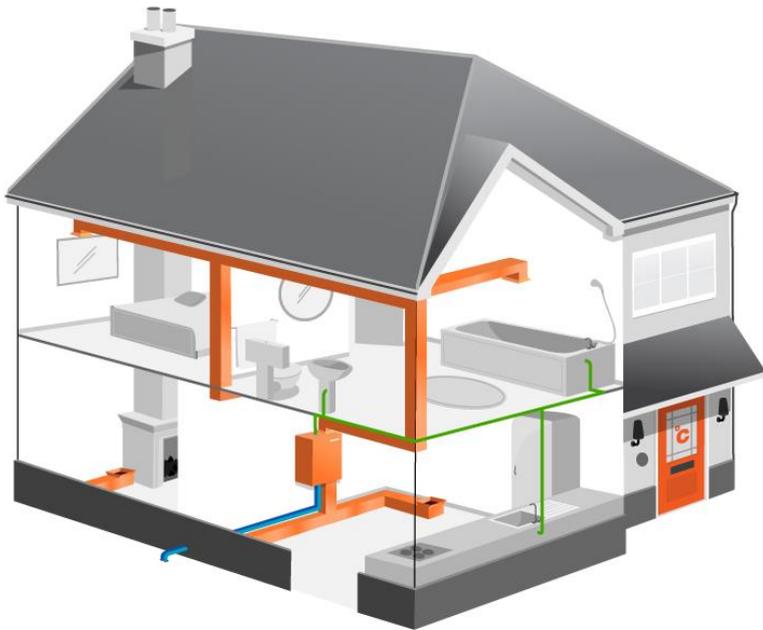
2.3 Signs and Notices

Where the property has an unusual layout you may be required to display exit signs, your Local Authority will advise you on this. If you decide to or are required to display signs, they should meet the following specification:

Clearly visible 'EXIT' exit signs comprising white figures on a green background should be provided within the stairwell at each landing level to clearly indicate the escape route from the building Size 100mm x 500mm to comply with The Health and Safety (Safety Signs and Symbols) Regulations 1996. Exit signs above final exit doors shall be provided above alternative exit doors, for example above the rear door from the kitchen.

2.4 Warm Air Heating Systems

Warm air heating systems have been in premises since approximately the 1970's. Even though they are an uncommon form of central heating today they are still used within a number of premises. Modern systems are currently being designed and installed but the same principles as the traditional systems apply.



A warm air heating system uses air as its heat transfer medium. This system relies on ducting and vents to distribute air around the premises. There is an air handler which filters and heats the air prior to circulation.

Traditional warm air heating systems do not have dampers in the duct work, unlike modern systems. Therefore, in the event of a fire the products of combustion, smoke and flame, can enter the ducting and spread round the premises.

For this reason, the following measures should be put in place.

For Redundant systems

If the warm air heating system is no longer used and is redundant then it is recommended that each vent is infilled using 30 minutes fire resisting separation. The warm air heater should also be enclosed in 30 minutes fire resisting materials.

For Active systems

For a warm air heating system that is still in use then one of the following measures should be carried out. Dampers linked to the fire alarm system should be installed at each juncture the system goes through a wall or floor. The dampers should be linked to the automatic fire detection system. The air handler would also need to shut down upon the activation of the fire alarm, to prevent damage to the vents due to pressurisation of the system.

Section 3 – Means of giving early warning

3.1 General Principles

The primary purpose of an automatic detection and warning system is to alert occupants to enable them to move away from a fire to a place of total safety while the escape routes are still clear of smoke. Within Houses in Multiple occupation as occupants are not alert and awake the earliest means of giving warning is required.

Please note: - BS5839-6 (2019) has changed the requirements for HMO premises of 1-2 stories (below 200m²) for new or materially altered premises, which will now require a grade D category LD1 rather than LD2. Existing premises remain compliant if they have a category LD2. Refer to Table 1(cont.) below.

Table 1 (continued)

Class of premises	Minimum grade and category of system for installation in:			
	New or materially altered premises		Existing premises	
	Grade	Category	Grade	Category
Houses in multiple occupation^{a)} (HMOs)				
HMOs of one or two storeys with no floor greater than 200 m ² in area	D1	LD1 ^{b)}	D1	LD2 ^{b)}
Other HMOs:				
Individual dwelling units, within the HMO, comprising a single room, which include cooking facilities (bedsits)	D1 ^{c)}	LD1 ^{b,c)}	D1 ^{c)}	LD1 ^{b,c)}
Individual dwelling units, within the HMO, comprising a single room, which do not include cooking facilities (bedsits)	D1 ^{c)}	LD1 ^{b)}	D1 ^{c)}	LD1 ^{b)}
Individual dwelling units, within the HMO, comprising two or more rooms	D1 ^{c)}	LD2 ^{b)}	D1 ^{c)}	LD2 ^{b)}
Communal areas of the HMO	Grade A, Category LD2, with detectors sited in accordance with the recommendations of BS 5839-1:2017 for a Category L2 system ^{d)}			
Sheltered housing^{e)}				
Individual dwelling units	D2	LD1 ^{b)}	D2	LD2 ^{b)}
Communal areas	Grade A in accordance with the recommendations of BS 5839-1:2017 for a Category L4 or L5 system ^{d)}			
Self-catering premises or premises with short-term paying guests	D1	LD1 ^{b)}	D1	LD1 ^{b)}
Supported housing				
Single-storey	D1	LD1 ^{b)}	D1	LD1 ^{b)}
Two or more storeys and not more than four bedrooms	D1	LD1 ^{b)}	D1	LD1 ^{b)}
Two or more storeys and more than four bedrooms	A	LD1 ^{b)}	A	LD1 ^{b)}

^{a)} Including premises with long-term lodgers, but not boarding houses, the latter of which are outside the scope of this part of BS 5839.

^{b)} Houses shared by no more than six persons, generally living in a similar manner to a single family (e.g. houses rented by a number of students).

^{c)} Including premises in which lodgers live as their principal home.

^{d)} Heat detectors should be installed in every kitchen. A smoke detector should be installed in the principal habitable room (see 3.47). Where more than one room might be used as the principal habitable room, a smoke detector should be installed in each of these rooms. The detector in the principal habitable room (but not the kitchen) may alternatively be a carbon monoxide fire detector. However, consideration needs to be given to the potential for false alarms from a smoke detector in the lounge if a kitchen opens directly into, or is combined with, the lounge.

^{e)} A Grade F1 system should be installed if there is any doubt regarding the long-term suitability or reliability of a battery-powered system, i.e. the ability to replace batteries.

^{f)} Where electrical work such as a rewire is undertaken, a Grade D (D1 or D2), Category LD2 system should be installed.

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

This category of fire alarm should be installed in premises that have a floor level above 4.5m. This is due to any floor above 4.5m are not able to have an alternative escape via escape windows. Therefore, the protected staircase is vital, and a higher standard of fire alarm is required. Any HMO with a floor level above 4.5m (i.e. Second Floor) regardless what is contained on ground floor should have a Grade A fire alarm system.

This comprises a system of electrically operated smoke and/or heat detectors, which are linked to a control panel to give information on the location of the fire or any fault, which may develop.

From the 1st October 2015 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into effect. A requirement of the regulations is that any premises in England which is rented, not including licensed HMOs, should be fitted with smoke and carbon monoxide detectors. However, it is advised as good practice that all HMOs have Carbon Monoxide detectors installed in all rooms that contain a solid fuel burning combustion appliance. It is also recommended that all landlords install Carbon Monoxide detectors in rooms with gas burning appliances.

- **Control Panel**

The control panel must conform to current BS EN 54: Part 2.

- **Call Points**

These systems will normally incorporate manual break glass call points, located on each floor and at the final exit. The provision of break glass call points and their suitability should be assessed as part of the premises risk assessment.

* This document and your local Authority will generally not require the installation of call points on every level. You should however be aware that the alarm system will not comply fully with the BS.

- **Audibility**

The alarm signal must achieve sound levels of: -

- Not less than 65dB (A) in all accessible parts of the building.
- Not less than 75dB (A) at all bed heads, to arouse sleeping persons when all doors are shut.

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

- **Power Supplies**

The power supply for a Grade A system should be a dedicated circuit, segregated from other electric circuits by distance, conduit, trunking or cable type. The system must have a 72-hour battery backup.

The circuit should have its own switch/fuse close to the origin of the supply, which must be labelled with its function.

- **Wiring**

The wiring should be of fire resisting cable or protected from fire by 30 minute construction and should be monitored to give warning at the control panel in the event of open or short circuit.

- **Radio-linked System**

Radio-linked systems (also called wireless systems) are considered in both BS 5839 part 1: 2013 and BS 5839 part 6: 2013. A specialist fire alarm contractor will need to be consulted to confirm whether or not they can provide a system that meets the British Standards above.

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

This category of fire alarm should be installed in premises that do not have a floor level above 4.5m. This is due to all floor below 4.5m are able to have an alternative escape via escape windows

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

From the 1st October 2015 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into effect. A requirement of the regulations is that any premises in England which is rented, not including licensed HMOs, should be fitted with smoke and carbon monoxide detectors. However, it is advised as good practice that all HMOs have Carbon Monoxide detectors installed in all rooms that contain a solid fuel burning combustion appliance. It is also recommended that all landlords install Carbon Monoxide detectors in rooms with gas burning appliances.

- **Control Panel**

A control panel is not required with this system.

- **Call Points**

Call points are not required on a Grade D system.

- **Audibility**

The alarm signal must achieve sound levels of: -

- Not less than 65dB (A) in all accessible parts of the building
- Not less than 75dB (A) at all bed heads, to arouse sleeping persons when all doors are shut.

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

- **Power Supplies**

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

- **Wiring**

Wiring should comply with IEE Regulations (BS 7671)

- **Radio-linked System**

Radio-linked systems (also called wireless systems) are considered in both BS 5839 part 1 2013 and BS 5839 part 6 2013. A specialist fire alarm contractor will need to be consulted to confirm whether or not they can provide a system that meets the British Standards above.

3.2 General Requirements Common to Both Systems

What type of smoke detector?

There are three types of smoke detector currently on the market – ionisation, optical and combined. Optical detectors are generally more sensitive than ionisation for slow burning, smouldering fires that would be typical from foam filled upholstery. You should therefore opt to install optical or combined (detect smouldering and flaming fires) smoke detectors unless for instance a shower is present in the room. Further guidance can be sought from your installer and your Local Authority.

Mounting Position

Smoke/heat detectors should preferably be mounted on ceilings and should be located at least 300mm horizontally from any wall/beam or light fitting.

Obstructions

If the passage of smoke or hot gases to a detector is likely to be disturbed by a ceiling obstruction (such as a beam) having a depth greater than 150mm, then detectors should be provided on each side of the obstruction.

Power Supply

It is not acceptable to provide power to the fire precautions via pre-payment or coin operated electric meters. All control panels, consumer units and electric meters must be located in easily accessible locations within common areas of the dwelling i.e. not within bedrooms.

The manager is required to maintain the electric supply to the fire precaution system. This should be achieved by a dedicated electric circuit that is under the control of the manager.

Mixed Use Buildings

Where there is a mixture of residential and commercial use within the same building, the fire alarm system may be required to be installed in accordance with the current British Standard 5839 Part 1 (or equivalent). *Contact your Local Authority for further advice in these circumstances.*

Certification

Fire alarm systems must be installed by a suitably qualified electrical contractor. Upon completion, the contractor must provide an installation, commissioning and test certificate (see model certificate on next page)

Remote Control Switch

Where a non-interlinked smoke detector is installed in a room containing cooking facilities, an alarm control switch linked to the detector should be fitted. The switch should be wall-mounted adjacent the exit door. This switch will allow the tenant to test the alarm or, by pressing the “hush” switch, will allow the silencing of false alarms. See Glossary for further details.

Model Installation, Commissioning and Test Certificate

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



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

FHN2 (B-F)/

TRACEABLE SERIAL NUMBER

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

Original (to the person or contractor who works)

DETAILS OF THE CLIENT Issued in accordance with BS 5839-6 : 2004.

Client: _____
 Address: _____

DETAILS OF THE FIRE DETECTION AND ALARM SYSTEM

Address: _____

Extent of the fire detection and alarm system covered by this certificate: _____

The system is:
 New
 An addition
 An alteration

DESCRIPTION OF SYSTEM GRADE AND SYSTEM CATEGORY Tick boxes as appropriate

System grade: B C D E F

System category: LD1 LD2 LD3 PD1 PD2

COMMISSIONING A tick in the box indicates the inspection or test has been performed and the results are satisfactory. N/A indicates an inspection or test is Not Appropriate

See Note 1

Test buttons checked <input type="checkbox"/>	Simulated smoke or aerosol test <input type="checkbox"/>	Dedicated circuit(s) provided <input type="checkbox"/>	Sound level test instrument used <input type="checkbox"/> See Note 2
All alarm warning devices operate <input type="checkbox"/>	Heat test <input type="checkbox"/>	Protective device labelled <input type="checkbox"/>	Model and serial No. _____
Silencing system checked <input type="checkbox"/>	Bedroom sound level (Clause 13.2) <input type="checkbox"/>	Audible and visual indication of mains failure <input type="checkbox"/>	Serial No. of associated Electrical Installation Certificate or Minor Electrical Installation Works Certificate (See Note 1) _____

USER INSTRUCTIONS Tick boxes to indicate that the written information has been issued to the user

I/We the undersigned declare that the occupier* of the dwelling (or owner in the case of a house in multiple occupancy) has been provided with written information about essential aspects of the operation and maintenance of the system, as follows:

Operation of the system <input type="checkbox"/>	Routine testing of the system <input type="checkbox"/>	Checking the system on reoccupation of the dwelling after a vacation etc. <input type="checkbox"/>
Action to be taken in the event of a fire alarm signal <input type="checkbox"/>	Servicing and maintenance of the system (including intervals at which any batteries should be replaced) <input type="checkbox"/>	The need to avoid contamination of detectors by paint <input type="checkbox"/>
Avoidance of false alarms and action in the event of a false alarm <input type="checkbox"/>	The need to keep clear space around all detectors and manual call points <input type="checkbox"/>	As-fitted drawing <input type="checkbox"/>
Warning that apparent false alarm from carbon monoxide detector may not be false alarm <input type="checkbox"/>	Special precautions relevant to any lithium batteries used in the system <input type="checkbox"/>	* In the case of a newly-built property and where the future occupier is unknown, the User Instructions should be issued to the builder for onward transmission to the purchaser together with the related electrical safety certificate.

CERTIFICATION OF DESIGN, INSTALLATION AND COMMISSIONING

I/We, being the person(s) responsible (as indicated by my/our signature(s) below), for the design, installation, and commissioning of the fire alarm system, particulars of which are set out above, CERTIFY that the said work for which I/we have been responsible complies to the best of my/our knowledge and belief with the recommendations of BS 5839: Part 6 for the system described above, except for the variations, if any, stated below:

Variations (if any) _____

The extent of liability of the signatory is limited to the work described above as the subject of this certificate.

For the DESIGN, INSTALLATION AND COMMISSIONING of the system:

Signature _____ Date _____	This certificate has been reviewed by the Qualified Supervisor:
Name (CAPITALS) _____	Signature _____ Date _____
	Name (CAPITALS) _____

DETAILS OF THE APPROVED CONTRACTOR

Trading Title: _____

Address: _____

Postcode: _____

NICEIC Enrolment No (Essential information) _____

Branch number (if applicable) _____

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

Note 2. An instrument complying with BS EN 61672, Class 2, with slow response and A weighting (see Clause 13.2), is suitable for measuring the sound level.

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

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

Section 4 – Water Suppression Systems

4.1 General Principles

Although fire sprinklers were invented in the UK in 1864 it was not until 1973 that their use for life safety was seriously investigated. Even since then the UK has not been proactive in extending and developing their use in residential premises despite many other countries passing local laws relating to them. Scottsdale in Arizona introduced a requirement for sprinklers to be fitted to all new premises in 1985. The impact of this requirement was investigated after ten years and found that in properties with sprinklers there had been:

- No fire deaths
- 80% reduction in fire injuries
- 80% reduction in property damage
- 95% reduction for water usage for fire control

There is an extremely low risk of a false alarm with sprinklers and when one sprinkler is triggered it does not trigger any of the others. An auto dialler can be fitted to the system so that in the case of a sprinkler operating the call is transmitted to the fire brigade and the owner/manager automatically.

In short, should a fire occur, the sprinkler or watermist system;

- cools the room to prevent flashover
- limits the size of the fire, often extinguishing it;
- prevents structural fire damage; and
- reduces the toxic smoke emissions

The damage that is caused by the water from the sprinkler is generally much less than the damage that would be caused by the fire, smoke and the water from the fire brigade in a property with traditional fire precautions. Sprinklers and associated pipe work can be fitted in the ceiling void and all that is visible is a small disc on the room ceiling.

One of the main advantages to the landlord is design freedoms. These may include relaxation of the requirement for fire doors allowing properties to maintain traditional features, increased travel distances and a reduction in structural fire protection. A risk-based assessment will be made as to the individual requirements for each property and detailed below is an example specification.

Sprinkler and Watermist Specification

A residential sprinkler system designed, installed and maintained in accordance with B.S. 9251 2005 should be provided throughout the premises; alternatively, a water mist system can be installed in accordance with BS 8458. The system is to be installed by a contractor approved by The Fire Sprinkler Association – a list of approved contractors is available from them on request. Alternative qualifications may be acceptable; you should contact your Local Authority for approval of your contractor.

The water suppression system is to be linked to an automatic fire detection system and where a head is activated the fire alarm system shall also be activated. The type of fire detection system required will depend on the type and layout of the building. Again, guidance should be sought from your Local Authority. Generally, the requirements will match those required in the examples given in Part 3 of this document, with the exception that heat detectors are not required.

Part Two – Further guidance on fire risk assessment and fire precautions

When the sprinkler system is activated audibility levels of 75db(A) are to be achieved at the bedhead in each room (with the bedroom doors closed). As a guide only - sounders positioned in the common areas producing approximately 100db(A) should be capable of producing this sound level at the bedhead. Where the water suppression system is linked to the fire alarm system 'common' sounders for the 2 systems can be used, although the water suppression system must still have its own external visual and audio alarm and a single internal audio alarm.

A monitored link/auto dialler shall be installed so that when a head is activated the Fire Service or the landlord/responsible person for the property is contacted. The link is only to be activated when the water suppression system is activated **not** when the fire alarm system is activated.

When installation is completed the approved contractor is to provide the documentation detailed in section 6.3.2 of BS 9251. A copy of this is to be provided for the Local Authority.

The landlord or responsible person is to enter into a maintenance contract with a competent person or company to maintain the system in accordance with section 7 of BS 9251. Details of maintenance are to be available at reasonable request.

A system logbook to record every event involving the system is to be kept accessible and maintained.

Design Freedoms

A water suppression system is not a fire safety solution within its self. In isolation they cannot provide an acceptable level of fire safety in residential accommodation to meet the requirements of current legislation. However along with an appropriate Automatic fire detection and alarm system there are certain design freedoms that the installation of a water suppression system will allow. Prior to the commissioning of the system any design freedoms must be agreed through consultation with the fire authority and local authority.

The installation of a water suppression system will allow

- Where the suppression system is installed throughout the HMO in conjunction with a fire resisting partition and fire resisting door to enable occupants on upper floors to access an escape window at first floor level, i.e. separating the ground and first floor, the internal layout of the ground floor may be open plan.
- Relaxations on Inner room situations
- Reduction of fire separation/compartimentation
- Extended travel distances within the HMO
- Relaxation of heat detection, would not require heat detection in kitchens

Appendix 1 – Example of Fire Precautions required

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

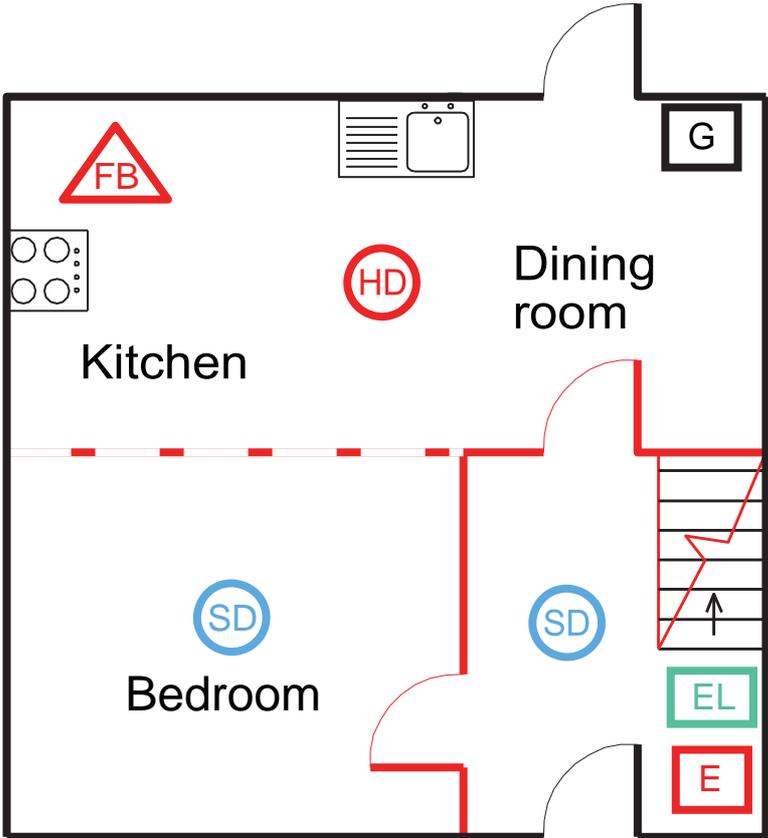
Key to plans

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

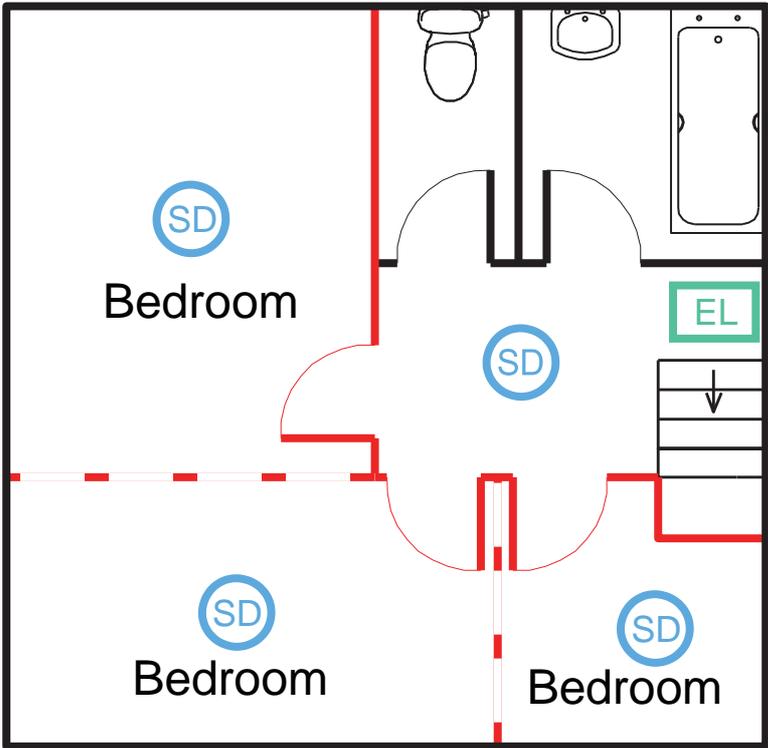
Outline requirements for example property - Plan 1

Detection/ Warning	A system of mains powered interlinked automatic smoke and heat detectors to form a grade D LD2 system in accordance with BS 5839 part 6 (or equivalent). System to incorporate interlinked smoke alarms with integral battery back-up throughout the escape route. Interlinked smoke alarms with integral battery back-up in each bedroom, communal living room, and cellar. Interlinked heat alarms with integral battery back-up in communal kitchens.
Call Points	Not required.
Control Panel	Not required.
Emergency Lighting	Conventional lighting is required throughout the escape route. Emergency lighting maybe appropriate if the route is complex or there is no effective borrowed light. The requirement for, and the degree of emergency lighting will depend on the design of the property and the location of the escape route and form part of the overall Fire Risk Assessment. Where considered necessary it must be designed and installed in accordance with BS 5266 part 1 (or equivalent)." Refer to page 28 for technical specification.
Escape Route	The escape route should allow occupants from all parts of the building to reach a place of safety outside without passing through a higher fire risk area. The route should be kept free of obstructions and combustibile materials at all times, and the walls and ceilings should be free of flammable materials such as polystyrene ceiling tiles and heavy flock wall paper. At least 30 minute fire resistance should be provided to the route as indicated by red on the accompanying plan. There is no requirement for additional fire separation between rooms, but the walls and floors should be of sound traditional construction. Electric and Gas meters located in the escape route should either be re-located or contained within fire resisting construction to provide at least 30 minute fire resistance. Refer to pages 51-59 for specifications relating to fire resisting construction.
Fire Doors	A fire door of at least 30 minute fire resistance must be installed in each doorway leading onto the escape route, except bathrooms and WC's (unless they contain a fire risk such as a boiler). Refer to page 59 for specification of fire doors.
Security of Doors	Security devices on bedrooms and final exit doors must be capable of being opened from the inside without the use of keys, i.e. Yale type or thumb turn locks.
Fire Blankets	A fire blanket should be provided in each area where there are cooking facilities, and be wall mounted 1.5m high adjacent to an exit door and away from the cooking appliance. These must comply with BS-EN 1869:1997 (or equivalent).
Fire Extinguishers	Where the risk assessment indicates that fire extinguishers are required, they shall be multipurpose extinguishers and shall be located as requested by the risk assessment. If provided they shall be maintained in working order and residents instructed in their use.
Other Recommendations	Polystyrene ceiling tiles should not be used within the premises. Portable heaters using gas cylinders or flammable liquids should not be used or stored in the premises. Generally, signage relating to fire precautions is not necessary. However, fire doors across escape routes, communal kitchens, and boiler rooms should be marked 'Fire door keep shut' Reference should be made to 'The Management of Houses in Multiple Occupation (England) Regulations 2006' – in particular regulation 4 relates to the maintenance of firefighting equipment and alarms.

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



Ground Floor

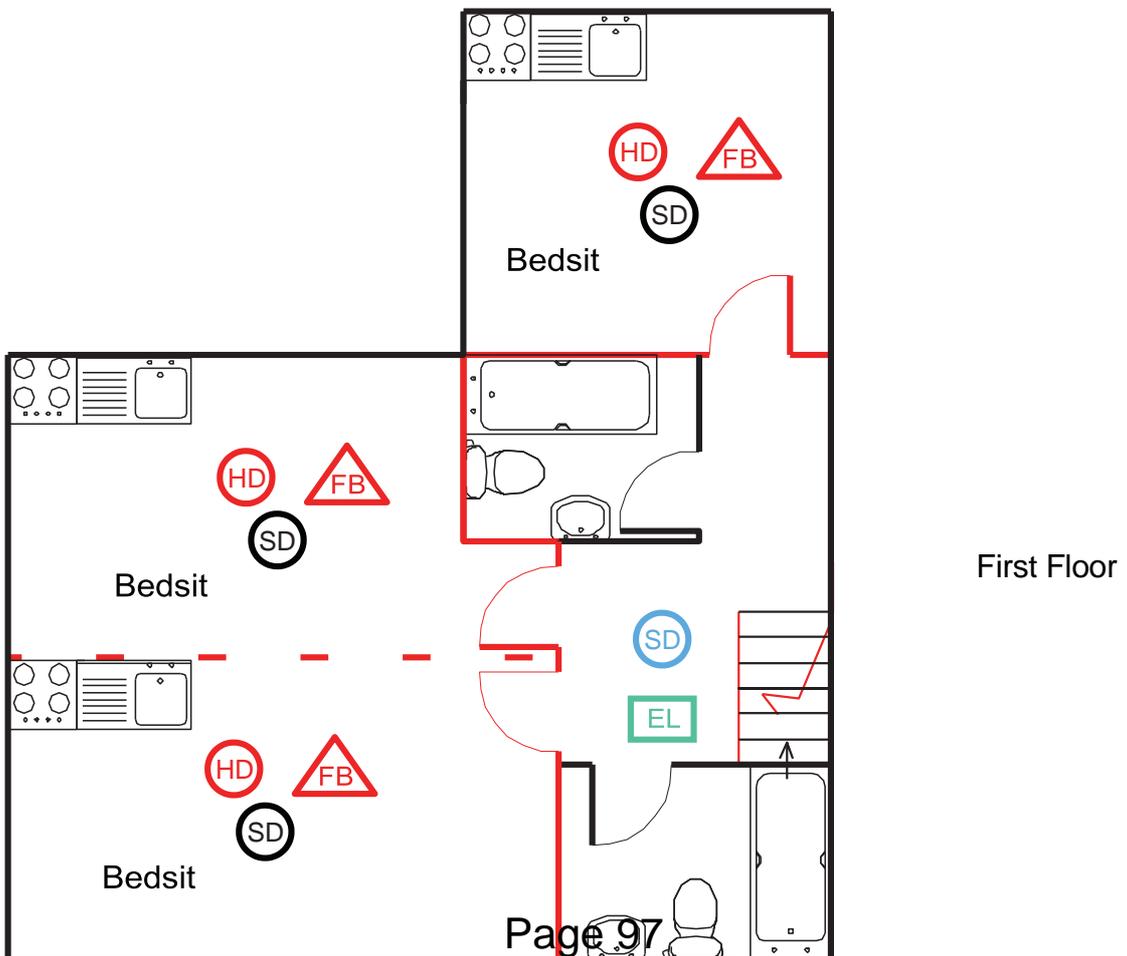
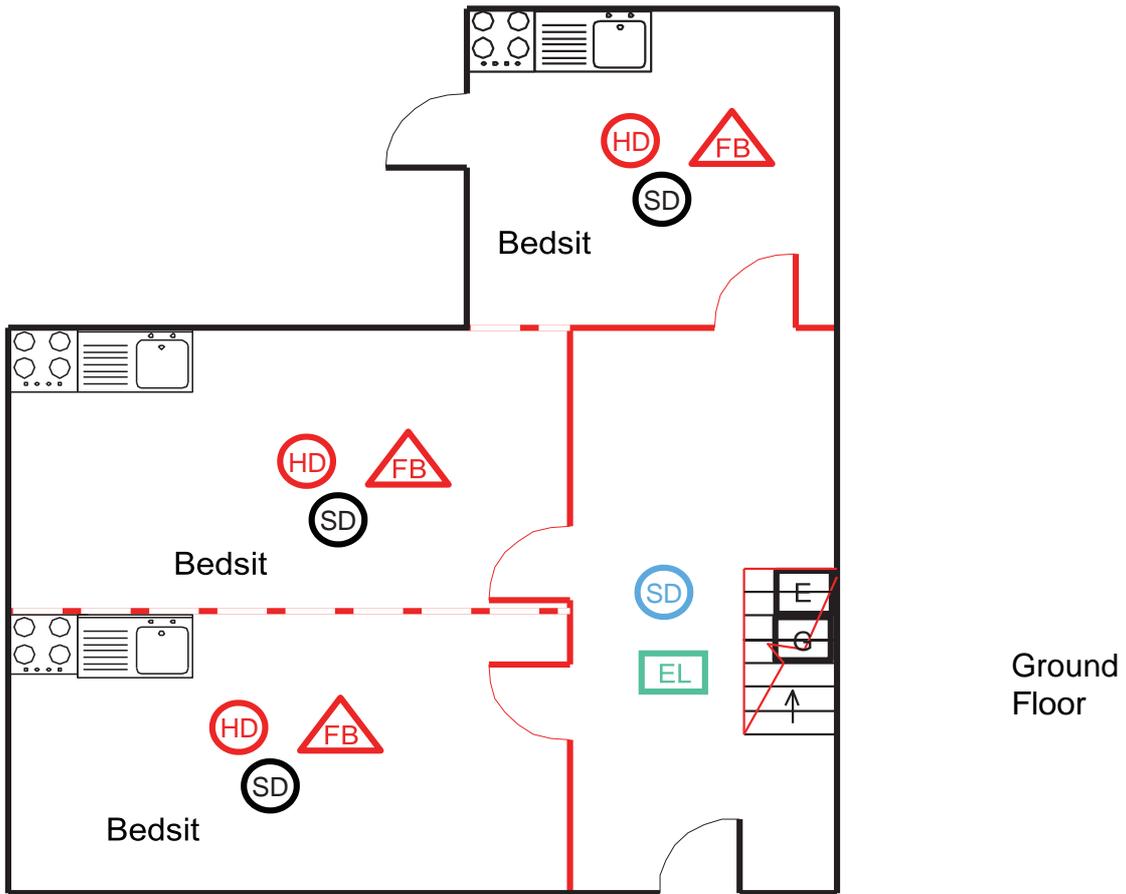


First Floor

Outline requirements for example property - Plan 2

Detection/ Warning	A system of mains powered interlinked automatic smoke and heat detectors to form a Grade D LD2 system in accordance with BS 5839 Part 6 (or equivalent). System to incorporate interlinked smoke alarms with integral battery back-up throughout the escape route, any communal living room and cellar. Interlinked heat alarms with integral battery back-up in each bedroom containing cooking facilities. Additional non-interlinked smoke alarms with integral battery back-up in each bedroom. It is recommended that these have a hush facility.
Call Points	Not required.
Control Panel	Not required.
Emergency Lighting	Conventional lighting is required throughout the escape route. Emergency lighting maybe appropriate if the route is complex or there is no effective borrowed light. The requirement for, and the degree of emergency lighting will depend on the design of the property and the location of the escape route and form part of the overall Fire Risk Assessment. Where considered necessary it must be designed and installed in accordance with BS 5266 part 1 (or equivalent). Refer to page 28 for technical specification.
Escape Route	Escape routes should allow occupants from all parts of the building to reach a place of safety outside without passing through a higher fire risk area. The route should always be kept free of obstructions and combustible materials, and the walls/ceilings should be free of flammable materials such as polystyrene ceiling tiles or heavy flock wall paper. At least 30-minute fire resistance should be provided to the route as indicated by red on the accompanying plan. There is no requirement for additional fire separation between rooms, but the walls/floors should be of sound traditional construction. Electric/Gas meters located in the escape route should either be re-located or contained within fire resisting construction to provide at least 30-minute fire resistance. Pages 51-59 show specifications relating to fire resisting construction.
Fire Doors	A fire door of at least 30-minute fire resistance must be installed in each doorway leading onto the escape route, except bathrooms and WC's (unless they contain a fire risk such as a boiler). Refer to page 59 for specification of fire doors.
Security of Doors	Security devices on bedrooms and final exit doors must be capable of being opened from the inside without the use of keys, i.e. Yale type or thumb turn locks.
Fire Blankets	A fire blanket should be provided in each area where there are cooking facilities, and be wall mounted 1.5m high adjacent to an exit door and away from the cooking appliance. These must comply with BS-EN 1869:1997 (or equivalent).
Fire Extinguishers	Where the risk assessment indicates that fire extinguishers are required, they shall be multipurpose extinguishers and shall be located as requested by the risk assessment. If provided they shall be maintained in working order and residents instructed in their use.
Other Recommendations	Polystyrene ceiling tiles should not be used within the premises. Portable heaters using gas cylinders or flammable liquids should not be used or stored in the premises. Generally, signage relating to fire precautions is not necessary. However, fire doors across escape routes, communal kitchens, and boiler rooms should be marked 'Fire door keep shut'. Reference should be made to 'The Management of Houses in Multiple Occupation (England) Regulations 2006' – in particular regulation 4 relates to the maintenance of firefighting equipment and alarms.

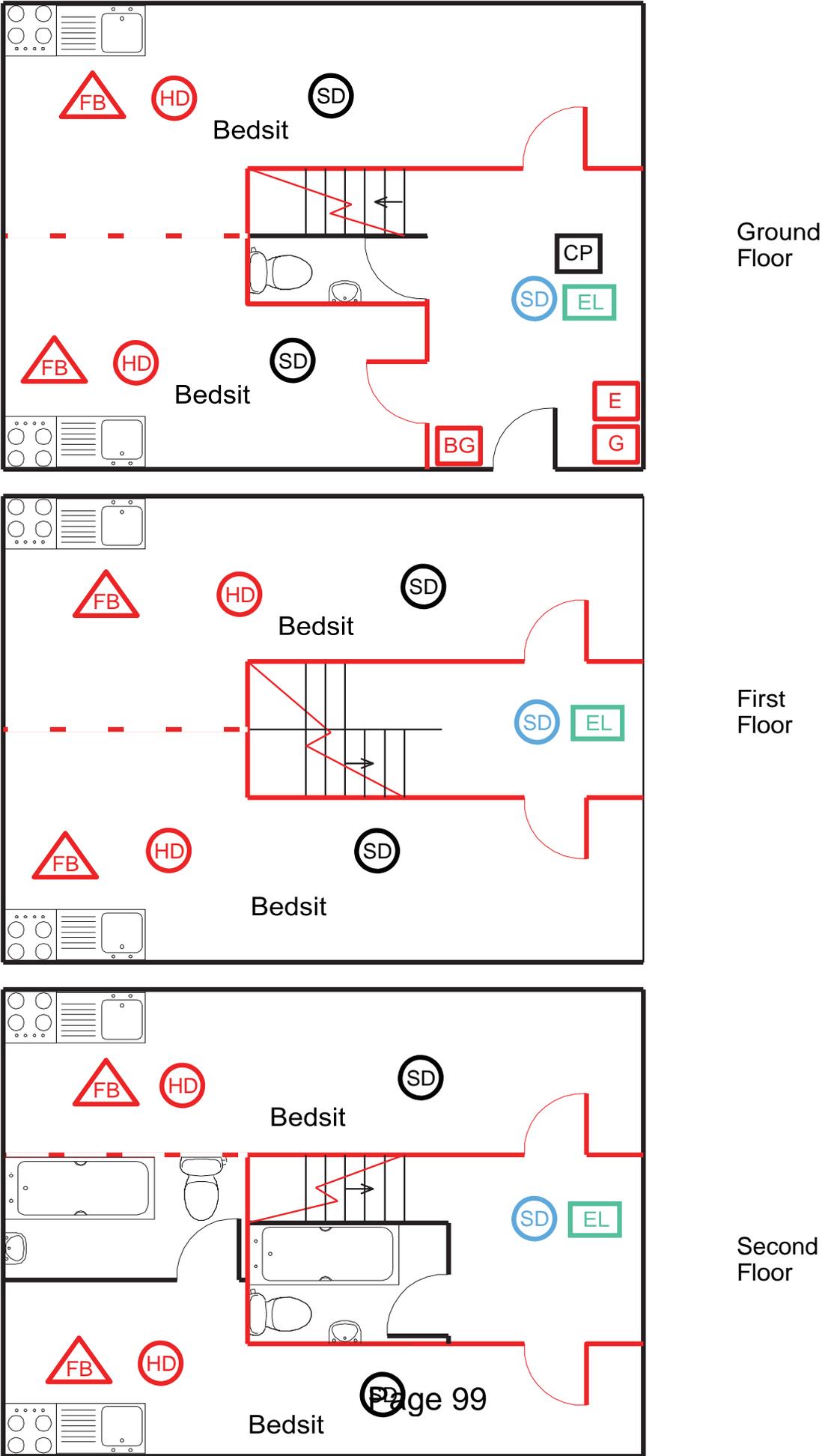
Plan 2, House Type: Typical two storey house with cooking facilities in each let.



Outline requirements for example property - Plan 3

Detection/ Warning	A system of mains powered interlinked automatic smoke and heat detectors to form a grade A LD2 system in accordance with BS 5839 part 6 (or equivalent). System to incorporate interlinked smoke alarms with integral battery back-up throughout the escape route, any communal living room, and cellar. Interlinked heat alarms with integral battery back-up in each bedroom containing cooking facilities. Additional non-interlinked smoke alarms with integral battery back up in each bedroom. It is recommended that these have a hush facility.
Control Panel	Must confirm to BS EN 54: Part 2. Must be located in an easily accessible position within the escape route.
Call Points	Manual break glass points should be installed in numbers and positions determined by fire risk assessment. At least one should be installed close to the final exit of the of the escape route.
Emergency Lighting	To be provided in accordance with the current BS 5266 Part 1 (or equivalent) to cover the protected escape route. Location of light fittings to be determined by the design/installing engineer. See page 28 for further information.
Escape Route	The escape route should allow occupants from all parts of the building to reach a place of safety outside without passing through a higher fire risk area. The route should be kept free of obstructions and combustible materials at all times, and the walls and ceilings should be free of flammable materials such as polystyrene ceiling tiles and heavy flock wall paper. At least 30 minute fire resistance should be provided to the route as indicated by red on the accompanying plan. There is no requirement for additional fire separation between rooms, but the walls and floors should be of sound traditional construction. Electric and Gas meters located in the escape route should either be re-located or contained within fire resisting construction to provide at least 30 minute fire resistance. Refer to pages 51-59 for specifications relating to fire resisting construction.
Fire Doors	A fire door of at least 30 minute fire resistance must be installed in each doorway leading onto the escape route, except bathrooms and WC's (unless they contain a fire risk such as a boiler). Refer to page 59 for specification of fire doors.
Security of Doors	Security devices on bedrooms and final exit doors must be capable of being opened from the inside without the use of keys, i.e. Yale type or thumb turn locks.
Fire Blankets	A fire blanket should be provided in each area where there are cooking facilities, and be wall mounted 1.5m high adjacent to an exit door and away from the cooking appliance. These must comply with BS-EN 1869:1997 (or equivalent).
Fire Extinguishers	Where the risk assessment indicates that fire extinguishers are required, they shall be multipurpose extinguishers and shall be located as requested by the risk assessment. If provided they shall be maintained in working order and residents instructed in their use.
Other Recommendations	Polystyrene ceiling tiles should not be used within the premises. Portable heaters using gas cylinders or flammable liquids should not be used or stored in the premises. Generally, signage relating to fire precautions is not necessary. However, fire doors across escape routes, communal kitchens, and boiler rooms should be marked 'Fire door keep shut'. Reference should be made to 'The Management of Houses in Multiple Occupation (England) Regulations 2006' – in particular regulation 4 relates to the maintenance of firefighting equipment and alarms.

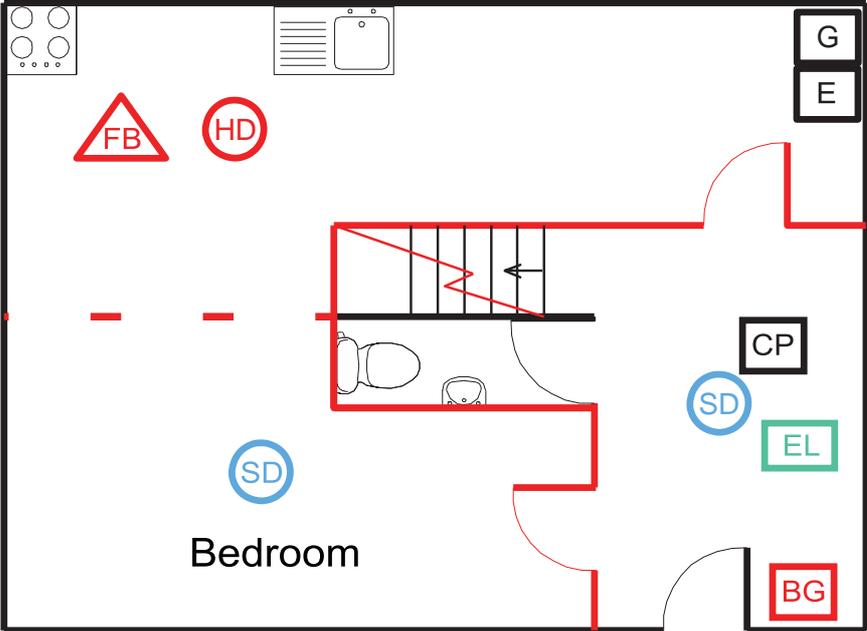
Plan 3, House Type: Typical three storey HMO with cooking in each of the lets.



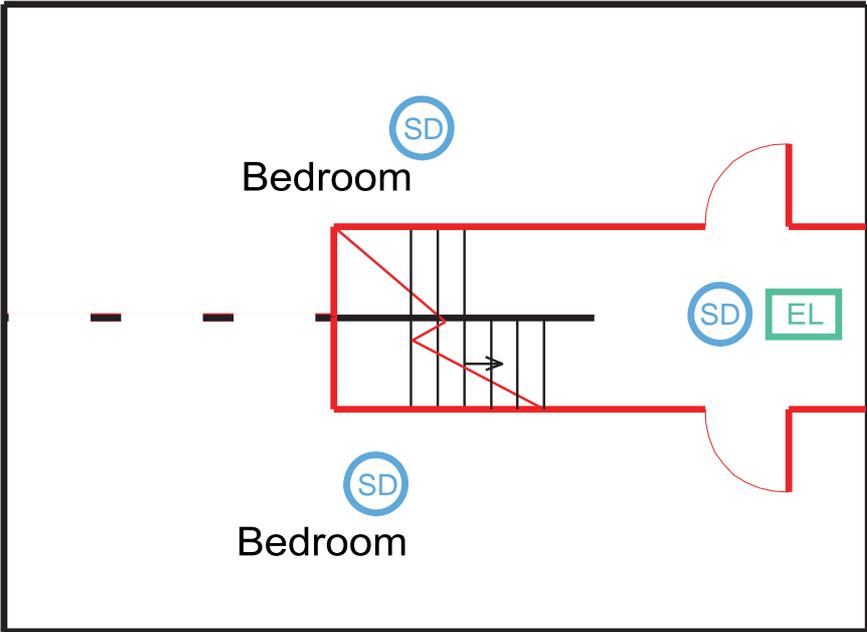
Outline requirements for example property - Plan 4

Detection/ Warning	A system of mains powered interlinked automatic smoke and heat detectors to form a Grade A LD2 system in accordance with BS 5839 Part 6 (or equivalent). System to incorporate interlinked smoke alarms with integral battery back-up throughout the escape route, in each bedroom, communal living room and cellar. Interlinked heat alarms with integral battery back-up in communal kitchens.
Call Points	Manual break glass points should be installed in numbers and positions determined by fire risk assessment. At least one should be installed close to the final exit of the of the escape route.
Control Panel	Must confirm to BS EN 54: Part 2. Must be located in an easily accessible position within the escape route.
Emergency Lighting	Conventional lighting is required throughout the escape route. Emergency lighting maybe appropriate if the route is complex or there is no effective borrowed light. The requirement for, and the degree of emergency lighting will depend on the design of the property and the location of the escape route and form part of the overall Fire Risk Assessment. Where considered necessary it must be designed and installed in accordance with BS 5266 part 1 (or equivalent).” Refer to page 28 for technical specification.
Escape Route	The escape route should allow occupants from all parts of the building to reach a place of safety outside without passing through a higher fire risk area. The route should be kept free of obstructions and combustible materials at all times, and the walls and ceilings should be free of flammable materials such as polystyrene ceiling tiles and heavy flock wall paper. At least 30 minute fire resistance should be provided to the route as indicated by red on the accompanying plan. There is no requirement for additional fire separation between rooms, but the walls and floors must be of sound traditional construction. Electric and gas meters located in the escape route should either be re-located or contained within fire resisting construction to provide at least 30 minute fire resistance. Refer to pages 51-59 for specifications relating to fire resisting construction.
Fire Doors	A Fire door of at least 30 minute fire resistance must be installed in each doorway leading onto the escape route, except bathrooms and WC’s (unless they contain a fire risk such as a boiler). Refer to page 59 for specification of fire doors.
Security of Doors	Security devices on bedrooms and final exit doors must be capable of being opened from the inside without the use of keys, i.e. Yale type or thumb turn locks.
Fire Blankets	A fire blanket should be provided in each area where there are cooking facilities, and be wall mounted 1.5m high adjacent to an exit door and away from the cooking appliance. These must comply with BS-EN 1869:1997 (or equivalent).
Fire Extinguishers	Where the risk assessment indicates that fire extinguishers are required, they shall be multipurpose extinguishers and shall be located as requested by the risk assessment. If provided they shall be maintained in working order and residents instructed in their use.
Other Recommendations	Polystyrene ceiling tiles should not be used within the premises. Portable heaters using gas cylinders or flammable liquids should not be used or stored in the premises. Generally, signage relating to fire precautions is not necessary. However, fire doors across escape routes, communal kitchens, and boiler rooms should be marked ‘Fire door keep shut’. Reference should be made to ‘The Management of Houses in Multiple Occupation (England) Regulations 2006’ – in particular regulation 4 relates to the maintenance of firefighting equipment and alarms.

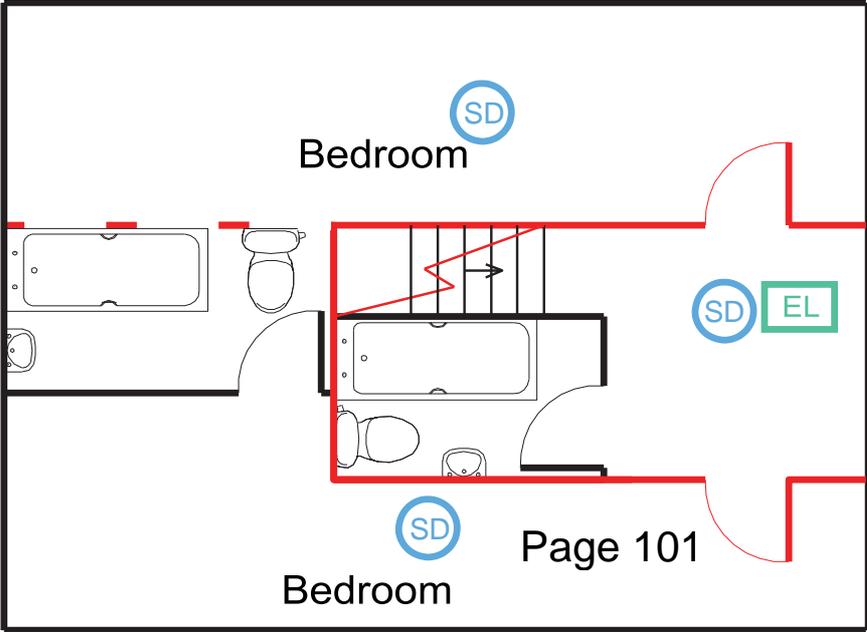
Plan 4, House Type: Typical three storey HMO with shared cooking facilities



Ground Floor



First Floor

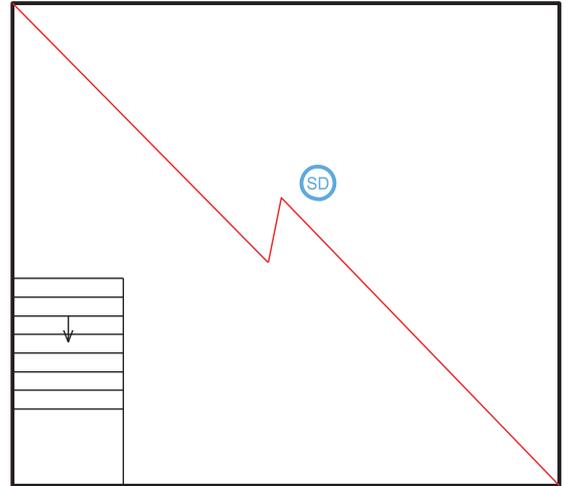
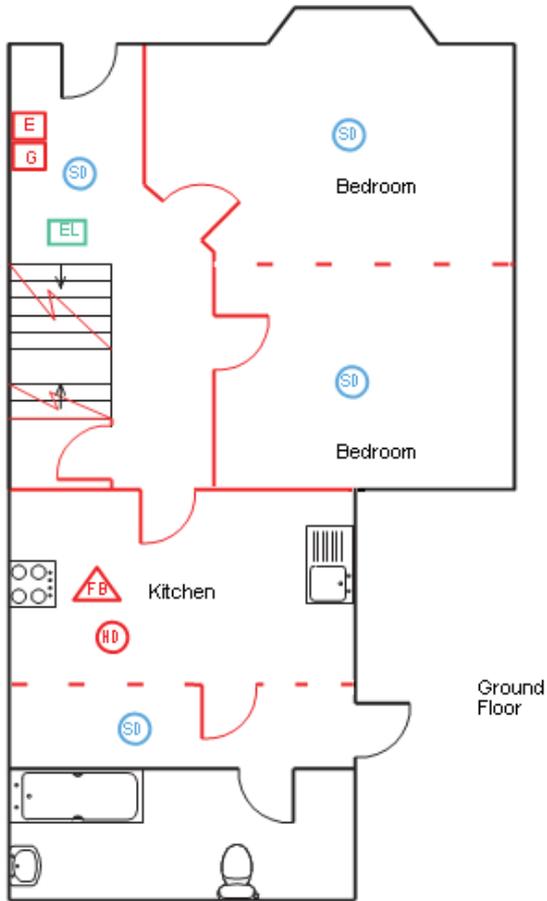


Second Floor

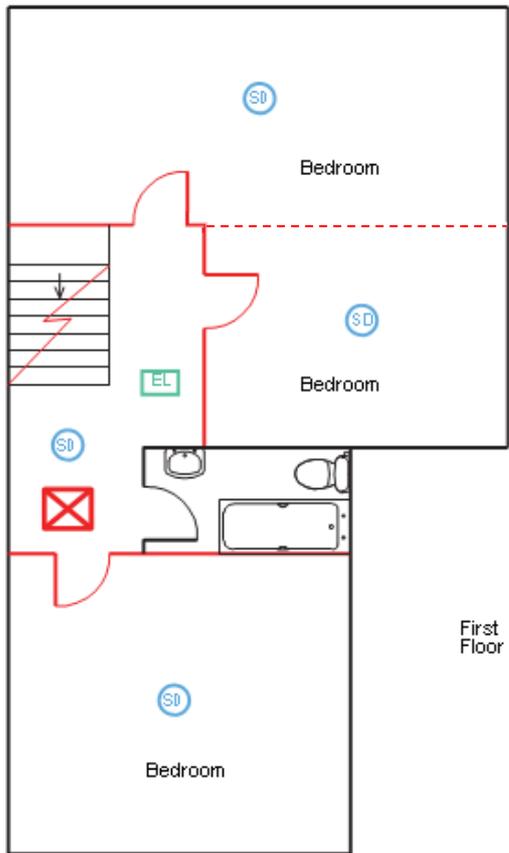
Outline requirements for example property - Plan 5

Detection/ Warning	A system of mains powered smoke detectors and heat detectors with battery back-up and built in alarm to achieve BS 5839 Part 6: Grade D (or equivalent). Detectors must be sited in all areas containing a fire risk including the basement. In kitchens a heat detector rather than a smoke detector must be installed. All detectors must be interlinked so that if one detector is triggered, the alarm sounds in each and every alarm location.
Call Points	Not required.
Control Panel	Not required.
Emergency Lighting	Conventional lighting is required throughout the escape route. Emergency lighting maybe appropriate if the route is complex or there is no effective borrowed light. The requirement for, and the degree of emergency lighting will depend on the design of the property and the location of the escape route and form part of the overall Fire Risk Assessment. Where considered necessary it must be designed and installed in accordance with BS 5266 part 1 (or equivalent).” Refer to page 28 for technical specification.
Escape Route	The escape route should allow occupants from all parts of the building to reach a place of safety outside without passing through a higher fire risk area. The route should be kept free of obstructions and combustible materials at all times, and the walls and ceilings should be free of flammable materials such as polystyrene ceiling tiles and heavy flock wall paper. At least 30 minute fire resistance should be provided to the route as indicated by red on the accompanying plan. There is no requirement for additional fire separation between rooms, but the walls and floors must be of sound traditional construction. Ceilings between basement and ground floor escape route should be constructed to provide 30 minute fire resistance as indicated in blue on the accompanying plan. Electric and Gas meters located in the escape route should either be re-located or contained within fire resisting construction to provide at least 30 minute fire resistance. Refer to pages 51-59 for specifications relating to fire resisting construction.
Fire Doors	A fire door of at least 30 minute fire resistance must be installed in each doorway leading onto the escape route, except bathrooms and WC’s (unless they contain a fire risk such as a boiler). Refer to page 59 for specification of fire doors.
Security of Doors	Security devices on bedrooms and final exit doors must be capable of being opened from the inside without the use of keys, i.e. Yale type or thumb turn locks.
Fire Blankets	A fire blanket should be provided in each area where there are cooking facilities, and be wall mounted 1.5m high adjacent to an exit door and away from the cooking appliance. These must comply with BS-EN 1869:1997 (or equivalent).
Fire Extinguishers	Where the risk assessment indicates that fire extinguishers are required, they shall be multipurpose extinguishers and shall be located as requested by the risk assessment. If provided they shall be maintained in working order and residents instructed in their use.
Other Recommendations	Polystyrene ceiling tiles should not be used within the premises. Portable heaters using gas cylinders or flammable liquids must not be used or stored in the premises. Generally, signage relating to fire precautions is not necessary. However, fire doors across escape routes, communal kitchens, and boiler rooms should be marked ‘Fire door keep shut’. Reference should be made to ‘The Management of Houses in Multiple Occupation (England) Regulations 2006’ – in particular regulation 4 relates to the maintenance of firefighting equipment and alarms.

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



Part Three - Appendices



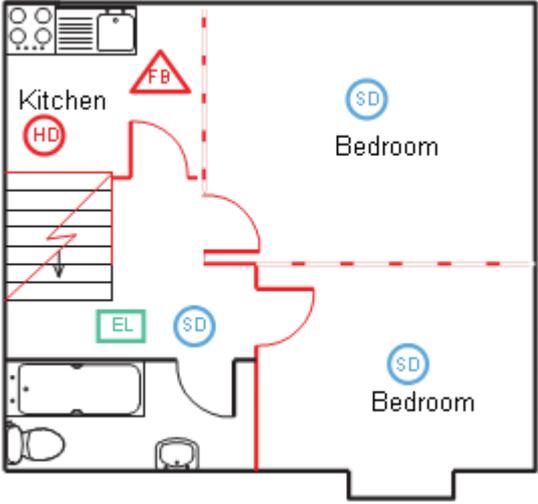
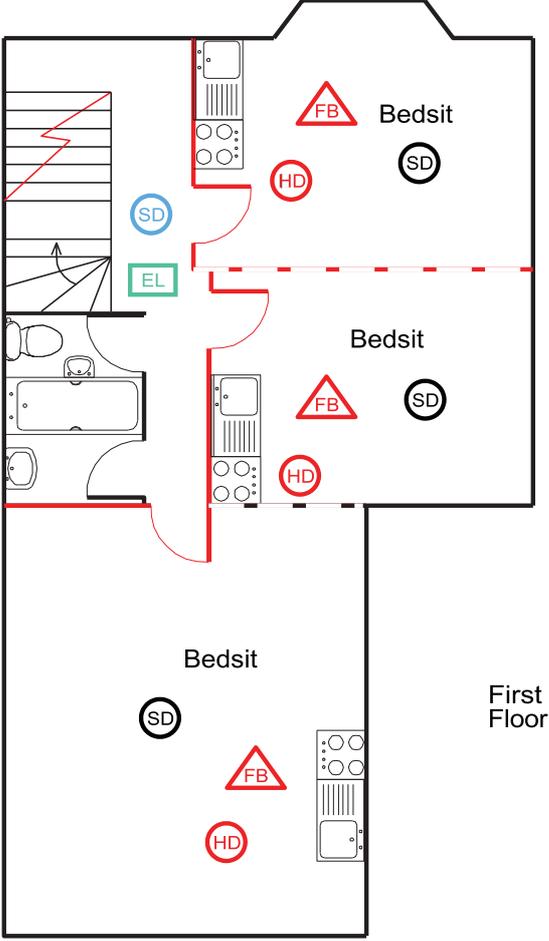
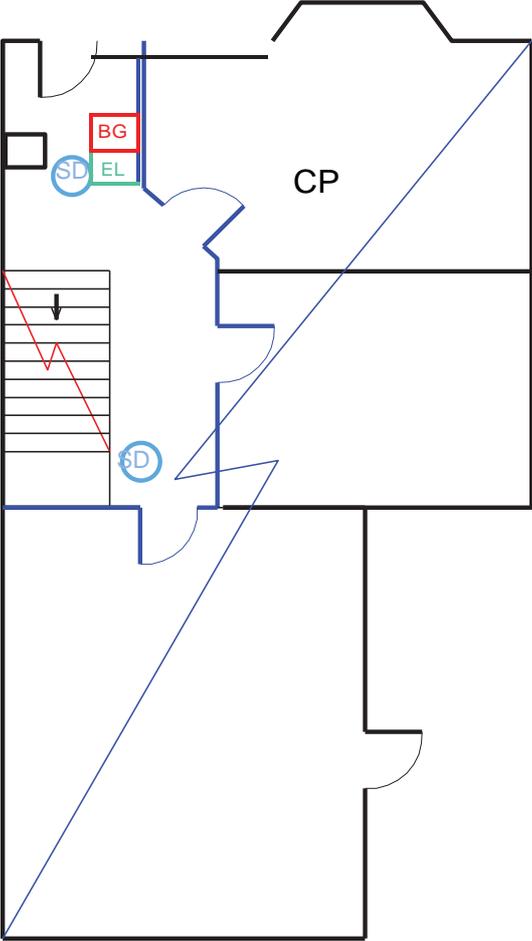
Outline requirements for example property - Plan 6

Detection/ Warning	A system of mains powered interlinked automatic smoke and heat detectors linked to a control panel with a built in alarm to achieve BS 5839 Part 6: Grade A (or equivalent). The main system to provide heat detectors in individual lets and smoke detectors in common areas and any storerooms/cellars. All detectors must be interlinked so that if one detector is triggered, the alarm sounds in each and every alarm location. In addition, to provide an early warning to occupiers of a fire occurring within their room, a single point mains wired smoke alarm is required, it is recommended that these have a hush facility. These detectors are not interlinked
Call Points	Manual break glass points should be installed in numbers and positions determined by fire risk assessment. At least one should be installed close to the final exit of the of the escape route.
Control Panel	Must confirm to BS EN 54: Part 2. Must be located in an easily accessible position within the escape route.
Emergency Lighting	Conventional lighting is required throughout the escape route. Emergency lighting maybe appropriate if the route is complex or there is no effective borrowed light. The requirement for, and the degree of emergency lighting will depend on the design of the property and the location of the escape route and form part of the overall Fire Risk Assessment. Where considered necessary it must be designed and installed in accordance with BS 5266 part 1 (or equivalent).” Refer to page 28 for technical specification.
Escape Route	The escape route should allow occupants from all parts of the building to reach a place of safety outside without passing through a higher fire risk area. The route should be kept free of obstructions and combustible materials at all times, and the walls and ceilings should be free of flammable materials such as polystyrene ceiling tiles and heavy flock wall paper. At least 30 minute fire resistance should be provided to the route as indicated by red on the accompanying plan. There is no requirement for additional fire separation between rooms, but the walls and floors must be of sound traditional construction. Ceilings and walls between commercial and residential areas should be constructed to provide 1 hour fire resistance as indicated in blue on the accompanying plan. Electric and Gas meters located in the escape route should either be re-located or contained within fire resisting construction to provide at least 30 minute fire resistance. Refer to pages 51-59 for specifications relating to fire resisting construction. Specifications relating to fire resisting construction.
Fire Doors	A fire door of at least 30 minute fire resistance must be installed in each doorway leading onto the escape route, except bathrooms and WC’s (unless they contain a fire risk such as a boiler). Refer to page 59 for specification of fire doors.
Security of Doors	Security devices on bedrooms and final exit doors must be capable of being opened from the inside without the use of keys, i.e. Yale type or thumb turn locks.
Fire Blankets	A fire blanket should be provided in each area where there are cooking facilities, and be wall mounted 1.5m high adjacent to an exit door and away from the cooking appliance. These must comply with BS-EN 1869:1997 (or equivalent).
Fire Extinguishers	Where the risk assessment indicates that fire extinguishers are required, they shall be multipurpose extinguishers and shall be located as requested by the risk assessment. If provided they shall be maintained in working order and residents instructed in their use

Part Three - Appendices

Other Recommendations	<p>Polystyrene ceiling tiles should not be used within the premises.</p> <p>Portable heaters using gas cylinders or flammable liquids must not be used or stored in the premises. Generally, signage relating to fire precautions is not necessary. However, fire doors across escape routes, communal kitchens, and boiler rooms should be marked 'Fire door keep shut' Reference should be made to 'The Management of Houses in Multiple Occupation (England) Regulations 2006' – in particular regulation 4 relates to the maintenance of firefighting equipment and alarms.</p>
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Plan 6, House Type: Typical three storey HMO above commercial premises with cooking facilities in each let



Appendix 2 – Technical Specifications

2.1 Fire Resistance of Walls and Partitions (30 minutes fire Resistance)

New Walls and Partitions

30 minutes fire resistance can be achieved by any of the following methods of construction:

Solid walls

- Masonry blockwork/brickwork 100mm thick (load bearing)
- Masonry blockwork/brickwork 75mm thick (non-load bearing)

Stud Partitions

The instructions given below apply to both faces of the wall or partitioning.

They are also suitable for infilling spandrels to staircases providing adequate studding has been incorporated into the wall: -

Partition walls to consist of a timber frame 75mm x 50mm minimum (non-loading bearing) with head and sole plates, studs at 600mm centres and facing each side of: -

- 12.5mm plasterboard finished with plaster skim
- 12.5mm fire rated plasterboard, unplastered
- Proprietary fire resisting insulation board installed in accordance with manufacturers specifications. (See Diagram 1)

Manufactured Partitions

Proprietary cellular core partition e.g. Paramount board or equivalent installed in accordance with manufacturers specifications.

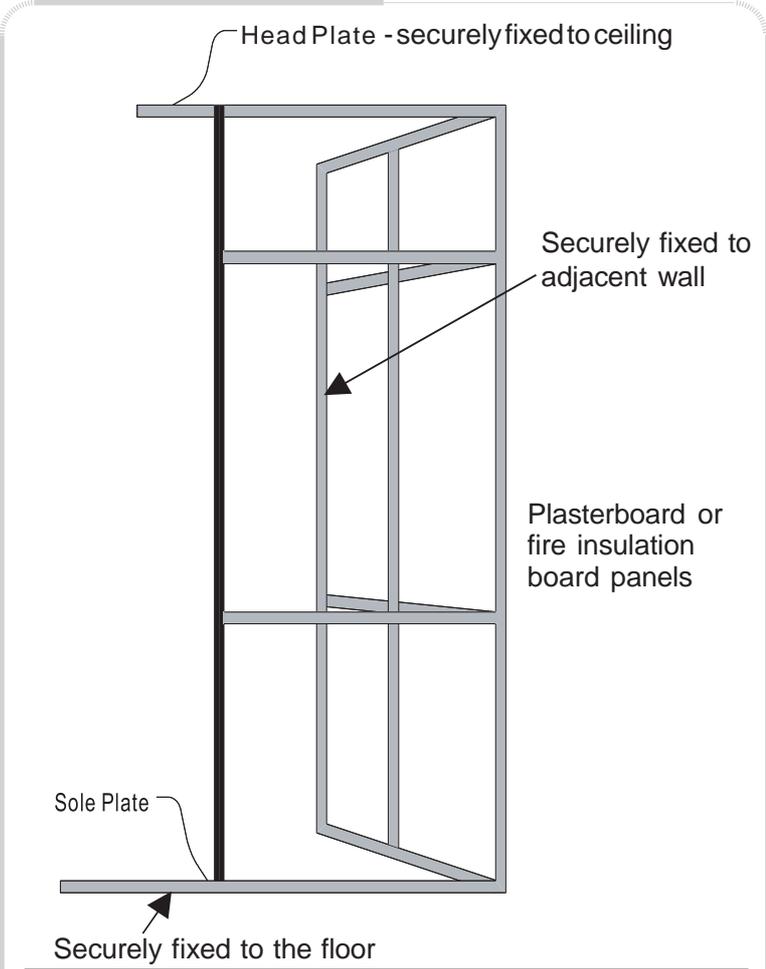
Note:

In all cases, where partition walls are to be left unplastered, the joints must be taped and filled using joint compound as recommended by the board manufacturer. Any gaps between the wall and surrounding structure should be filled flush using suitable fire resisting jointing compound

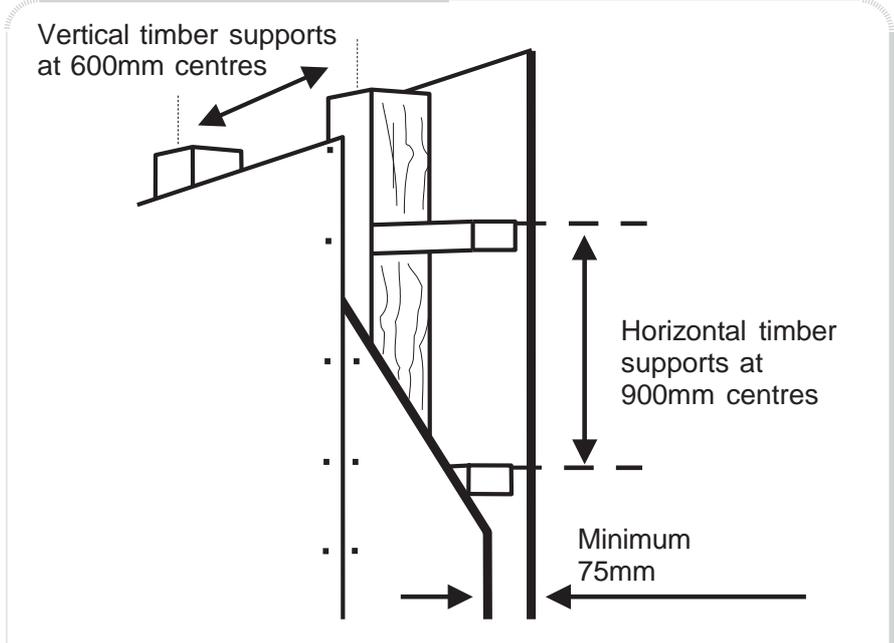
Diagram 1

Example of fire resisting partitions (30 minutes fire resistance)

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



(i) Studding framework indicating fixing.



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

Upgrading Existing Partitions to Achieve 30 Minutes Fire Resistance

The condition of the partition must be examined in detail. Retention of the partition surfaces must only be considered if in good condition and there is no loose or failing plaster or plasterboard.

In the event of minor damage or inconclusive investigation of the partition construction, the partition must be upgraded on the risk side (room side) by replacing the lath and plaster or unsound plasterboard, or by over-boarding with 12.5mm gypsum wallboard or Fireline board fixed with galvanised clout/plasterboard nails. These should have sufficient length to penetrate the lath and plaster or plasterboard, and provide a firm fixing in the timber framework. The partition should be finished by scrimming and skimming with plaster.

Particular care must be taken to ensure holes around pipework or ducts that pass through fire resisting partitions are fire stopped with materials that meet half an hour fire resistance. There are many proprietary fire stopping products available, but you must ensure that they have been tested and meet the appropriate part of BS 476 or BSEN 13501.

2.2 Fire Resistance of Walls and Partitions (60 minutes fire Resistance)

The following forms of Construction will provide 60 minutes fire resistance to Walls and Partitions

New Walls and Partitions Solid

masonry wall

- Masonry blockwork/brickwork 100mm thick (load bearing)
- Masonry blockwork/brickwork 75mm thick (non-load bearing)

Stud partitions

75 x 50mm timber load-bearing/non load-bearing stud partition. Studs at 600mm centres and no infill with the following facings on **both sides**.

- 2 x 12.5mm **Gypsum Wallboard** fixed with 40mm (1st layer) and 50mm (2nd layer) galvanised nails to every timber support at 150mm centres. The joints to be staggered then taped and filled or surface scrimmed and skimmed.
- 15mm **Fire Resistant Gypsum Wallboard** (provided studs are 100mm x 50mm) fixed with 50mm galvanised nails to every timber support at 150mm centres. The joints to be taped and filled or surface scrimmed and skimmed.
- 9mm Supalux fillets, 75mm wide fixed to face of studs, 2 layers of 9mm Supalux, joints staggered with 50mm nails at 300mm centres. Fillets not required if partition is non load-bearing).
- Expanded metal lathing to BS 1369: Part 1: 1987 securely fixed to the timber studs. Plaster with 13mm lightweight Gypsum metal lathing type.

Where it is not possible to fix a facing on **both sides** of the partition, then **specifications 1 or 2**

below can be used.

The specifications concern a non-load-bearing solid construction, which will provide a fire resistance of 60 minutes. They should only be used in constructions of up to 3 metres in height.

Specification 1

The partition consists of one layer of 20mm Supalux and one layer of 15mm Supalux. Vertical board joints are staggered nominally half the board width (i.e. typically 610mm) between the layers and the horizontal joints staggered by at least 300mm between layers.

32mm x 32mm x 20 gauge continuous mild steel angles are to be fixed with 32mm No 8 screws at 300mm centres into non-combustible plugs.

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

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

Specification 2

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

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

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

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

Existing Partitions

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

Partitions can be upgraded in one of two ways:

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

- 9mm Supalux fixed, on each side of the partition, using 63mm nails or screws at 300mm centres.
- 12mm New Tacfire fixed, on each side of the partition, using screws at 300mm centres. The length of the screws should be such that they penetrate 38mm into the stud.

By the provision of a cavity infill:

- In this case it must be a non-load-bearing stud partition made up of minimum 89mm x 38mm studs at 600mm centres with no infill and covered with 12.5mm plasterboard.
- Take off one face of the existing partition. Fill the cavity between the studs with 90mm Rockwool Timberbatts of density 23Kg/m³. Provide 12.5mm Gypsum Wallboard fixed at 150mm centres with 38mm galvanised nails. Joints must be taped and filled or surface scrimmed and skimmed.

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

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

2.3 The Upgrading of Floors and Ceilings

The floor and ceiling construction between floor levels in any house in multiple occupation must be able to resist the spread of smoke and flame from any fire.

30 Minutes Fire Resistance

Confirm construction to be a minimum of 25mm square edge softwood boarding on 75mm x 50mm (7" x 2") softwood joists under drawn with 16mm (3/8") lath and plaster in sound condition. Over lay all floorboards above ground floor with minimum 4mm dense hardboard to total floor area.

Further information is available in Building Research Establishment Digest 208, "Increasing the Fire Resistance of Existing Timber Floors."

Other specifications are available, and reference can be made to manufacturers' detailed specifications if supported by detailed fire test documentation.

Ceilings which are not in sound condition, particularly lath and plaster type, should be replaced or upgraded to provide 30 minutes fire resistance. This can be achieved by:

Removal and replacement of the existing ceiling with standard 12.5mm plasterboard & skim construction, or alternate product/construction providing 30 minutes fire resistance and subject to a satisfactory fire test report.

60 Minutes Resistance

The following forms of construction will provide 60 minutes Fire Resistance to ceilings

New Ceiling

The following boards when fixed to timber joists of minimum size 150mm x 50mm at max. 600mm centres with no infill and plain edged floorboards will provide 60 minutes fire protection.

- 2 x 15mm (or 12.5mm + 19mm) **Gypsum Wallboard** fixed with 50mm (1st layer) and 65mm (2nd layer) galvanised nails to every timber support at 150mm centres. Timber support includes the joists and minimum 38mm x 38mm noggins to span between the joists to support the board edges. The joints are to be staggered, then taped and filled or surface scrimmed and skimmed. The plain edge floorboards are to be overlaid with 3.2mm hardboard.
- 2 x 12.5 **Fire Resistant Gypsum Wallboard** fixed with 40mm (1st layer) and 50mm (2nd layer) galvanised nails to every timber support at 150mm centres. Timber support includes the joists and minimum 38mm x 38mm noggins to span between the joists to support the board edges. The joints to be staggered, then taped and filled or surface scrimmed and skimmed.
- 2 x 12mm Supalux, joints staggered, fixed with 63mm x No 8 screws at 300mm centres. Existing plain edge floorboard is to be overlaid with 4.8mm hardboard.

Existing ceilings

The following methods can be used to upgrade an existing (lath and plaster) ceiling made up of plain edge floorboards nailed to joists of minimum size of 150mm x 50mm at 600mm centres with no infill to provide a ceiling with 60 minutes fire resistance.

Ceilings can be upgraded in one of two ways: -

- By the provision of additional protection below the existing surface (i.e. room side)
- By the provision of additional protection above the existing ceiling i.e. within the floor space.

It is essential to ensure that if the existing ceiling is to be retained and upgraded, particularly if additional protection is to be provided within the floor space, that any gaps in the structure are properly sealed.

Protection below the Existing Ceiling

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

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

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

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

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

Protection above the existing ceiling

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

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

Take up, as necessary, the existing floorboards. Fix 2 x 75mm x 12mm Supalux strips to each side of the joists with 50mm x No 8 screws. Lay 12mm Supalux cut, to be a tight fit, between the joists on top of the strips. Superlux to be overlaid with 80mm x 20Kg/m³ Rockwool Rollbatts. Relay the floorboards. Overlay the floorboards with 4.8mm hardboard.

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

For guidance on achieving 1-hour fire resistance to suspend ceilings, advice should be sought from Hertfordshire Fire and Rescue Service or an officer working in the Local Authority department that deals with Private Sector Housing.

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

2.4 Fire Resisting Glazing in Walls and Partitions

For the purpose of this document glazing can be used to give periods of fire resistance of up to one hour, the actual fire resistance is determined by the nature and dimensions of the glass, the type of frame and method of securing the glass.

The limitations on the use of uninsulated fire-resisting glazing for Building Regulation purposes are described below and it should be noted in this case that uninsulated fire-resisting glazing is not permitted between residential/sleeping accommodation and a protected corridor or lobby.

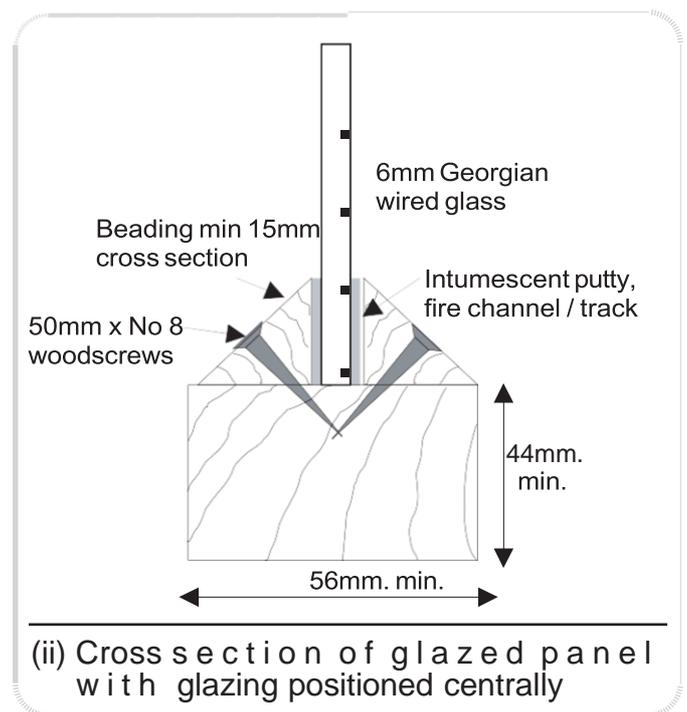
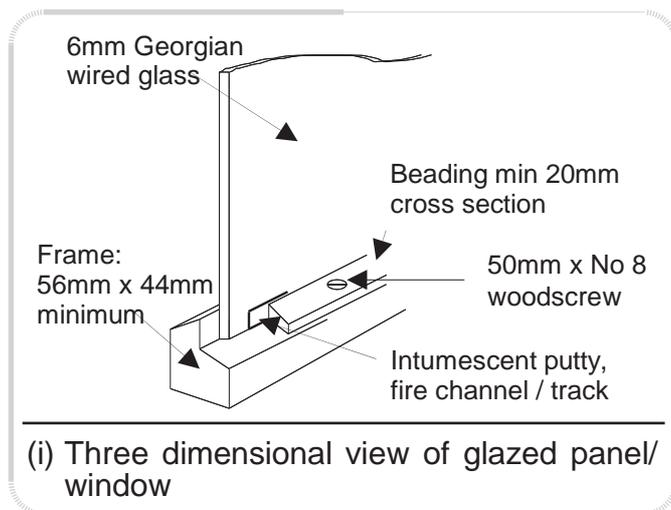
Wired glass should not be used in panes exceeding 1.2msq in area and should be 6mm thick for half hour fire resistance.

The design data for wired glazing in different frames is set out below and is applicable to glazed areas in walls and partitions.

The timber frame members and dividing bars should not be less than 56 mm deep and 44 mm wide with the rebate worked from the solid material. For the protection of timber beading intumescent paints have proved satisfactory.

See diagram 2 below for methods of fixing.

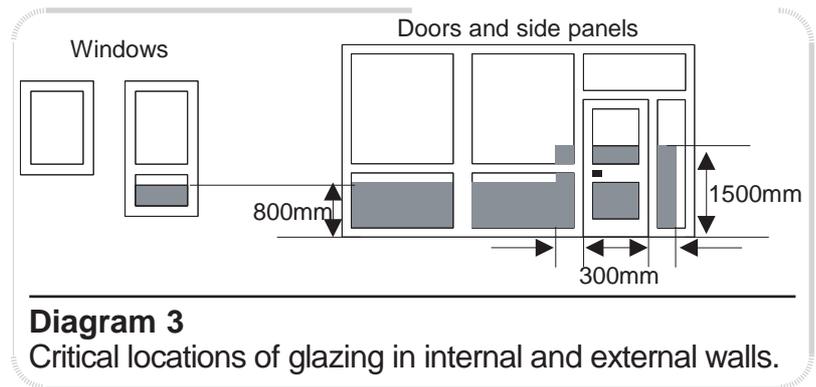
Method of fixing for Glazing in Walls and Partitions



Safety Glazing

Glazing in critical locations (i.e. where there is a danger of falling through or of lacerations) may need to meet both fire resistance and safety standards

i.e the use of fire resisting safety glazing complying with current British Standard 6206: 1981 (or equivalent). See Diagram 3 for critical locations of safety glazing.



2.5 Guidance on the Fitting of Fire Doors and Frames (30 Minutes fire Resistance)

Frames

Where new frames are provided the gap between the frame and wall should be infilled with suitable material to achieve 30 minutes fire resistance. The provision of architrave to cover gaps in this location will not provide the necessary fire resistance.

Doors

Failure of fire resisting doors is very often due to burn through at the gap between door leaf and door frame. The fit of the door to frame is therefore extremely important and the gap should be as small as practical allowing the door to close freely. In the case of fire doors fitted with heat (intumescent) and cold smoke seals (FD 30S) the gap should not exceed that stated by the seal manufacturer usually 3 to 4 mm maximum. Both seals shall be fitted along both vertical and top edges of the door.

- Doors should be hung on 1½ pairs (i.e. 3) x 100mm steel butt hinges.
- The positions for fitting seals in door leaves are shown in the diagrams below.
- Seals can be fitted in the frame and if so, they should align with the centre of the door leaf. Manufacturers' instructions should be adhered to when fitting seals.
- Smoke seals **MUST NOT** be painted over as this reduces their flexibility and effectiveness.
- Seals are not required to be fitted across the bottom of doors, but the threshold gap should not exceed 8mm.

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Ironmongery

- Voids around the locking mechanism must be kept to a minimum and filled with intumescent paste or be encapsulated with a proprietary intumescent product.
- All doors required for means of escape must be capable of being opened from the inside without the use of a key. (I.e. Yale type or thumb turn locks).
- The door stop of the frame should not be cut away to facilitate any lock or latch.
- The door must be fitted with a self-closing device capable of closing the door into the frame from any angle. Hydraulic overhead closers conforming to current British Standard 476 Part 22 (or equivalent), current British Standard 6459 (or equivalent) and current British Standard 8214 (or equivalent) are preferable as they are more efficient and reliable.

Note: Some overhead closers are not suitable for use on fire doors, so it is always best to check with the supplier or manufacturer before purchasing. Automatic closing devices and electromagnetic hold open devices will be considered as an alternative to the overhead or Perco type door closers where this is supported by a risk assessment.

Where concealed closers are allowed on fire doors it is recommended that these should be of the double chain hydraulically powered type.

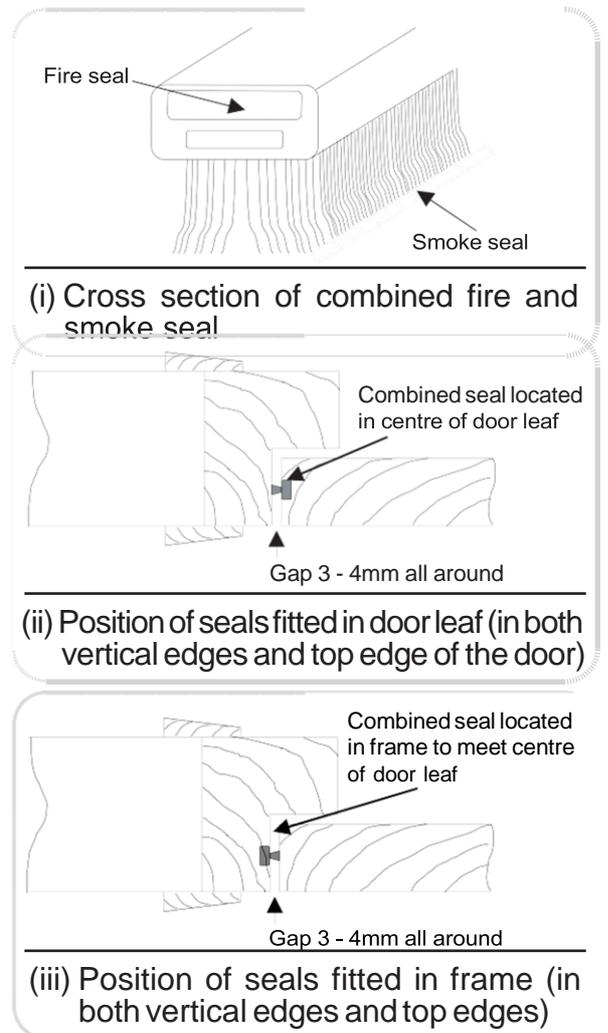


Diagram 1 Guidance on the fitting of combined fire and smoke seals.

Appendix 3 – Glossary

Some useful fire safety terms

AFD

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

Area of high fire risk

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

Back-up supply

See stand-by supply

Bedsit HMO

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

Circulation spaces

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

Competent person

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

Competent and registered engineer

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

FD30 / FD30S

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

Fire risk assessment

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

FRA

Fire and Rescue Authority.

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FSO

The Regulatory Reform (Fire Safety) Order 2005.

Final exit

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

Fire-resisting door

Complete construction of door, frame, all door hardware (and assemblies intumescent products and smoke seals where appropriate) which has been tested to prove its fire resistance performance to a particular standard. See FD30 above.

Fire test report

The documentation received from a testing house detailing a test carried out on a particular product or construction and the fire resistance performance achieved by the product/construction in that test.

First Tier Tribunal (Property Chamber)

The formal name given to a tribunal of two or three people set up by law under the provisions of the Rent Act 1977 and the Housing Act 2004. It is an independent decision-making body which is completely unconnected to the parties or any other public agency. The First Tier Tribunal is the tribunal which determines appeals against any enforcement actions taken under the Housing Act 2004.

Web link: [First-tier Tribunal \(Property Chamber\) - GOV.UK](#)

Flat in Multiple Occupation (FMO)

A self-contained flat occupied by persons who do not form a single household.

High fire risk

See , 'area of high fire risk' above.

HMO

House in multiple occupation, as defined in section 254 of the Housing Act 2004.

Intumescent strip

A strip of special material fitted around the edges of a fire door which swells to several times its original volume when subjected to heat. During a fire it will expand to fill the gap between the door and the frame providing a fire, heat and smoke resistant seal, thereby improving the door's fire resistance.

LHA

Local housing authority.

NICEIC

National Inspection Council for Electrical Installation Contracting.

Nuisance alarms

Alarms sounding in a system not caused by a genuine fire – may result from poor system design, occupier behaviour or a fault in the system.

Person having control

The person who receives the rack rent of the premises (whether on his own account or as an agent or trustee of another person) or would so receive it if the premises were let at a rack rent (Housing Act 2004, section 263).

Person managing

The person who, being an owner or lessee of the premises:

- (a) receives (whether directly or through an agent or trustee) rents or other payments from—
 - (i) in the case of a house in multiple occupation, persons who are in occupation as tenants or licensees of parts of the premises; and
 - (ii) in the case of a house to which part 3 applies (see Housing Act 2004 section 79(2)), persons who are in occupation as tenants or licensees of parts of the premises, or of the whole of the premises; or
- (b) would so receive those rents or other payments but for having entered into an arrangement (whether in pursuance of a court order or otherwise) with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rents or other payments; and includes, where those rents or other payments are received through another person as agent or trustee, that other person.

Pictogram

A diagram conveying a message without the use of words.

Place of ultimate safety

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

Plasterboard

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

Protected route

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

Relevant persons

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

Remote Control Switch

This is a remote box interlinked with a smoke or heat detector with “test” and hush” functions. The “test” function is to ensure the alarm is working. The “hush” function allows someone to silence a false alarm for a period of approximately ten minutes; if it is not a false alarm and products of combustion are detected, it will override the “hush” function. It can be wall-mounted in any convenient location. Installation must be in accordance with the manufacturer’s instructions.

Responsible person

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

Risk analysis

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

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Risk room

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

Room sealed appliance

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

Self-contained flats

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

Shared house

A shared house is a premises that is occupied by a group of like-minded individuals, under a single tenancy and all occupants of the premises have full control over the premises; therefore, they are not restricted in their movements. For example: a group of friends rent a premises as a house under one tenancy, there is no restrictions within the premises, so no locks on bedroom doors, the occupants of that premises can be akin to that of a single household.

Significant findings

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

Smoke seal/strip

A rubber or synthetic strip fitted around the edge of a fire door to restrict the passage of smoke between the door and the frame. Doors requiring a smoke seal have the letter 'S' after their performance time in minutes in their designation (for example FD30S). The smoke resistance of the door when fitted with the strip will have been tested to standards in BS476: part 31.1, 1983.

Soffit

Underside of staircase, balcony, architrave or arch.

Sound traditional construction

The house should be of sound conventional construction. In relation to partitions and ceilings an example of this would be 9mm plasterboard partitions or lath and plaster, where they are in good condition i.e. not cracked or blown.

Spandrel

A vertical partition enclosing a staircase (usually found on the ground floor enclosing a staircase to the basement, or in the basement enclosing a staircase to the ground floor).

Stand-by supply

Battery power to fire alarm or lighting systems which cuts in if mains power fails.

Storey

In this guidance, for the purposes of fire safety, when counting the number of storeys, the reader should count all floors from the level of the final exit to the topmost floor (include mezzanines as storeys). Where the final exit is located on the ground floor (or raised ground floor) any lower ground floor/basement/cellar should not be counted. Therefore, a house with a basement, ground and two upper floors with its entrance/final exit at ground floor level should be counted as a three- storey house. Note: this is a different convention to that in the HMO licensing definition (which counts cellars/basements) as this guidance is considering the distance of travel to the final exit as a factor in determining fire risk.

Suitably qualified Person

See 'competent person'.

Test report

See 'fire test report'.

Voids

Unused empty spaces within a building.

Vulnerable group

The HHSRS Operating Guidance defines a vulnerable group as “a range of people for whom the risk arising from a hazard is greater than for any other group in the population.” It is restricted to age groups; no other vulnerability is considered. The assessment of likelihood of an occurrence resulting in harm is assessed based on a member of this group living in the property. For the hazard of fire, the vulnerable group is persons over the age of 60. The vulnerable group is only used to assess the hazard – when it comes to enforcement decisions then the actual person living there is considered.

Where necessary

The Regulatory Reform (Fire Safety) Order 2005 requires that fire precautions should be provided (and maintained) “where necessary”. This means those which are needed to reasonably protect relevant persons from risks in case of fire. This will be determined by the findings of the risk assessment, including the preventative measures being taken. In practice, it is very unlikely that a properly conducted fire risk assessment, which takes into account all the matters relevant for the safety of persons in case of fire, will conclude that no fire precautions (including maintenance) are necessary

Appendix 4 – Blank Maintenance Logs and Fire Risk Assessment

Landlord Fire Precaution Records –

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

Fire Doors - must close completely from a 45⁰ angle when room windows closed, intumescent and smoke seals must be fitted correctly.

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

Fire alarm – routine testing of call points and detectors. An annual inspection by a competent electrician is required for BS 5839 Part 6 Grade A systems with a control panel. All false alarms shall also be recorded.

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

Fire Risk Assessment – A blank template of a fire risk assessment that can be used to assess your premises can be found in this appendix, together with a completed example.

Fire Precaution Records

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

May	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
June	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
July	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
August	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			

September	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
October	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
November	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			
December	Date Checked	Defects found	Actions Taken and date
Fire Doors			
Common Parts			
Fire Alarm			
Emergency Lights			
Other			
Signature of manager			

ANNUAL CHECKS - Certificates must be kept detailing findings and contact details for the contractor

	Date Checked & Company/Contractor details	Defects found	Actions Taken and date
Gas Safety			
Fire Alarm (Grade A system only)			
Electrical appliances			
Sprinkler System			

FIRE RISK ASSESSMENT

Regulatory Reform (Fire Safety) Order 2005

ESTABLISHMENT:	HMO/FMO		Assessor: (print)		Signature	
Address:			Responsible Person:		Date:	
			Building size/ description: (approx. area, no of exit staircases/ routes etc.)		Review date:	
What is the main method of fire detection:	People			No. of floors: (does this include basement or roof)		
	Smoke Alarms					
	Automatic					
Occupation:		Number:	Shared Facilities:	Number:	Has the premises been recently modified as a result of:	
The number of letting units:			Kitchen:		a) Building Control recommendations and/or	YES NO N/A
The number of households:			Living/Dining:		b) A schedule issued by Environmental Health: So that the premises is suitable as a HMO/FMO	YES NO N/A
The number of persons:			Plan attached:	YES/NO		
IDENTIFY FIRE HAZARDS						
Sources of Ignition			Sources of Fuel		Sources of Oxygen	
PEOPLE AT RISK						
People At Risk:	Residents		Known special requirements:		Mobility	
	Visitors				Visual	
	Contractors				Hearing	
					Language Issues	

1. MEANS OF ESCAPE AND ESCAPE TIMES				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Do escape routes lead in different directions to places of safety? (i.e. a place beyond the building in which a person is no longer in danger)	<ul style="list-style-type: none"> If there is only one means of escape (e.g. one staircase) people should be able to reach a final exit door, protected staircase/refuge, or point with more than one route within one minute. 			
When and how often are fire exit doors checked to ensure that they work properly and are free from obstruction? Who is responsible for this?	<ul style="list-style-type: none"> Fire exits immediately openable without use of a key. Electronic locks release on alarm activation. 			
What arrangements are made to ensure that fire doors close properly and have no damage?	<ul style="list-style-type: none"> Check weekly Ensure all fire doors are identifiable with signage and have self-closure fixed and in working order. Check automatic closing doors weekly and during alarm test 			
Are all gangways and escape routes free from obstruction?				
Are the floor surfaces on escape routes free from tripping and slipping hazards?				

2. FIRE DETECTION AND WARNING (Alerting building Occupants)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
What method of detecting a fire is in place? Automatic fire detection/alarm? Battery operated smoke detection? Other, please state.				
Is the automatic fire detection system in working order? Who is responsible for this?				
How do residents and visitors know what to do if a fire occurs or the alarm is raised?	<ul style="list-style-type: none"> • Provide Fire Action Plan notices and display them prominently • Review procedures with new/all residents at regular intervals 			
How do you ensure that the fire alarm is tested each week? Where is it recorded? Is each call point checked over time?	<ul style="list-style-type: none"> • Weekly call point test cycle so each is tested over time. 			
What arrangements are there for having heat and smoke detectors checked? Who is responsible for checking them and how often are they checked?	<ul style="list-style-type: none"> • Maintain and service regularly. • Ensure installed in 'high risk' areas and unoccupied areas e.g. basements etc. 			
What arrangements are there for having the complete alarm system serviced by a competent contractor? Who is responsible for this?				

3. SOURCES OF IGNITION (Check, inspect and control)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Do the premises have open fires?	<ul style="list-style-type: none"> Where are they located? How are they managed? What safety arrangements are there (e.g. guards) 			
Does the premise have <u>fixed</u> heaters and where are they? How are they managed and what safety arrangements are in place?	<ul style="list-style-type: none"> Keep away from combustibles Do not leave on when area unoccupied 			
Do the premises have any <u>portable</u> heaters? Where are they used and how are they managed? What safety arrangements are in place?	<ul style="list-style-type: none"> Turn off when not in use Ensure vents are clear Remove combustibles in area Portable appliance testing carried out annually 			
Smoking Policy	<ul style="list-style-type: none"> Smoking policy in force Specified area outside the building 			
What fire risks are there with cooking and kitchen use? How are these controlled?	<ul style="list-style-type: none"> Gas and electrical equipment maintained Fire blankets provided Portable firefighting extinguishers 			
What fire risks are there with regard to boilers? How are they managed?	<ul style="list-style-type: none"> Annual service 			
What fire risks are there with regard to the safe storage of cleaning materials? How are they managed?	<ul style="list-style-type: none"> Keep to a minimum? All flammables stored in appropriate store 			

Where can a fire start without being noticed straight away?	<ul style="list-style-type: none">• Are items of ignition stored in this area?			
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4. COMBUSTIBLE MATERIALS (Remove, reduce and control)

Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
How is waste storage, or other outside storage areas controlled for fire hazards?	<ul style="list-style-type: none"> Waste stored away from building in enclosed area and bins secured 			
Have flammable and combustible materials been identified and minimised where possible?				
Is the furniture upholstery made of fire resistant material?				
What provisions are made for ensuring the communal areas and escape corridors are kept clear of combustible materials at all times?				

5. STRUCTURAL FEATURES (Control fire spread)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Is the property of sound construction, with suitable fire resistance to the hall and landings?				
Are all doors used for means of escape purposes available for use and can doors be easily and immediately opened with a single form of fastening?				
Where on the premises are there holes in the ceiling? In partition walls around pipe work and cables? These must be filled to help prevent the spread of fire.	<ul style="list-style-type: none"> Has work taken place which may have made holes in walls or damaged any fire resistant wall/ceiling linings? E.g. new doors, glazed screens. 			

6. ELECTRICAL (maintenance)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
What arrangements are there for the regular testing of portable electrical equipment (i.e. equipment with plugs)	<ul style="list-style-type: none"> Annual portable appliance testing by competent person. 			
What arrangement is there for the fixed wire testing? (At least every 5 years)	<ul style="list-style-type: none"> Rolling programme of works Records 			

7. SIGNAGE / LIGHTING				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Is there adequate signage in place?	<ul style="list-style-type: none"> Are all fire signs conspicuous (not covered or painted over etc.)? 			
What arrangements are there for checking the emergency lighting? (if provided)	<ul style="list-style-type: none"> Check operation of emergency lighting units at least monthly. Ensure record of check made in fire logbook. A competent engineer should test emergency lighting system twice a year. Ensure record of test made in fire logbook. Check operation of emergency lighting units at least monthly. Ensure record of check made in fire logbook. A competent engineer should test emergency lighting system twice a year. Ensure record of test made in fire logbook. 			
Are all fire escape routes adequately lit?	<ul style="list-style-type: none"> All escape routes should be sufficiently lit for people to see their way out safety. Emergency escape lights may be needed if areas are without natural daylight or are used at night. All escape routes should be sufficiently lit for people to see their way out safety. Emergency escape lights may be needed if areas are without natural daylight or are used at night. Check the relevant areas with the lights off to see if there is sufficient light from other sources (e.g. streetlights or unaffected lighting circuits). If lighting is insufficient emergency lighting should be provided. 			

	<ul style="list-style-type: none">• Emergency lighting should function not only in a complete failure of normal lighting, but also on a localised failure that would present a hazard.• Emergency lighting should cover escape routes and be sited to cover specific areas. E.g. intersections of corridors, each exit door, flights of stairs, near fire alarm call points, fire exit signs, and changes in floor level, near firefighting equipment, outside each final exit lift cars.			
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8. FIRE FIGHTING EQUIPMENT (Sufficient & appropriate, check and inspect)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
<p>Is there sufficient firefighting equipment of the correct type?</p> <p>Is there at least one extinguisher placed for each 200 metres of floor space?</p> <p>(Minimum of 2 per floor unless it is an upper floor less than 100m²)</p>	<ul style="list-style-type: none"> • Ensure extinguishers are appropriate at local risk • Ensure extinguishers are fixed near exit doors and at appropriate heights (handle of large extinguisher – approx. 1 metre from floor. Handle of small hand held extinguisher – approx. 1.5 metres from floor. • Ensure that fire extinguishers are conspicuous (not blocked or obscured). Directional arrows and firefighting equipment signs must be displayed where equipment is hidden from direct view (e.g. hose reel in cupboard, extinguisher in an alcove). • Ensure there are notices and/or instructions indicating the correct use of extinguishers. 			
<p>How often and by whom is the fire equipment checked?</p>	<ul style="list-style-type: none"> • Are weekly inspections of extinguishers carried out? Record inspections (safety clip, indication of use of devices, external corrosion and dents. • Check extinguishers are inspected annually by a competent engineer. Check for record in fire log book. 			
<p>Are there fire blankets provided in the kitchen(s)?</p>	<ul style="list-style-type: none"> • Light duty blankets – small fires in containers for cooking oils or fats and fires involving clothing. 			

9. PLANNING FOR AN EMERGENCY (coordinating evacuation)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Is there an emergency plan in place?	<ul style="list-style-type: none"> Ensure there is a plan for raising the alarm, calling the Fire & Rescue Service and assembly point locations. Ensure fire action notices are in place and up to date. In general fire action notices should be posted next to all fire alarm call points. Is the plan understood by residents whose first language is not English? 			
Are all your residents reasonably mobile?	<ul style="list-style-type: none"> Are there suitable procedures in place for the evacuation of disabled persons? 			
ADDITIONAL COMMENTS & OBSERVATIONS: (include any additional issues identified and actions that require implementation)				
Signature: (Print) _____		Date: Next Review Date:		

10. FLOOR PLAN

11. ACTION PLAN following review

Date:

Reviewed by:

New hazards and/or risks identified	Recommended control measures	Date	Action and by whom	Date completed & signature

FIRE RISK ASSESSMENT

Regulatory Reform (Fire Safety) Order 2005

ESTABLISHMENT:	HMO/FMO	Assessor: (print)	S Jones	Signature	S Jones
Address:	19 Ash Tree Lane Anytown Hertfordshire	Responsible Person:	John Smith	Date:	10 th January 15
		Building size/ description: (approx. area, no of exit staircases/ routes etc.)	2 storey building with converted rooms to allow separate accommodation	Review date:	January 2016
What is the main method of fire detection:	People				No. of floors: (does this include basement or roof)
Smoke Alarms	✓				
Automatic					
Occupation:	Number:	Shared Facilities:	Number:	Has the premises been recently modified as a result of:	
The number of letting units:	3	Kitchen:	1	a) Building Control recommendations and/or	YES <input type="radio"/> NO <input checked="" type="radio"/> N/A
The number of households:	1	Living/Dining:	1	b) A schedule issued by Environmental Health: So that the premises is suitable as a HMO/FMO	YES <input type="radio"/> NO <input checked="" type="radio"/> N/A
The number of persons:	Max 6.	Plan attached:	YES /NO		
IDENTIFY FIRE HAZARDS					
Sources of Ignition		Sources of Fuel		Sources of Oxygen	
Gas cooker and gas appliances Electrical appliances throughout building Smoking materials		Furnishing materials and personal belongings Cleaning products		Normal environmental conditions	
PEOPLE AT RISK					
People At Risk:	Residents	6	Known special requirements:	Mobility	0
	Visitors	Any		Visual	1
	Contractors	Any		Hearing	1
				Language Issues	0

1. MEANS OF ESCAPE AND ESCAPE TIMES				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Do escape routes lead in different directions to places of safety? (i.e. a place beyond the building in which a person is no longer in danger)	<ul style="list-style-type: none"> If there is only one means of escape (e.g. one staircase) people should be able to reach a final exit door, protected staircase/refuge, or point with more than one route within one minute. 	Yes	Ensure staircase/exits are kept free from any obstructions. No storage anywhere within defined exit routes	Ongoing
When and how often are fire exit doors checked to ensure that they work properly and are free from obstruction? Who is responsible for this?	<ul style="list-style-type: none"> Fire exits immediately openable without use of a key. Electronic locks release on alarm activation. 	Yes	As above All persons are responsible to ensure correct operation of means of escape. Notification to landlord of any deficiencies	Ongoing
What arrangements are made to ensure that fire doors close properly and have no damage?	<ul style="list-style-type: none"> Check weekly Ensure all fire doors are identifiable with signage and have self-closure fixed and in working order. Check automatic closing doors weekly and during alarm test 	Yes	Notification to landlord of any deficiencies	Weekly
Are all gangways and escape routes free from obstruction?		Yes	Ensure staircase/exits are kept free from any obstructions. No storage anywhere within defined exit routes	Ongoing
Are the floor surfaces on escape routes free from tripping and slipping hazards?		No	Repair to flooring on first floor	Contractor due before 20 th August 2015

2. FIRE DETECTION AND WARNING (Alerting building Occupants)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
What method of detecting a fire is in place? Automatic fire detection/alarm? Battery operated smoke detection? Other, please state.	Smoke detection in common areas of the building and within sleeping areas Call points through building	Yes	System to be maintained at regular intervals. All activations to be noted in Log book	System test annually by competent persons
Is the automatic fire detection system in working order? Who is responsible for this?		Yes	Test system at different points throughout the building	Alarm tested weekly with results of test recorded in log book. Designated occupant
How do residents and visitors know what to do if a fire occurs or the alarm is raised?	Provide Fire Action Plan notices and display them prominently Review procedures with new/all residents at regular intervals	No	Obtain notices and display correctly Inform residents	As soon as practicable 6 monthly review of procedures
How do you ensure that the fire alarm is tested each week? Where is it recorded? Is each call point checked over time?	<ul style="list-style-type: none"> Weekly call point test cycle so each is tested over time. 	Yes	Designated occupant	6 monthly
What arrangements are there for having heat and smoke detectors checked? Who is responsible for checking them and how often are they checked?	<ul style="list-style-type: none"> Maintain and service regularly. Ensure installed in 'high risk' areas and unoccupied areas e.g. basements etc. 	Yes	Competent persons	System checked when annual service is carried out annually. Landlord to arrange

What arrangements are there for having the complete alarm system serviced by a competent contractor? Who is responsible for this?		Yes	Competent persons	System checked when annual service is carried out Landlord to arrange
3. SOURCES OF IGNITION (Check, inspect and control)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Do the premises have open fires?	<ul style="list-style-type: none"> Where are they located? How are they managed? What safety arrangements are there (e.g. guards) 	No		N/A
Does the premise have <u>fixed</u> heaters and where are they? How are they managed and what safety arrangements are in place?	<ul style="list-style-type: none"> Keep away from combustibles Do not leave on when area unoccupied 	No	Enclosed heating system maintained annually by competent person. Certificate of compliance issued and held in relevant documentation folder.	Annually
Do the premises have any <u>portable</u> heaters? Where are they used and how are they managed? What safety arrangements are in place?	<ul style="list-style-type: none"> Turn off when not in use Ensure vents are clear Remove combustibles in area Portable appliance testing carried out annually 	Yes	Reduce operation of heaters. Educate occupants with regard to dangers PAT test	At 6 Monthly fire review educate about heater use
Smoking Policy	<ul style="list-style-type: none"> Smoking policy in force Specified area outside the building 	No	Instate smoking policy	As soon as practicable
What fire risks are there with cooking and kitchen use? How are these controlled?	<ul style="list-style-type: none"> Gas and electrical equipment maintained Fire blankets provided Portable firefighting extinguishers 	Yes	Ensure that cooking is not left unattended	Ongoing

What fire risks are there with regard to boilers? How are they managed?	<ul style="list-style-type: none"> Annual service 	Yes		Annually
What fire risks are there with regard to the safe storage of cleaning materials? How are they managed?	<ul style="list-style-type: none"> Keep to a minimum? All flammables stored in appropriate store 	Yes	Ensure quantity of materials is kept to a minimum and they are kept away from any potential ignition source	Ongoing
Where can a fire start without being noticed straight away?	<ul style="list-style-type: none"> Are items of ignition stored in this area? 	No		N/A
4. COMBUSTIBLE MATERIALS (Remove, reduce and control)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
How is waste storage, or other outside storage areas controlled for fire hazards?	<ul style="list-style-type: none"> Waste stored away from building in enclosed area and bins secured 	Yes	Designated refuse area away from main building. Area to be kept clear and free from rubbish	Ongoing
Have flammable and combustible materials been identified and minimised where possible?		Yes	Flammable materials to be kept away from areas of combustible materials	Ongoing
Is the furniture upholstery made of fire resistant material?		Yes	All furniture has the correct markings to ensure fire retardant capabilities	Annually or at time of purchase
What provisions are made for ensuring the communal areas and escape corridors are kept clear of combustible materials at all times?		Yes	No storage of any items or combustible materials within designated escape routes	Ongoing

5. STRUCTURAL FEATURES (Control fire spread)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Is the property of sound construction, with suitable fire resistance to the hall and landings?		Yes	Regular maintenance of property to attend to defects Maintenance contract	When required
Are all doors used for means of escape purposes available for use and can doors be easily and immediately opened with a single form of fastening?		Yes	Any defects to be reported to the Landlord	When required
Where on the premises are there holes in the ceiling? In partition walls around pipe work and cables? These must be filled to help prevent the spread of fire.	<ul style="list-style-type: none"> Has work taken place which may have made holes in walls or damaged any fire resistant wall/ceiling linings? E.g. new doors, glazed screens. 	Yes	Landlord to ensure that contractors 'make good' with suitable fire resisting materials around areas where services pass through fire protected areas	ASAP whit existing holes Whenever
6. ELECTRICAL (maintenance)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
What arrangements are there for the regular testing of portable electrical equipment (i.e. equipment with plugs)	<ul style="list-style-type: none"> Annual portable appliance testing by competent person. 	Yes	All portable electrical appliances to comply with current electrical regulations.	2 years
	<ul style="list-style-type: none"> 			

What arrangement is there for the fixed wire testing? (At least every 5 years)	<ul style="list-style-type: none"> Rolling programme of works Records 	No	Competent electrician to carry out full installation test.	5 years
7. SIGNAGE / LIGHTING				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Is there adequate signage in place?	<ul style="list-style-type: none"> Are all fire signs conspicuous (not covered or painted over etc.)? 	Yes		Annually
What arrangements are there for checking the emergency lighting? (if provided)	<ul style="list-style-type: none"> Check operation of emergency lighting units at least monthly. Ensure record of check made in fire logbook. A competent engineer should test emergency lighting system twice a year. Ensure record of test made in fire logbook. Check operation of emergency lighting units at least monthly. Ensure record of check made in fire logbook. A competent engineer should test emergency lighting system twice a year. Ensure record of test made in fire logbook. 	Yes	<p>Weekly test of emergency lighting system with results recorded in log book</p> <p>Any defects to be directed to the Landlord for action</p>	<p>Weekly</p> <p>Annually</p>

<p>Are all fire escape routes adequately lit</p>	<ul style="list-style-type: none"> • All escape routes should be sufficiently lit for people to see their way out safety. Emergency escape lights may be needed if areas are without natural daylight or are used at night. • All escape routes should be sufficiently lit for people to see their way out safety. Emergency escape lights may be needed if areas are without natural daylight or are used at night. • Check the relevant areas with the lights off to see if there is sufficient light from other sources (e.g. streetlights or unaffected lighting circuits). If lighting is insufficient emergency lighting should be provided • Emergency lighting should function not only in a complete failure of normal lighting, but also on a localised failure that would present a hazard. • Emergency lighting should cover escape routes and be sited to cover specific areas. E.g. intersections of corridors, each exit door, flights of stairs, near fire alarm call points, fire exit signs, and changes in floor level, near firefighting equipment, outside each final exit lift cars. 	<p>Yes</p>	<p>Ensure that at time of test the emergency lighting is adequate in and around the escape routes within the building.</p> <p>Tests to be carried out when emergency lighting would be most effective i.e. during periods of darkness</p>	<p>Plan to be implemented</p>
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8. FIRE FIGHTING EQUIPMENT (Sufficient & appropriate, check and inspect)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
<p>Is there sufficient firefighting equipment of the correct type?</p> <p>Is there at least one extinguisher placed for each 200 metres of floor space?</p> <p>(Minimum of 2 per floor unless it is an upper floor less than 100m²)</p>	<ul style="list-style-type: none"> • Ensure extinguishers are appropriate at local risk • Ensure extinguishers are fixed near exit doors and at appropriate heights (handle of large extinguisher – approx. 1 metre from floor. Handle of small hand held extinguisher – approx. 1.5 metres from floor. • Ensure that fire extinguishers are conspicuous (not blocked or obscured). Directional arrows and firefighting equipment signs must be displayed where equipment is hidden from direct view (e.g. hose reel in cupboard, extinguisher in an alcove). • Ensure there are notices and/or instructions indicating the correct use of extinguishers. 	Yes	Testing by competent persons	Annually
How often and by whom is the fire equipment checked?	<ul style="list-style-type: none"> • Are weekly inspections of extinguishers carried out? Record inspections (safety clip, indication of use of devices, external corrosion and dents. • Check extinguishers are inspected annually by a competent engineer. Check for record in fire log book. 	Yes	Testing by competent persons	Annually
Are there fire blankets provided in the kitchen(s)?	<ul style="list-style-type: none"> • Light duty blankets – small fires in containers for cooking oils or fats and fires involving clothing. 	Yes	Ensure blanket is available and is suitable for use	Annually

9. PLANNING FOR AN EMERGENCY (coordinating evacuation)				
Fire Safety (the issues)	Recommended control measures	Yes / No / NA	Recommended Action and Comments (by whom)	When (incl. review date)
Is there an emergency plan in place?	<ul style="list-style-type: none"> Ensure there is a plan for raising the alarm, calling the Fire & Rescue Service and assembly point locations. Ensure fire action notices are in place and up to date. In general fire action notices should be posted next to all fire alarm call points. Is the plan understood by residents whose first language is not English? 	Yes	Regularly review the emergency plan and make note of any significant findings	Annually, or when significant changes require a review of procedures
Are all your residents reasonably mobile?	<ul style="list-style-type: none"> Are there suitable procedures in place for the evacuation of disabled persons? 	N/A	N/A	
ADDITIONAL COMMENTS & OBSERVATIONS: (include any additional issues identified and actions that require implementation)				
Signature:  Date: 10th January 2015 (Print) <u>S JONES</u> Next Review Date: January 2016				

10. FLOOR PLAN

11. ACTION PLAN following review**Date:****Reviewed by:**

New hazards and/or risks identified	Recommended control measures	Date	Action and by whom	Date completed & signature

APPENDIX C Minimum space standards

C1 National standards

C1.1 The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 specify the following absolute minimum space requirements for HMOs that require a licence:

- 4.64m² for a child under 19 years old
- 6.51m² for one person over 10 years old
- 10.22m² for two persons over 19 years old

C2 Local standards

C2.1 Section 3.11.3 of this policy refers to minimum space standards.

C2.2 Whilst the legal minimum national standard is 6.51m² for a single adult, the Council's local standards at Appendix A aims to achieve a minimum of 8m².

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APPENDIX D Standard licence conditions

D1 Tenancy Management

D1.1 The maximum occupancy for the property is detailed within the table below:

Table of occupation			
Letting	Location	Area of letting (m2)	Maximum occupiers

D1.2 The licence holder/manager is prohibited from allowing a new resident to occupy the property and/or parts of the property if:

- that occupation exceeds the maximum number of permitted occupiers or households in the property or,
- that occupation exceeds the maximum number permitted for any unit of accommodation listed above.

A 'new resident' is a person not in occupation at the date the licence is issued including a baby or child.

D1.3 The licence holder shall ensure that the name, address, email and telephone number of the person responsible for managing the property is displayed in a prominent position in the common parts of the property. A 24-hour emergency telephone number should be provided and details of how to report any disrepair issues.

D1.4 The licence holder shall ensure that a copy of the licence and licence conditions are displayed in a prominent position in the common parts of the property. The Electrical Installation Certificate and Gas Safety Certificate must be displayed in a prominent position within the common parts of the property.

D1.5 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair and emergency issues. Copies of the written statement of terms must be provided to the Council within 21 days on request.

D1.6 The licence holder shall take all reasonable and practicable steps to prevent or reduce antisocial behaviour by persons occupying or visiting the house. All complaints of anti-social behaviour by occupants or their visitors shall be investigated and appropriate actions taken.

D1.7 The licence holder and his representatives will ensure that the tenant's right to quiet enjoyment of the property is respected. Where entry is required to the property for the purpose of undertaking landlord duties and responsibilities within the separate lettings, the licence holder will ensure that the tenant receives at least 24 hours written notice of intention specifying the reason entry is required. Only in emergency situations such as flood,

fire, or imminent risk should these requirements be waived. Access to the communal areas by the Landlord or Agent does not require notification.

- D1.8 The licence holder must ensure that any persons involved with the management of the property must be a fit and proper person as per the definition under section 89 of the Housing Act 2004. The Licence Holder or their Managing Agent must inform the Council within 21 days of any changes in their circumstances as a result of a conviction, or caution or civil penalty.

D2 Property Management

- D2.1 The licence holder shall ensure that regular inspections of the property are carried out to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. Copies of these must be provided to the Council within 21 days on request.
- D2.2 The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times.
- D2.3 The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. Copies of the certificate must be provided to the Council within 21 days on request.
- D2.4 The licence holder must have a current Electrical Installation Condition Report (EICR) for the fixed electrical installation in the parts of the property under their control. Any report should be less than five years old and copies must be provided to the Council within 21 days on request.
- D2.5 The licence holder shall ensure that all electrical appliances provided by the landlord in the property are in a safe condition. The licence holder must have completed a Portable Appliance Test (PAT) report for all electrical appliances that are supplied by the landlord.
- D2.6 All upholstered furniture and covers and fillings of cushions and pillows should comply with the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). The licence holder shall provide a declaration as to the compliance of such items to the Council within 21 days on request.
- D2.7 The licence holder shall maintain all existing automatic fire detection systems and emergency lighting including smoke alarms in proper working order. The licence holder shall ensure the following tests are recorded:
- Fire alarm system - WEEKLY (in accordance with British Standard 5839)
 - Emergency lighting system - MONTHLY (in accordance with British Standard 5266)
 - Fire extinguishers - ANNUALLY (in accordance with British Standard 5306)
 - Fire doors - MONTHLY

In addition to the above annual servicing of the fire alarm and detection system (BS5266 test report) and, if applicable, emergency lighting (BS5839 test report) must be completed. Copies of the certificate must be provided to the Council within 21 days on request.

- D2.8 The licence holder must install a smoke alarm on each storey of the house on which there is a room used wholly or partly as living accommodation. The smoke alarms must be kept in proper working order at all times and the licence holder must supply the Council with a declaration as to the alarms' positioning and condition upon request.
- D2.9 The licence holder must install a carbon monoxide alarm in any room, which is used wholly or partly as living accommodation, containing a solid fuel burning appliance (e.g., a coal fire, wood burning stove etc.) or a boiler. The alarms must be kept in proper working order at all times and the licence holder must supply the Council with a declaration as to the alarms' positioning and condition upon request.
- D2.10 The licence holder must ensure the property is suitable for the number of occupants. In order to comply the property must have the correct number of:
- washing and WC facilities
 - kitchen facilities
 - suitable heating and fire precautions.

If there are any deficiencies these will be listed below.

You are required to complete this work no later than: XXX

- D2.11 The licence holder shall ensure that there are suitable containers/bins provided for household recycling and rubbish which are sufficient for the number of occupants within the property in accordance with North Hertfordshire District Council current recycling scheme. All recycling and rubbish containers must be provided within a dedicated and appropriate storage area.

D3 General

- D3.1 The licence holder shall arrange for access to be granted at any reasonable time and must not obstruct any Council Officer(s) carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- D3.2 This licence only applies to the property named and is not transferable to another property or person.
- D3.3 The licence lasts for a period of 5 years from the date the licence was granted unless any of the following apply:
- the Licence Holder dies whilst the licence is in force.
On the death of the Licence Holder the house shall be treated as if a Temporary Exemption Notice had been served for a period of 3 months.
 - the licence is revoked under section 70 of the Housing Act 2004.
 - the licence will continue to be in force even if the property ceases to be a licensable House in Multiple Occupation unless the Licence Holder dies, or the licence is revoked.
- D3.4 The licence holder shall, if required, by written notice within 21 days provide the Council with following particulars as may be specified in the notice with respect to the occupancy of

the house:

- the names and numbers of individuals/households accommodated specifying the rooms they occupy within the property
- number of individuals in each household.
- the licence holder shall inform the Council of any change in ownership or management of the house including a change in addresses and contact telephone number
- an appointment of a manager, their address and contact number

D3.5 The licence holder must advise the Council's Licensing Team in writing of any proposed changes to the construction, layout, or amenity provision of the house that would affect the licence or licence conditions.

D3.6 The licence holder shall ensure that all outbuildings, yards and gardens are maintained in good repair, clean condition and good order. All boundary walls and fences must be kept and maintained in good and safe repair.

LICENSING AND REGULATION COMMITTEE
7 February 2023

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LICENSING SERVICE ANNUAL REPORT 2021 -2022

REPORT OF: THE LICENSING AND COMMUNITY SAFETY MANAGER

EXECUTIVE MEMBER: HOUSING AND ENVIRONMENTAL HEALTH

COUNCIL PRIORITIES: PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

The purpose of this report is to provide the Licensing and Regulation Committee with a summary of the work undertaken by the licensing service over the previous twelve months, an update on existing projects and an overview of future proposals.

2. RECOMMENDATIONS

2.1. That the Committee be recommended to:

- (a) Review the Annual Report and comment on its content
- (b) Note the Annual Report

3. REASONS FOR RECOMMENDATIONS

3.1. Section 8.2.3 of the Council Constitution requires the Full Committee to meet at least twice per civic year and section 8.2.3 (d) requires the Committee '*to receive an annual report on licensing activities including performance information*'.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 No alternative options were considered as the annual report is required by the Constitution and is reporting past activity.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 No consultation was necessary as the Committee are not being asked to make a decision.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. At the meeting of the Committee on Tuesday 28 November 2017, the licensing manager presented an oral update on various licensing matters.
- 7.2 Following discussion, Members indicated that they found the oral update beneficial and would like to receive further updates. The licensing manager suggested that a formal annual report could be introduced to support this request to allow the Committee to discuss and comment on the service's work.
- 7.3 The Constitution was subsequently amended to incorporate the presentation of an Annual Report to the Committee.

8. RELEVANT CONSIDERATIONS

- 8.1. The Annual Licensing Report covers the same reporting period as the previous years, 1 October to 30 September, in order that a direct comparison with the previous years' statistics can be made.
- 8.2 The Committee are requested to discuss the content of the report and highlight any areas of concern that they wish the licensing team to address.
- 8.3 The Committee can also provide officers with any suggestions for future proposals.

9. LEGAL IMPLICATIONS

- 9.1. As the Committee is not being asked to make a decision, there are no specific legal implications relating to this report other than the reference to the Council Constitution in paragraph 3.1 above.

10. FINANCIAL IMPLICATIONS

- 10.1 As the Committee is not being asked to make a decision, there are no financial implications arising from this report.

11. RISK IMPLICATIONS

- 11.1 As the Committee is not being asked to make a decision, there are no risk implications arising from this report.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. As the Committee is not being asked to make a decision, there are no equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. As the Committee is not being asked to make a decision, there are no environmental impacts or requirements arising from this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 As the Committee is not being asked to make a decision, there are no human resource implications arising from this report.

16. APPENDICES

16.1 Appendix A Annual Licensing Report 2021 - 2022

17. CONTACT OFFICERS

17.1 Steve Cobb, Licensing and Community Safety Manager
steven.cobb@north-herts.gov.uk; ext. 4833

18. BACKGROUND PAPERS

18.1 None

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Annual Licensing Report

1 October 2021 to 30 September 2022

1.	Executive summary	p2
2.	Overview of the service	p2 – p6
3.	Inspections	p6
4.	Applications	p7 – p8
5.	Licences	p8 – p9
6.	Miscellaneous service requests	p9 – p10
7.	Channel shift	p10 – p11
8.	Licensing hearings	p11 – p12
9.	Licensing fees	p12 – p13
10.	Policy work	p13 – p14
11.	Project updates	p14 – p16
12.	Team development	p16 – p17
13.	Future proposals	p17 – p19
14.	Future legislative changes	p19 – p21

1. EXECUTIVE SUMMARY

1.1 The purpose of this report is to give the Licensing and Regulation Committee:

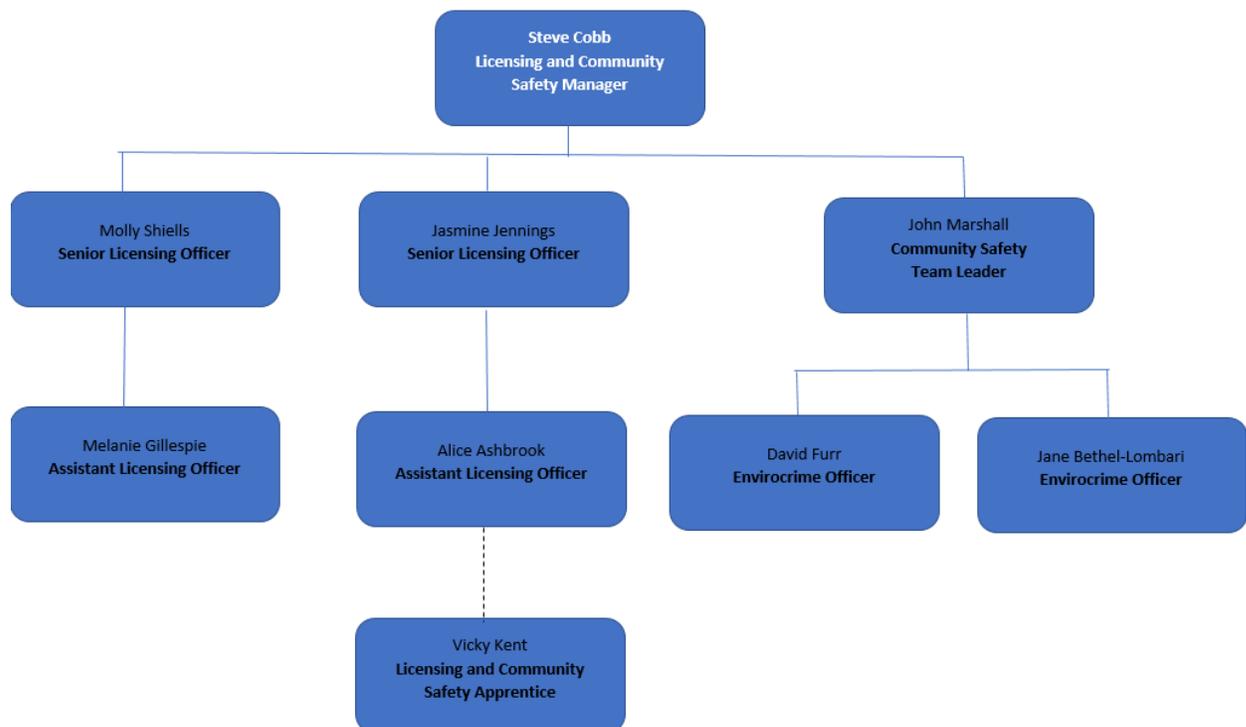
- an overview of the work undertaken by the licensing service over the preceding twelve months
- an update on existing projects and policies
- an overview of future proposals

1.2 The period covered by the report is 1 October 2021 to 30 September 2022.

2. OVERVIEW OF THE SERVICE

2.1 From 1 November 2022, the licensing service formally combined with the community safety service. This arrangement had been temporarily in place from 1 June 2022 following the resignation of the community protection manager resulting in transitional arrangements pending a formal restructure consultation.

2.2 During the transitional arrangements, the following structure was trialled and formally adopted following the restructure consultation. The new structure delegates additional responsibilities to the senior licensing officers to allow the licensing and community safety manager to oversee both service areas.



2.3 From 1 April 2022, the licensing service took over the responsibility for the licensing of houses of multiple occupancy (HMOs), caravan and camping sites, and skin piercers which had previously been undertaken by the environmental health service.

2.4 Unfortunately, due to a lack of resources within the environmental health service, coupled with the demands placed on the service by the pandemic, the inherited licences posed several problems for the licensing service. Inspections were outstanding, annual fee

invoicing was outstanding, policies were missing, and the licensing service needed significant upskilling to carry out the new responsibilities.

- 2.5 The ongoing resourcing problem within the environmental health service meant that initially the support needed to upskill wasn't available, other than for skin piercing which transferred relatively seamlessly. Recent resource additions to the environmental health service have meant that the necessary support for upskilling is now present and the two services are working well together to facilitate a smooth handover and ensure an appropriate level of service is provided to our customers.
- 2.6 The new licensing responsibilities and the introduction of the new structure required for incorporating the community safety service into the team have had an impact on the ability of the service to progress some of the proposals identified in last year's report.
- 2.7 The team is assisted by officers in the Management Support Unit (MSU) who undertake a range of administrative functions for the service ranging from basic enquiries to the processing of low-risk applications. This assistance is a key component in being able to deliver an effective licensing service to our customers.
- 2.8 The licensing officer and assistant licensing officer posts are all career-graded to encourage staff development and assist with staff retention and service resilience.
- 2.9 All activities undertaken by the licensing service are in fulfilment of statutory duties placed on the Council.
- 2.10 The licensing of the use of council land is undertaken by the greenspace service manager.
- 2.11 The licensing service's main activities are the determination, issue and enforcement of licences/consents/permits relating to the following activities:

Alcohol, entertainment, and late-night refreshment

- 2.11.1 This includes:
- all sales of alcohol
 - performance of plays
 - exhibition of films
 - indoor sporting events
 - boxing and wrestling
 - performance of live music
 - playing of recorded music
 - performance of dance
 - sale of hot food/drink between the hours of 11pm and 5am
- 2.11.2 Examples of premises that fall within this regime are pubs, members clubs, cinemas, community halls, late night takeaway shops, theatres, off licences, supermarkets, boxing/wrestling venues, music concerts and outdoor music festivals.
- 2.11.3 Temporary event notices (TENs) also fall within this regime; they are temporary permissions to carry out any combination of the above licensable activities. They are most frequently used by premises that do not have a permanent premises licence, for example a school fete or PTA fundraiser. Additionally, permanent premises licence holders use them for temporary extensions to existing licenced hours.

- 2.11.4 TENs are a 'light touch approach' to licensing and are less restrictive than a permanent premises licence as conditions cannot be attached. For that reason, prescribed limits apply to the number of TENs per person and per premises each year and the audience capacity is restricted to 499 persons at any one time.

Gambling

- 2.11.5 Examples of premises that fall within this regime are betting shops, bingo halls, casinos, racing track betting, amusement arcades and poker clubs.
- 2.11.6 It also includes small society lotteries, raffles, and gaming machine permits (pubs, clubs, motorway service stations, etc.).

Taxis and private hire

- 2.11.7 This includes taxi (hackney carriage) and private hire drivers, private hire operators, taxis, and private hire vehicles.

Street trading

- 2.11.8 This covers the sale of goods in the street and any land open to the public without payment within the four main towns and adjacent to the main arterial routes.
- 2.11.9 It includes mobile vendors (such as burger vans, sandwich trucks or ice cream vans), markets (other than Charter or licensed local authority markets), car boot sales and temporary stalls.

Charitable collections

- 2.11.10 This covers collection of money in the street, or the collection of money or goods by going house to house, in the four main towns.
- 2.11.11 Examples of collections covered by this regime include charity collections, sale of goods for charitable purposes, clothing collection bags or flower sellers going from pub to pub on Valentine's Day.

Pavement Licences

- 2.11.12 To assist the recovery of business after the national lockdown and during continued restrictions, Government introduced a new temporary permission for tables and chairs outside of premises offering food and/or drink called a pavement licence.
- 2.11.13 These are administered by district and borough councils as a fast-track, cost effective method to assist businesses until 30 September 2022 and are an alternative to county council issued street café licences. Street café licences are still available and pavement licences will need to be replaced by street café licences when these temporary measures expire.
- 2.11.14 This was initially a temporary measure until 30 September 2021 however was subsequently extended by twelve months.
- 2.11.15 Government has subsequently extended this provision for a further twelve months until 30 September 2023 to allow parliamentary time to introduce new legislation formalising these temporary arrangements.

2.11.16 The new legislation will also introduce enforcement powers for district and borough councils, a power currently reserved for highways authorities only. It is unclear until the legislation has been finalised whether county council street café licences will be retained or whether pavement licences will be the only licence for this activity.

Animal establishments

2.11.17 This regime is targeted at ensuring the welfare of animals and covers premises such as kennels, catteries, home boarders, dog breeders, zoos, horse riding schools, pet shops, dangerous wild animals, dog day crèches and keeping/training of animals for the purpose of public performance/exhibition.

Sex establishments

2.11.18 This covers sex shops, sex cinemas or sexual entertainment venues (for example, lap dancing or pole dancing clubs).

Scrap metal dealers

2.11.19 This covers any site that:

- buys or sells scrap metal
- recovers salvageable parts from motor vehicles for re-use or sale
- buys written-off vehicles, repairs and resells them

2.11.20 It also includes mobile collectors that travel door-to-door collecting scrap metal.

Hypnotism

2.11.21 This includes all performances of hypnotism for the purpose of entertaining an audience.

Houses in multiple occupation (HMOs)

2.11.22 A property is an HMO if both the following apply:

- at least three tenants live there, forming more than one household
- toilet, bathroom, or kitchen facilities are shared

2.11.23 An HMO requires a licence if the property is rented as a shared house, flat, or bedsit if both the following apply:

- at least five tenants live there, forming more than one household
- toilet, bathroom, or kitchen facilities are shared

Park homes, caravan sites, and camp sites

2.11.24 The provision of land for mobile (park) homes, caravans, or camping in any moveable structure requires a licence from the local authority.

Skin piercing

2.11.25 Any person or business carrying out skin piercing activities must be registered with the local authority. The premises in which the activities are carried out must also be registered.

2.11.26 Skin piercing activities include, but are not limited to:

- acupuncture
- tattooing
- cosmetic piercing
- electrolysis
- semi-permanent skin colouring

2.11.27 Although this is only a registration scheme, local byelaws enforce standards of hygiene and safety.

3. INSPECTIONS

3.1 The licensing service undertakes a series of risk-based planned inspections to ensure licence compliance and minimise the risk to public safety. The number of inspections undertaken within the reporting period was:

INSPECTIONS					
	2017/18	2018/19	2019/20	2020/21	2021/22
Animal Inspection	21	39	25	2	10
Gambling Insp - Betting (other)	11	2	1	0	0
Licensed Premises (alcohol/entertainment/LN)	260	89	74	0	1
Private Hire Operator Insp	20	21	5	1	5
Skin Piercing	0	0	0	0	14
Scrap Metal Site	3	4	1	0	0
Sex Establishment	1	1	0	0	0
	316	156	106	3	30

3.2 Whilst a new inspection regime was outlined in last year's report to increase the number of inspections undertaken, additional workload and the need to upskill in new aspects of licensing have impacted on the number of inspections undertaken.

3.3 Next year's report will reflect the increased number of inspections undertaken through the new inspection program. Inspections will be targeted at premises on the basis of risk to the public, plus will include more proactive inspection visits with a view to reducing the need for reactive visits if problems arise.

3.4 The types of inspections introduced under the new inspection program and now logged on the licensing database include:

- any visit investigating a complaint
- programmed annual inspections for in perpetuity licences
- mandatory mid-term licence inspections for longer fixed term licences such as animal establishment licences
- out of hours inspections during peak operating hours
- joint inspections with other agencies, such as the police or fire
- ad hoc courtesy visits to taxi ranks where basic vehicle checks are undertaken
- ad hoc courtesy visits to licensed premises
- courtesy visits to new licence holders within the first few months of a new premises opening
- courtesy visits within the first few weeks of a business changing ownership when the licence is transferred

- courtesy visits to alcohol licensed premises when a new designated premises supervisor takes over the day-to-day management

4. APPLICATIONS

4.1 The number of applications processed during the reporting period was:

			2017/18	2018/19	2019/20	2020/21	2021/22		
Hackney Carriage and Private Hire	Dual Driver	Change of name or address	6	5	5	3	2		
		Upgrade to dual	7	12	3	6	5		
		Replacement licence	1	1	2	1	1		
		Replacement badge	1	1	0	0	0		
		New	2	3	2	0	2		
		Renewal	17	45	24	35	31		
				34	67	36	45	41	
	Hackney Carriage Driver	Change of name or address	6	4	4	7	5		
		Replacement licence	1	0	1	0	0		
		Replacement badge	1	0	0	0	0		
		Upgrade from PHD	0	3	0	0	1		
		Renewal	46	57	35	38	38		
		New	1	1	0	0	4		
				55	65	40	45	48	
	Hackney Carriage Vehicle	Change of name or address	13	4	4	6	6		
		Transfer of ownership	11	9	14	33	16		
		New	36	35	61	23	25		
		Renewal	199	209	220	262	251		
		Internal holder/badge	0	1	4	5	4		
		Replacement licence	12	2	0	2	2		
		Replacement plate	6	2	3	1	0		
		Temporary Vehicle	15	9	6	5	11		
					232	271	312	337	315
		Private Hire Driver	Change of name or address	5	6	5	4	2	
	Replacement badge		1	0	1	1	0		
	Replacement licence		0	1	1	0	1		
	Renewal		20	26	18	34	20		
	New		39	22	9	0	26		
	Upgrade to HCD		2	1	0	0	2		
				67	56	34	39	51	
	Private Hire Operator	Change of name or address	1	1	5	1	3		
		New	3	2	4	2	4		
		Renewal	6	2	6	0	3		
			10	5	15	3	10		
Private Hire Vehicle	Change of name or address	4	3	5	0	1			
	Transfer of ownership	1	2	2	2	8			
	New	29	29	24	6	18			
	Renewal	39	114	100	90	107			
	Internal holder/badge	0	1	0	2	2			
	Replacement licence	6	1	0	0	0			
	Replacement plate	4	2	2	1	3			
	Temporary Vehicle	2	1	4	0	2			
				145	153	137	101	141	
Animal Licensing	Animal Activity Licence	New	13	11	3	7	10		
		Amend a schedule of animals (no visit)	1	1	0	1	0		
		Renewal	28	28	12	13	17		
			42	40	15	21	27		
Scrap Metal	Site Licence	New	1	0	0	1	1		
		Renewal	0	0	2	2	2		
			1	0	2	2	2		
Gambling	Notification of 2 or less Gaming Machines	New	10	5	8	5	3		
		Variation	0	2	1	0	1		
		Replacement Licence	0	1	0	0	0		
	Licensed Premises Gaming Machine Permits	New	0	0	1	1	0		
		Transfer	0	1	0	0	0		
		Replacement Licence	0	1	0	5	0		
	Premises Licences	Transfer	0	1	0	1	0		
		New	30	38	20	17	22		
	Small Society Lotteries	Renewal	45	45	44	54	58		
New		75	83	64	71	80			
			85	83	74	83	84		

		2017/18		2018/19		2019/20		2020/21		2021/22						
Alcohol, Entertainment and Late Night Refreshment	Club Premises Certificate	Replacement licence	2		2		0		0		0					
		Minor variation	1	3	0	2	0	0	1	1	0	0				
	Film Classification	New	1	1	0	0	0	0	0	0	1	1				
		Late TEN	126		132		86		70		119					
	Temporary Event Notice	TEN	519	645	612	744	288	374	177	247	429	548				
		New	74		102		58		50		62					
	Personal Licence	Replacement licence	0		6		2		3		5					
		Change of name or address	29	103	23	131	14	74	27	80	33	100				
		New	20		32		21		25		29					
	Premises Licences	Change of name or address	8		8		5		15		8					
		Vary DPS	30		105		80		51		76					
		Transfer	32		28		26		12		17					
		Variation	11		3		6		4		5					
		Minor variation	20		10		10		7		10					
		Review	0		2		0		2		1					
		Interim authority notice	0		0		0		0		1					
		Replacement licence	5		10		3		3		4					
Notification of interest		2	188	0	204	1,081	0	151	539	2	121	449	3	154	803	
Charitable Collections	House to House	New	36		44		29		38		31					
	Street	New	45	81	81	37	81	81	34	63	63	16	54	54	28	59
Sex	Sex shop	Renewal	1	1	1	1	1	0	0	0	0	0	0	0	0	0
Houses of Multiple	HMO Licences	New	HMO licensing was transferred to the licensing service on 01/04/2022									0				
		Renewal	HMO licensing was transferred to the licensing service on 01/04/2022									1	1	1		
Mobile Home and Caravan Sites	Caravan site licences	New	Mobile home and caravan site licensing was transferred to the licensing service on 01/04/2022									0				
		Renewal	Mobile home and caravan site licensing was transferred to the licensing service on 01/04/2022									0	0	0		
Skin Piercing	Skin piercing registration	Premises	Skin piercing registration was transferred to the licensing service on 01/04/2022									18				
		Personal	Skin piercing registration was transferred to the licensing service on 01/04/2022									31				
		Variations	Skin piercing registration was transferred to the licensing service on 01/04/2022									2	51	51		
Street Trading	Street trading (Fixed Pitch)	New	3		4		4		5		2					
		Renewal	5	8	3	7	0	4	1	6	4	6				
	Street trading (Town Centre Consent)	New	2		1		0		2		1					
		Renewal	1	3	4	5	4	4	1	3	3	4				
	Street trading (Transient Trader)	New	1	1	1	1	0	0	0	0	0	0				
	Street trading (Special Event/Market)	New	0	0	0	0	1	1	0	0	0	0				
Pavement licences	New	0	0	12	0	0	13	6	6	15	28	28	37	32	32	42
TOTAL		1,765	TOTAL	1,937	TOTAL	1,342	TOTAL	1,216	TOTAL	1,675						

4.2 As the above figures demonstrate, the effect of the pandemic on the number of applications has been reversed. Indeed, it is encouraging to see an increase in the number of new businesses starting up in North Hertfordshire.

5. CURRENT LICENCES

5.1 As of 30 September 2022, the number of current licences issued by the licensing service was:

		TOTAL LICENCES (valid at 30/09/2022)				
		2017/18	2018/19	2019/20	2020/21	2021/22
Adult Gaming Centre Premises Licence			1	1	1	1
* Animal Boarding Establishment	12		n/a	n/a	n/a	n/a
* Dangerous Wild Animals	1		n/a	n/a	n/a	n/a
* Dog Breeding Establishment	1		n/a	n/a	n/a	n/a
* Dog Day Creche	1		n/a	n/a	n/a	n/a
* Home Boarding	18		n/a	n/a	n/a	n/a
* Pet Shop	4		n/a	n/a	n/a	n/a
* Riding Establishment	2		n/a	n/a	n/a	n/a
* Animal Activity Licence	0	39	39	35	32	36
Betting (Other) Premises Licence		19	18	12	12	11

Club Gaming Machine Permit	2	2	2	2	2
Club Gaming Permit	1	1	1	1	1
Club Premises Certificate	35	35	31	31	30
Dual Driver	102	97	92	85	80
Fast Track Club Gaming Machine Permit	9	9	9	9	9
Fast Track Club Gaming Permit	2	2	2	2	2
Hackney Carriage Driver	138	124	119	109	102
Hackney Carriage Vehicle	169	181	195	187	175
House to House Collection	39	31	28	11	24
Licensed Premises Gaming Machine Permit	14	14	15	16	16
Notification of 2 or less Gaming Machines	77	74	78	77	78
Pavement Licences [#]	0	0	6	24	20
Personal Licence	1521	1609	1654	1700	1764
Premises Licence	495	511	475	495	512
Private Hire Driver	147	133	110	82	80
Private Hire Operator	40	34	32	26	22
Private Hire Vehicle	109	98	86	72	85
Scrap Metal Dealer Site	4	4	4	4	5
Sex Shop	1	1	0	0	0
Small Society Lotteries	140	77	63	68	80
Street Collection	55	46	27	2	4
Street Trading (Fixed Pitch)	2	6	0	2	2
Street Trading (Town Centre Consent)	4	5	4	1	3
Street Trading (Special Event/Market Consent)	0	0	1	0	0
Unlicensed FEC Gaming Permit	1	1	1	1	1
Skin piercing: individual					113
Skin piercing: premises					73
Park Homes and Caravan Sites					10
Houses of Multiple Occupancy					41
	3166	3153	3083	3052	3382

* From September 2018, previous separate animal licensing legislation was repealed and replaced with a single licence under the Animal Welfare Act 2006

A new fast-track temporary measure to assist with Covid-19 recovery that has been extended until September 2023

5.2 In addition to these licences which, in most cases, are granted in perpetuity the licensing service also issued 548 temporary event notices which are specific to one off small-scale events during the period covered by this report.

5.3 The impact of the lockdown had a significant impact on the number of temporary event notices (TENs) as most community events were cancelled due to ongoing restrictions. It is encouraging to see that the number of TENs is now returning to pre-pandemic levels.

6. MISCELLANEOUS SERVICE REQUESTS

6.1 The licensing service receives a high number of service requests in writing and by telephone, most notably requests for advice on the need for, and the submission of, an application.

6.2 The high volume of telephone requests is not currently quantifiable as many are not recorded on the database if they can be resolved either at the time of the call or by a return telephone call or email. Those that require a more detailed response, or an investigation are logged as service requests.

6.3 With effect from 2021, customers were encouraged to submit service requests in writing to reduce the amount of telephone contact. The aim was to reduce the number of telephone calls attempting to contact a customer which were often unsuccessful at the first attempt and reduce the number of calls needed to establish the full facts of the request.

- 6.4 This new approach served two key purposes. It reduced the amount of officer time needed to deal with basic service requests, thus providing a more effective service for the customer, plus a written record of the request and the response was held rather than having to rely on recollections of oral conversations. The increase in the above figures for 2020/21 and 2021/22 highlight the number of service requests previously unrecorded.
- 6.5 In addition to service requests, the licensing service also undertakes a number of functions related to taxi and private hire licensing that are an integral part of assessing drivers' ability to meet the 'fit and proper' person test and that vehicles are roadworthy and compliant with policy.
- 6.6 Due to lockdown restrictions, face-to-face services were not available during previous reporting periods so that has reduced the number of taxi-related services provided. Post pandemic, face-to-face services have resumed and numbers have increased accordingly.
- 6.7 The number of recorded service requests and ancillary functions within the reporting period was:

MISCELLANEOUS					
	2017/18	2018/19	2019/20	2020/21	2021/22
Service requests	205	273	269	403	423
Taxi complaints	40	56	28	28	26
Taxi compliance tests	363	377	387	371	425
Taxi Verbal knowledge tests	118	88	30	12	50
Taxi computerised topographical tests	40	52	10	7	33
Taxi DBS/Right to Work appointments	155	168	66	15	94
	921	1014	790	836	1051

Note:

2020/21 knowledge tests, topographical tests and DBS appointments were only available from 01/09/2021 due to lockdown restrictions

- 6.8 The licensing service receives a significant number of freedom of information (FOI) requests, mainly in relation to taxi and private hire licensing or animals. The requests previously involved considerable officer time searching the database and extracting the specific information requested. The full implementation of the public licensing register has decreased the amount of officer time needed to process these requests as the majority can now be referred directly to the information already publicly available on the register.

7. CHANNEL SHIFT

- 7.1 The need for officers to develop new ways of working during the pandemic to ensure continuity of trade highlighted that a number of service improvements, temporarily introduced during the pandemic, could be permanently introduced to improve our service to customers.
- 7.2 Increased use of electronic applications was introduced during the pandemic and due to its success, has been continued as a permanent change. Electronic applications are available for all licence types either through the GOV.UK portal or in-house electronic formats that can be downloaded by customers and sent to the council by email. Further development of this service is detailed in the future work section of this report.
- 7.3 Once we were able to re-introduce face-to-face appointments the demand was high and became resource intensive as officers were allocating time/date slots upon request that

subsequently didn't work for many customers resulting in a number of time/date changes. This work was undertaken across a mix of telephone calls and emails.

- 7.4 To improve this service, officers designed a self-booking system that could be accessed directly by customers to pick the date/time slots that suited them. Once the required system parameters had been mapped by officers, this development work was implemented by the CSC. Customers can now self-serve their bookings of knowledge tests, DBS appointments, and right to work checks. This service has been well received by our customers and has reduced the administrative time involved for officers. Further development of this service is detailed in the future work section of this report.
- 7.5 By mandating that taxi and private hire drivers register their DBSs with the online update service, officers can undertake checks at any time to ensure that there have been no additions to the DBS record. This serves three purposes:
- drivers now only have to undertake a DBS once rather than every renewal (unless there has been a change in circumstances)
 - a reduction in DBS appointments has resulted in an administrative time saving for officers which has been reflected in the fees charged
 - public safety is further protected by officers being able to periodically check DBSs and identify if any driver has committed a criminal or driving offence rather than only seeing an application at renewal every three years

Public safety is further enhanced by government's introduction of an online national register of taxi/private hire driver refusals or revocations (known as NR3) facilitated by the National Anti-Fraud Network (NAFN). This register is only accessible by licensing officers registered with NAFN. All applicants for driver licences and all driver renewal applications are now checked against the register to ensure that the applicant has not been refused or revoked elsewhere.

- 7.6 Continued movement away from telephone contact for taxi and private hire applicants/licence holders has reduced officer administrative time. Additionally, a closed membership Taxi Forum Facebook page has been introduced where licence holders can post questions. The advantage of this Forum is that all members can see the officer responses reducing the need for others to ask the same question. Equally, officers can post important messages/updates for licence holders. Monthly email updates of posts are sent to those licence holders that choose not to join the Facebook Forum.

8. LICENSING HEARINGS

- 8.1 Applications under the Licensing Act 2003 for new, varied, or reviewed premises licences/club premises certificates that receive representations are determined by a licensing and appeals sub-committee.
- 8.2 The number of sub-committee hearings held within the reporting period was four (4). This is one of the lowest annual hearing numbers and reflects the additional engagement the case officer now undertakes with the applicant, responsible authorities and customers who may be considering making representations. Where possible, this engagement often alleviates the need for representations where the concerns can be adequately addressed by the applicant and incorporated into the application by way of an amendment. It also removes the possibility of representations being made on a misunderstanding of the application or a lack of detail in the application form.

- 8.3 It is pleasing to report that all members of the Licensing and Regulation Committee have undertaken the mandatory training and are eligible to sit on sub-committee hearings. The amendment to the Constitution requiring a fourth (non-participating) sub-committee member to be present in case of technology failure during virtual hearings continues to be a valuable training tool to allow newly trained members to experience an actual hearing prior to sitting as a voting member at subsequent hearings.
- 8.4 As with all meetings during the pandemic, licensing sub-committees met virtually which proved successful in increasing attendance by persons making representations, or interested observers, due to the convenience of not having to travel to the Council Offices. As these hearings are administered under the Licensing Act 2003 rather than the Local Government Act 1972, they can continue to be held virtually. It has been decided to continue with virtual hearings to increase public participation and transparency in the licensing process.
- 8.5 There is a right of appeal to the Magistrates Court against the decision of a licensing sub-committee however no decisions during the reporting period were subject to appeal.
- 8.6 A licensing or licensing regulation sub-committee would also determine the following applications:
- Contested premises licence applications under the Gambling Act 2005
 - All applications for new sex establishments

No such applications were received during the reporting period.

- 8.7 All other licensing decisions are delegated to the licensing and community safety manager, none of which have been subject to appeal.

9. LICENSING FEES

- 9.1 Established licensing fee case law supported by the *Hemming* judgement prevents local authorities from making a profit from licensing fees. The *Hemming* judgement indicated that fees can only cover the reasonable costs of administration and enforcement of the specific licensing regime and should be cost neutral over a period of three years.
- 9.2 A report was provided to the Licensing and Appeals Committee on 12 December 2013 summarising the legal position regarding fees; the Committee passed the following resolution:

RESOLVED: *That, having considered the criteria suggested within the report, the following principles for the setting of future licensing fees and charges be supported:*

- (a) *licensing fees and charges should be set having regard to the need to promote local economic growth provided that they are consistent with the following objectives:*
- (i) *That the local Council Taxpayers does not, unless provided for by law or decision of the Council, subsidise the operating costs associated with businesses or other trading entities (i.e. the Council seeks to fully recover the lawful costs licensing activity);*
- (ii) *the Council may not fully recover its lawful costs associated with licensing activity if*
- this would result in significant hardship to third parties, or*
 - the effect of fees or charges associated with licensing may encourage unlicensed activity and where formal enforcement is unlikely to be an effective control, or*
 - where the Council specifically wishes to encourage the growth a specific licensable activity;*

- (b) *an analysis of licensing costs, including detailed analysis of all recharges, should be undertaken every three years vis-à-vis licensing fees and charges;*
- (c) *in the years between cost reviews, fees and charges should ordinarily be subject to the Council's published inflationary increase;*
- (d) *any under/over recovery of full cost within existing licensing fees and charges should be rectified without undue delay, where legislation allows. However, where this may result in a significant increase in a licence fee/charge then consideration will be given to a phased introduction of the new levy;*
- (e) *that enforcement activities in respect of unlicensed businesses/individuals should continue with the associated costs being financed from the General Fund; and*
- (f) *that enforcement activities are periodically reviewed to ensure that they are delivered in the most cost-effective manner including, where appropriate, the use of other internal departments or external statutory bodies.*

9.3 This resolution has been fully implemented and a full costing exercise was undertaken before setting the fees for 2022/23.

9.4 Work is in progress on a full costing exercise to facilitate the setting of 2023/24 licensing fees at full cost recovery, where legislation permits, incorporating identified training costs for the development of the licensing team and administrative cost savings arising from channel shift.

10. POLICY WORK

10.1 To ensure transparency for applicants, licence holders and the public, and to ensure consistent decision-making, each aspect of licensing has its own policy clearly stating the Council's requirements and local interpretation where legislation allows.

10.2 The Licensing and Regulation Committee is involved in the development and ongoing review of licensing policies as follows:

- (a) Statutory policies under the Licensing Act 2003 and Gambling Act 2005

These policies can only be adopted by Full Council however the Licensing and Regulation Committee is responsible for reviewing the results of the public consultations and recommending the policies to Full Council.

- (b) Non- statutory policies
 - (i) Where policies are reserved for the Executive, Cabinet has the responsibility for the initial adoption of new policies
 - (ii) Where policies are not reserved for the Executive, initial adoption falls to the Licensing and Regulation Committee
- (c) Review and amendment of existing policies
 - (i) Statutory policies are reserved for Full Council
 - (ii) Executive non-statutory policies can be amended by the relevant Executive Member

- (iii) Non-statutory policies not reserved for the Executive can be amended by the Licensing and Regulation Committee, or the licensing and community safety manager (in consultation with the relevant Executive Member and Chair of the Licensing and Regulation Committee) depending on the extent of the amendments. Each policy details the responsibilities of each of the potential decision makers.

10.3 No policies required adoption or amendment in the reporting year however there will be a number of non-statutory policies reviewed during 2023/24:

- Taxi and private hire licensing policy
- Charitable collections policy
- Street trading policy
- Caravan and camping site licensing policy

11. PROJECT UPDATES

11.1 The licensing service has several ongoing projects targeted at smarter ways of working, channel shift, public engagement, and income generation, combined with business continuity for licence holders affected by the pandemic.

Public licensing register

11.2 The public register is proving a valuable resource in two significant areas:

- customers have immediate access to licences and can view licence conditions, timings, etc. (this is a much quicker service for our customers rather than having to log a call-back and wait for an officer to return the call with the appropriate information)
- FOI requestors can be directed to the public register where the information requested is published thereon (this saves a significant amount of officer time previously responding to these types of requests whilst the register was being finalised)

11.3 Work is continuing to facilitate online applications being submitted through the public register portal. The last stage of the process before trialling some applications is our software supplier providing a direct link within the portal to the Council's existing payment service; this work is at commissioning stage.

11.4 Online applications through the portal will be a significant resource saving for the Council as the application is released directly into the database automatically populating the database fields. Using the Government portal or in-house electronic application forms, information currently has to be copy typed into the licensing database in the same way as applications received in hard copy and enquiries have to be made with the payment service to ensure payment has been received.

Customer engagement

11.5 Work is ongoing to make the Council's webpages more customer friendly despite the technical nature of the content. Pages are being shortened to cover basic generic information with links to more detailed content based on the specific information required by the customer. Pages for the newly transferred licensing types (HMOs, caravan and camping sites, skin piercing) have been moved from the environmental health pages to the licensing pages of the website.

- 11.6 If a licensing hearing is required because mediation has been unsuccessful, additional information is being sent to parties to the hearing advising them of what to expect and how the process works. Whilst there hasn't been a recent hearing, it is hoped this additional information will make the experience less intimidating for our customers.
- 11.7 To further assist our customers if they need to make a request or complaint to the licensing service, officers are working on some online forms specific to different request/complaint types. The intention is to have forms that will capture the necessary information rather than the process being delayed as additional information is sought by officers.
- 11.8 Following the success of the taxi and private hire driver self-service booking facility for knowledge tests, DBS appointments and right to work checks, it is intended to extend the online booking system to include vehicle compliance tests too.
- 11.9 As part of the new inspection regime that has commenced recently, more courtesy visits are being undertaken with licence holders, especially if they are new to the trade or to the specific premises. The intention is to work more with proactively licence holders to ensure a full understanding of licence conditions and the relevant legislation. Whilst undertaking this work in the towns, additional engagement will be undertaken with drivers at taxi ranks too. It is hoped this proactive approach will develop working relationships and reduce the need for reactive enforcement. Additionally, increased presence of officers should serve as reassurance to our customers that we are ensuring licences are being complied with and that our customers are safe.

Safeguarding for licensed drivers

- 11.10 Following the introduction of mandatory safeguarding training for all taxi and private hire drivers at initial grant and renewal there has been a significant increase in awareness of their responsibilities. Previously, most new applicants failed their initial knowledge test on the safeguarding section however most applicants are now passing. There have been no failures at renewal stage.
- 11.11 This training was initially delivered face-to-face which was costly to administer and class sizes varied. During the pandemic, this training was amended to a written presentation that the driver had to read followed by a short test which the driver had to pass. This proved successful and so has been retained post-pandemic with the presentation being periodically updated to include recent developments and the test questions being varied to ensure the test remains relevant.
- 11.12 Safeguarding questions remain part of the verbal and computerised knowledge tests in addition to this safeguarding training requirement.

Safeguarding

- 11.13 It is the view of the Institute of Licensing that safeguarding should become a licensing objective for all licensing regimes and this is strongly supported by officers. Until such time as legislation provides for this, officers will continue to highlight safeguarding expectations in all licensing policies as they are reviewed/introduced; most policies now contain safeguarding expectations for licence holders.

Licensing forums

- 11.14 Pre-pandemic, two face-to-face trade forums were provided for licence holders in the animal trade and taxi and private hire trade respectively. Attendance was sporadic although both forums provided a useful engagement opportunity for officers and licence holders.
- 11.15 Lockdown restrictions prevented the forums from being held in person and so officers trialled the closed membership Facebook Forum page with taxi and private hire drivers to ensure the engagement opportunities continued (with monthly email summary updates for those licence holders not joining the forum). Following its success, it is intended to offer a similar Facebook Forum to animal licence holders in 2023.

Taxi and private hire right to work and tax checks

- 11.16 Legislative changes now require taxi and private hire drivers, and private hire operators, to demonstrate to the licensing service that they have a right to work in the UK and that they are registered with HMRC. Licences cannot be granted or renewed until these two checks have been successfully completed.
- 11.17 Officers worked closely with existing licence holders to ensure that they were fully aware of these new requirements well in advance of implementation to ensure that applications were not delayed due to these new responsibilities.
- 11.18 Implementation was successful with very few drivers or operators being unable to be granted or renew licences, despite information being finalised very close to implementation date.

12. TEAM DEVELOPMENT

- 12.1 As a regulatory service, it is essential that officers are given development opportunities to expand their knowledge. This is important in delivering the best possible service to our customers whilst retaining officers for service resilience. The cost of relevant development can be included in the fee setting calculations.

Professional Licensing Practitioner Qualification

- 12.2 During the reporting year, a third officer passed the above qualification offered by the Institute of Licensing. Four of the five licensing officers now hold a professional licensing qualification.

BTEC Level 3 Certificate for Animal Inspectors

- 12.3 Following the introduction of the new animal licensing regulations under the Animal Welfare Act 2010, government announced its intention to limit future animal inspections to persons holding the above qualification or an equivalent. This restriction takes effect from 1 April 2023.
- 12.4 An officer has successfully obtained the qualification having completed a number of examination modules and compiling a portfolio of practical inspections to demonstrate appropriate competencies.
- 12.5 The Council are no longer reliant on outsourcing animal inspections to Central Bedfordshire Council who employ accredited inspectors as required by the Animal Welfare Act 2010.
- 12.6 The majority of animal inspections are now undertaken in-house, with the resilience of the former Central Bedfordshire Council officer (now employed by Luton Borough Council)

available to assist with more complex cases on a consultancy rate as our officer develops her knowledge. This means a more cost-effective service for our customers and enables inspections to be undertaken in a timelier manner rather than having to wait for an outsourced inspection being balanced against other workload.

Apprentices

- 12.7 The service has shared an apprentice with the community protection service for a number of years which has proved an invaluable resource. The previous shared apprentice is now employed as an assistant licensing officer following her successful completion of the apprenticeship qualification.
- 12.8 The previous arrangements for a shared apprentice with the community protection service is no longer necessary as that service no longer exists. The new licensing and community safety service has secured an apprentice until January 2024.
- 12.9 The apprentice has been actively involved in the day-to-day administrative tasks of the service including undertaking vehicle compliance tests, driver knowledge tests, processing application, accompanying officers on visits, etc.
- 12.10 It is hoped that the skills learning and development opportunities available during the apprenticeship will enable the apprentice to apply for jobs within the Council towards the end of the 2023.

13. FUTURE PROPOSALS

- 13.1 The licensing service has several future developments planned that are targeted at increased channel shift, customer focus and income generation. It is important to be aware that some of these ideas are still at the developmental stage and that implementation will be dependent on available resourcing and practicalities. The development of some of these ideas has been delayed by the added pressures of the new licensing responsibilities from 1 April 2022.

Income generation

- 13.2 Where permitted by licensing fee legislation and case law, the licensing service will be introducing charging for some discretionary services including, but not limited to:
- Pre-application advice for Licensing Act 2003 applications
 - Training for prospective taxi and private hire drivers
 - Training for new alcohol-licensed premises supervisors
- 13.3 Given the channel shift and customer engagement work already undertaken and in progress, it is not known how this will impact on the likelihood of customers taking up the income generation proposals.
- 13.4 Even with the additional information and support now available from the licensing service, customers are still using solicitors and licensing agents to submit licence applications under the Licensing Act 2003. These private sector services are expensive for customers therefore the intention is to focus on introducing the pre-application advice service during the next reporting year. This will provide a more cost-effective alternative to customers and would facilitate the development of working relationships at an earlier stage.

Customer engagement

- 13.5 Customers often get frustrated when they approach officers about problems with a licensed premises only to be told it's not part of the licensing remit and they need to contact other council services e.g., parking issues outside takeaway premises. Officers are now committed to assisting customers by engaging across council services to try to resolve issues on a multi-service basis, where appropriate, rather than the customer having to liaise with multiple services.
- 13.6 Following the success of the taxi and private hire survey in 2020, officers are considering other surveys to capture the thoughts of customers on the licensing service and how it can be improved.

Taxi and private hire licensing development

- 13.7 Whilst the working relationship with the taxi and private hire licence holders had improved considerably due to the increased engagement and channel shift to assist businesses through the pandemic, this was impacted by the recent taxi fares proposal that caused concerns amongst licence holders.
- 13.8 One positive to come out of the consultation was the drivers formed the North Herts Taxi Drivers Association (NHTDA) which represents a significant number of the total licence holders. The NHTDA has met with the licensing and community safety manager, Executive Member and Deputy Executive Member in a very positive meeting about moving forward together to maintain the high standards expected by the Taxi and Private Hire Licensing Policy. A further meeting was held between the NHTDA and the licensing officers to discuss specific areas of concern or potential improvement.
- 13.9 These meetings will continue periodically to ensure that the current high standard of service provided by the taxi and private hire businesses is maintained and that the licensing service is delivered in way that is beneficial to all stakeholders.
- 13.10 Two significant projects have arisen from these initial discussions:
- (a) a system is being trialled whereby the taxi or private hire licence plate is handed to the driver at the completion of their vehicle compliance test, provided all other necessary documentation and payment has been received in advance of the test, rather than the licence plate being posted at a later date when final paperwork checks have been completed
 - (b) an officer equivalent of a Task and Finish Group has been set-up to reconsider the whole taxi and private hire licensing process to ensure it is cost effective, practicable and works effectively for all stakeholders
- 13.11 The Task and Finish Group will be led by a senior licensing officer and consist of licensing officers and MSU officers, excluding the licensing and community safety manager, plus representation from the NHTDA. The remit is based on the question of 'if you had a blank sheet of paper, what is the best licensing service that can be delivered?'
- 13.12 The senior licensing officer will then prepare a report setting out all considerations and viewpoints, with any proposals for change to procedures and policy. The licensing and community safety manager will prepare a response for the Group to consider prior to it finalising the report.

- 13.13 Any subsequent proposed changes to policy are likely to be referred to the Licensing and Regulation Committee to make an informed decision knowing that:
- there will be a report from the Group setting out the proposals and the reasoning for, and practicalities of, implementation
 - existing licence holders have been involved in the process of drafting the proposals ensuring that their views are adequately represented to the Licensing and Regulation Committee

Women's Safety Charter

- 13.14 At the request of Members, officers are involved in the drafting and implementation of a Women's Safety Charter for Licensed Premises in North Hertfordshire. The intention is to provide suitable advice and training to premises owners/operators to ensure that a consistent cross-district process is in place to ensure that women feel safe in licensed premises and know the processes available if they feel uncomfortable or have concerns. This builds on existing schemes that are already in place in some premises.
- 13.15 The Charter is being developed by the multi-agency Violence Against Women and Girls (VAWG) sub-group of the Community Safety Partnership Joint Action Group, and licensing officers will be involved in its development and implementation.

14. FUTURE LEGISLATIVE CHANGES

- 14.1 The world of licensing has always been ever-changing however the number of planned legislative changes has the potential to significantly impact resources and existing projects. The following list is not exhaustive but contains the main proposals known to officers at the time of writing.

PROTECT Duty

- 14.2 New legislation will require public venues to improve security and have more awareness of potential terrorist attacks. Public venue owners/operators will have a duty in law to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. The legislation will ensure parties are prepared, ready to respond and know what to do in the event of an attack. Better protection will be delivered through enhanced security systems, staff training, and clearer processes.
- 14.3 The legislation is more widely known as Martyn's Law after Martyn Hett who was one of the twenty-two people to die in the Manchester Arena bombing in 2017; his mother Figen Murray has campaigned for the measures to be introduced.
- 14.4 The majority of licensed venues open to the public (capacities of 100 plus) will be covered by this duty and licensing officers will have a key role in raising awareness. The legislation hasn't yet completed its parliamentary passage so it is unclear where the responsibility for enforcement will lie at this stage.
- 14.5 Premises will fall within the scope of the duty where "qualifying activities" take place. This will include locations for purposes such as entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings (e.g., town halls), visitor attractions, temporary events, places of worship, etc.

Skin piercing licensing scheme

- 14.5 The Health and Care Act 2022 contains a section enabling the Secretary of State to publish Regulations introducing a new licensing scheme for specified cosmetic procedures. This is the same legislative process that was included in the Animal Welfare Act 2006 and allowed the introduction of the new animal licensing regime by virtue of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 14.6 As detailed earlier in this report, skin piercing is currently only a registration scheme with surprisingly sparse entry requirements, for example no formal qualification for practitioners, and enforcement capabilities. The Government has indicated its intention to introduce a new licensing requirement for specified procedures to ensure public safety from these intrusive, and potentially dangerous, procedures.
- 14.7 Responsibility for the introduction, administration, and enforcement of the new licensing scheme will be the responsibility of local authorities. This will result in additional training requirements for licensing officers and an increased workload.

Animal Welfare (Kept Animals) Bill

- 14.8 This Bill is currently concluding its passage through the House of Commons before moving to the House of Lords and contains a number of new proposals that may have an impact on local authority licensing officers.
- 14.9 The Bill includes new provision for specialist private primate keeper licences to allow primates to be kept as pets. This new licensing requirement will fall to local authorities as part of their existing animal licensing provisions and require additional officer training plus increased workloads. The RSPCA currently estimate that there are between 4,000 and 5,000 primates kept as pets in the UK.
- 14.10 The following list includes other provisions in the Bill relating to animal welfare, some of which will fall to district/borough authorities, some to county/unitary authorities, and some to the police. It is not clear yet exactly which provision will fall to which authority however the first two are already district/borough council responsibilities so are likely to fall to licensing officers:
- new standard conditions for zoos
 - animal sanctuaries (currently excluded from boarding licensing) to be included in the boarding regulations (cats, dogs, horses)

 - compulsory microchipping of cats (could impact on pet shop licensing)
 - improvements in animal transportation (could impact on pet shop licensing)
 - increase to the age that dogs can be imported into the country (could impact on pet shop licensing)
 - ban the import of dogs with cropped ears or docked tails (could impact on pet shop licensing)

 - further protection for greyhounds
 - update to dangerous dog legislation
 - further measures to tackle wildlife crime
 - improved animal health and welfare on farms

Levelling-up and Regeneration Bill

- 14.11 This Bill includes the legislative measures to formalise the temporary pavement licensing arrangements for district/borough councils.
- 14.12 Whilst licensing officers are already dealing with pavement licensing under the temporary provisions, it is an administrative process only with no enforcement powers. The Bill proposes new enforcement powers for licensing officers which will increase workload.
- 14.13 Currently, county/unitary councils (highways authorities) can undertake a separate street café licensing regime similar to but with a wider remit than the pavement licensing scheme. It is unclear at this stage whether that alternative licensing regime will be retained or whether street café licensing will also transfer to district/borough council.

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