

LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMO)

GUIDANCE TO APPLICANTS

GENERAL GUIDANCE

The Housing Act 2004 requires Houses in Multiple Occupation having five or more occupants in two or more households to be licensed by the Local Authority.

Part 2 of the 2004 Act provides for local housing authorities to license HMOs in their areas if they meet the definition of an HMO prescribed under section 55 of the 2004 Act. The Prescribed Description Order 2018 prescribes the types of buildings that will be subject to mandatory licensing. It revokes and replaces the 2006 order⁶ which applies until that date.

From 1 October 2018, mandatory licensing will no longer be limited to certain HMOs that are three or more storeys high, but will also include buildings with one or two storeys.

This guidance provides advice to applicants on how to apply for an HMO license.

WHAT IS A LICENSABLE HOUSE IN MULTIPLE OCCUPATION (HMO)?

Houses in Multiple Occupation are essentially shared accommodation including flats, bedsits, lodgings, bed & breakfast accommodation and other communal accommodation such as student residences and hostels. Houses within a building, which although otherwise separate, share use of a sanitary convenience, personal washing facilities or cooking facilities are taken to form part of a single house. To be classified as a licensable HMO the accommodation must be the only or principal residence of the specified number of people who are from 2 or more households. Premises providing accommodation for workers (with the specified number of persons) will require to be licensed, but those providing accommodation solely for holidaymakers do not come within the scope of the legislation.

It should be noted that in determining the number of persons residing on the premises that this does not include the owner and his family.

Certain premises are exempt from the requirements of the legislation i.e. Properties managed by a Local Housing Authority, a body registered as a Social Landlord under Part 1 of the Housing Act 1996, a Police Authority established under Section 3 of the Police Act 1996, the Metropolitan Police Authority established under section 5B of that Act, a Fire and Rescue Authority as defined by the Fire and Rescue Act 2004. Also premises managed by a health

service body within the meaning of section 4 of the National Health Service and Community Care Act 1990.

Boarding schools may also be exempt from licensing, as are monasteries, convents and similar religious communities. Other premises may be exempted following the issue of Regulations by the Government.

WHAT IS THE LICENSABLE ACTIVITY?

What is licensed by the Act is the giving of permission for a house to be occupied where the permission is given knowingly by the owner of the house and where the house is an HMO within the meaning of the Act. This includes continuing to allow occupation once permission has been given. Although this will cover leases in the majority of cases, this wording is used so as to include arrangements that are not conventional leases including situations where an employer provides accommodation for employees. It is not necessary for any rent or other consideration to be due from or on behalf of the occupier.

HOW DO I APPLY FOR A LICENCE?

Licences are issued by the Housing & Public Protection Service following possible consultation with the Health and *Social Care Department, Building Control Service, Development Control Service, Legal Services, Northumberland Fire Brigade, and Northumbria Police.*

The application form **MUST** be completed by or on behalf of the **OWNER** of the premises. The application form for each property and the appropriate fee require are to be submitted to the Housing & Public Protection Service. Details of fees are contained within the application pack.

The following items are required to be submitted with the application form:

- Applications for the grant of a License for a House in Multiple Occupation must be accompanied by two sets of plans of the premises with all room sizes clearly marked showing: -
- (a) floor plans of each level providing the following information: -
 - (i) the layout and use of all rooms with details of all cooking/sanitary/washing facilities provided therein;
 - ii) the location of heat/smoke alarms or a smoke/heat detection system; and
 - iii) the location of half-hour self-closing fire doors.
- Two passport size colour photographs comprising a recent likeness of the applicant must be submitted with the license application.
- A current Electrical Certificate indicating the electrical installation and any appliances provided by the landlord have been examined by a competent person and that the appliances are functioning properly and are safe;
- A current Gas Safety Certificate, where there are gas appliances in the premises,

- provided by a Gas Safe registered installer (required on a 12 month basis);
- A Fire Risk Assessment as described Appendix 2;
 - A current Tenancy Management Agreement as described in Appendix 3;
 - A current energy efficiency certificate,
 - A current Building Insurance Certificate; and
 - A cheque for the appropriate amount, made out to Northumberland County Council.

Failure to submit any of the above documents will delay the processing of the license application. For instance a Fire Risk Assessment is required to be submitted before the Environmental Health Officers can carry out their fire safety inspection. A license cannot be granted unless the above documents are submitted to the Council and considered to be satisfactory by The Council. A Financial Penalty will be imposed on the Applicant if these documents are not provided.

CONSULTATIONS

To ensure tenant safety, the Councils Housing & Public Protection Service requires to be consulted on each application. Northumberland Council Council, Housing & Public Protection Service will assess the Fire Risk Assessment and carry out a fire safety inspection on behalf of The Council. Their comments will be incorporated in a letter to the applicant detailing any works that require to be carried out in order for a license to be granted.

The application form asks whether the applicant, or any other person named in the application, has/have ever been convicted of any offence.

The Offences this Council takes into consideration are those involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements). Also considered are where the applicant or manager has practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying out of any business, or has contravened any provision of the law relating to housing or of landlord and tenant law.

Each Owner and Agent/Manager shall be required to pay the costs incurred by the Council in checking that the Owner and Agent/Manager are fit and proper persons to hold the License. This check is only required for the first application made by either party for a License.

Information supplied by Northumbria Police and the Council Housing Benefit Department will help the Environmental Health Service to determine whether the Owner/Agent/Manager is a 'fit and proper person' to hold a license. Should this not be the case then this may be potential ground for refusal to grant a license.

The Development Control Service will also be consulted with regard to any requirements relating to the need for Planning Permission.

Housing Services will be consulted with regard to the Tenancy Management Agreement. Appendix 3 gives further guidance on the contents expected in such an agreement. Should an agreement not be submitted or considered to be unsatisfactory then this would be reason for not approving the application.

INSPECTIONS

Once an application has been submitted, an officer from the Housing & Public Protection Service shall contact the applicant to organise a suitable date and time to carry out an inspection. The landlord/manager should advise tenants of the date of inspection so that access can be guaranteed to all areas and rooms. Wherever possible, a joint inspection with a Environmental Health Officer will be undertaken.

The premises are required to comply with the standards detailed in Appendix 1 and Appendix 2. In addition, the owner must comply with the Tenancy Management Standards in Appendix 3. If a Building Warrant and/or Planning Permission is necessary, works will require to be carried out in accordance with these approvals, and a Certificate of Completion issued before the license will be granted.

A letter will be sent to the applicant encompassing the requirements of all relevant agencies indicating a timetable in which any works require to be completed. Following notification of the completion of these works, Environmental Health will carry out a follow-up inspection. If a Building Warrant is required then a Building Control Officer will also carry out an inspection.

APPROVAL OF APPLICATIONS

The Environmental Health Services Manager has delegated powers to approve applications where the premises and the owner meet the requirements of the legislation and standards and there have been no objections/ representations lodged. The Council is given up to 6 weeks to deal with applications.

OTHER DETERMINATIONS

Where Northumberland County Council are not in a position to approve an application due to:

- failure to meet the benchmark standards set out in Appendix 1 and fire standards in appendix 2; concerns with regard to the applicant and/or Manager being a fit and proper person;
- general concerns about the suitability or location of the premises;
- objections/representations having been lodged;

- and
- failure to provide a Tenancy Management Agreement to the satisfaction of The Council (See Appendix 3),

The Council may take one or more of the following actions

- Allow extra time for work to be completed to allow the license to be granted
- Enforce an Interim Management Order so the Council takes on management control of the HMO
- Grant a three month temporary exemption order to allow the owner to take particular steps with a view to securing that the house is no longer required to be licensed.

INSPECTIONS AFTER APPROVAL

Licences are issued for a maximum of 5 year. During this period, routine inspections may be carried out by the Environmental Health Service to confirm that the license requirements are being met.

RENEWAL

Licences require to be renewed on a regular basis, depending on the date of expiry of the current License. Renewal applications should be submitted 3 months before the renewal date.

OTHER LEGISLATIVE REQUIREMENTS

In addition to the Housing Act 2004, other legislation may apply to your premises, for example:

- The Food Safety Act 1990;
- The Health and Safety at Work etc. Act 1974;
- The Gas Safety (Installation & Use) Regulations 1998.

PROPOSED HOUSES IN MULTIPLE OCCUPATION

New HMOs cannot operate as such until a license is approved.

UNLICENSED HOUSES IN MULTIPLE OCCUPATION

Failure to be licensed by the due date is an offence in terms of the Housing Act 2004. In such instances, The Council may consider Prosecuting the Owner and Manager/Agent of the premises and may take over management of the premises.

APPENDIX 1: BENCHMARK STANDARDS

1.1 Room Size and Occupancy Level.

Properties must not be overcrowded. In the following benchmarks all persons living in the premises are to be included, e.g. owner or manager, where no separate exclusive facilities are provided.

1.11 Bedrooms

There should be sufficient provision for sleeping having regard to the numbers likely to be accommodated in the dwelling. Bedrooms should be large enough to be useable for sleeping. The following standards will be applied.

The following table specifies the minimum floor area for occupancy of a bedroom.

Minimum sleeping room sizes	
6.51 m ²	One person over 10 years of age
10.22 m ²	For two persons 10 years
4.64 m ²	For one child under the age of 10 years

The following table specifies the maximum number of people allowable in a property with respect to the total number of bedrooms. Living rooms and kitchens are not bedrooms for the purpose of these standards. No one shall share a bedroom unless they are a couple, both aged under ten or both aged under twenty-one and of the same sex.

Room Standard	
Number of bedrooms	Maximum number of people
1	2
2	4
3	6
4	7
5	2 for each room

1.12 Living rooms and kitchens

Officers will apply the following minimum standards (m²) when considering the suitability of the space size of living rooms & kitchens.

Number of residents	1	2	3	4	5	6	7
Living room in a dwelling with a dining kitchen							
Recommended	11	12	13	14	15	16	17
Minimum	11	12	13	14	15	16	17
Living room in a dwelling with a galley kitchen							
Recommended	13	14	15	16	17.5	18.5	19.5
Minimum	13	14	15	16	17.5	18.5	19.5
Dining kitchen							
Recommended	8	9	10	11	12	13	14
Minimum	8	9	10	11	12	13	14
Galley kitchen							
Recommended	5.5	6.5	6.5	7	8	8	9
Minimum	5.5	5.5	5.5	7	7	7	9

1.2 Kitchens

The following specifications are required to be met:

1. Storage facilities must be provided at a minimum capacity equivalent to a standard 500mm wall cabinet per person. A 500mm base unit will be suitable for 2 people and storage below sinks do not count.

2. A refrigerator with a minimum capacity of 150 litres should be provided for 5 people. Additional capacity at 20 litres per person should be provided for each extra person.
3. Preparation surfaces should be provided in a ratio of 1 1/2m per 5 people, part of which must be adjacent to the cooking facilities. Adjacent walls must be provided with a non-porous finish.
4. Adequate arrangements for the cooking and preparation of food on the basis of 1 cooker for every 5 people. Each housing unit must contain a cooker with rings, grill and oven, or alternatively, a cooker with 4 rings, grill and oven in a common kitchen.
5. Sinks – one for every 5 people. Sinks to have integral drainers.
6. Electrical Sockets must be sufficient to facilitate the use of each fixed appliance plus two double sockets outlets.

1.3 Sanitary Facilities

1.3.1 Where all or some of the units of living accommodation do not contain bathing and toilet facilities for the exclusive use of each individual household then:

There should be:

- a) 1 suitably located WC for every 5 persons (these should be located so that if they are not on the same level as the bedrooms, they are no further than the next floor up or down). A WC compartment entered externally will not be considered as being suitably located.
 - Every toilet compartment should have a wash hand basin, or a wash hand basin placed within an adjacent space providing the sole means of access to the toilet.
- b) There should be 1 bath or shower for every 5 people. If the property is likely to be occupied by children then a bath must be available. These facilities must be
 - Readily accessible
 - Situated in a proper room
 - Provided with adequate supplies of hot and cold water and waste drainage
 - Provide adequate ventilation and electric lighting
 - The adjacent/surrounding walls must be non-porous and easily cleanable.
- c) There should be 1 wash hand basin for every 5 people and they may be situated in a bath/shower room or WC compartment
- d) All wash hand basins, baths and showers must have adequate supplies of hot and cold water and waste drainage.

e) All bathroom/WCs shall be of an adequate size and layout.

f) The bathroom/WC shall be provided with adequate spatial heating.

1.3.2 In addition to the above every unit of living accommodation must contain a wash hand basin with appropriate splash back, and supplied with an adequate supply of hot and cold water. The only exception shall be where installation is not reasonably practicable due to the size and layout of the dwelling unit.

1.4 Drainage

The building should be provided with a safe and hygienic drainage system in compliance with the relevant British or European Standards.

1.5 Layout

Every bedroom should be located so that it is not necessary to pass through another bedroom in order to reach a bathroom, WC compartment, or circulation space.

1.6 Underground Room

Any underground room, the floor of which is more than 900mm below the surface of an adjoining street or the street nearest to the room, shall not be used as a bedroom unless the average ceiling height is more than 2100mm and adequate provision is made, to the satisfaction of the Council, for ventilation, lighting and protection against dampness.

1.7 Space Heating

Each bedroom and living room should have a fixed space heating appliance or be served by a central heating system, which may include any system of warm air or under floor heating, capable of maintaining a temperature of 18oC when the outside temperature is –1oC.

Liquid Petroleum Gas (LPG): LPG-type room heaters are prohibited.

The following conditions apply dependant upon the type of space heating:

Solid Fuel

a) A solid fuel appliance used as space heating should be approved by the Licensing Authority.

b) An annual inspection/cleaning of chimneys/flues should be carried out and a certificate provided stating that the system is functioning properly.

c) A solid fuel appliance should have a permanent supply of air either direct to the open air or to an adjoining space (including a sub-floor space) that is itself permanently ventilated direct to the open air. Air supply provided as follows will satisfy the requirement:

- i. traditional open flued fire: 50% of the cross-sectional area of the throat or the flue as appropriate; or
- ii. any other solid fuel appliance: a permanent air entry opening or openings with a total free area of 550mm² for each kW of combustion appliance rated output over 5kW.

Oil-Fired

a) An oil fired appliance, other than a room-sealed appliance, should have a permanent supply of air for combustion, either direct to the open air or to an adjoining space (including a sub-floor space) which is itself permanently ventilated direct to the open air. Compliance with Section 4 of BS 5410: Part I: 1997 will satisfy this requirement.

b) An oil-fired appliance installed in a confined space should have a permanent supply of air for cooling in addition to air for combustion, either direct to the open air or to an adjoining space (including a sub-floor space). Compliance with clause 4.4.3 of BS 5410: Part I: 1997 will satisfy this requirement.

Gas-Fired

a) A gas-fired appliance should have an adequate supply of air for combustion.
Compliance with the following British Standards will satisfy this requirement:

- i. for a decorative fuel-effect gas appliance, BS 5871: Part 3: 1991;
- ii. for an inset live fuel-effect gas appliance, BS 5871: Part 2: 1991;
- iii. for any other gas-fired appliance, BS 5440: Part 2: 1989.

b) A gas-fired appliance installed in a confined space should have an adequate supply of air for cooling in addition to air for combustion. Compliance with BS 5440: Part 2: 1989 will satisfy this requirement.

c) Annual certification that installed gas systems have been examined by a qualified person (GAS SAFE registered), that they are functioning properly, and ventilation is adequate, should be provided.

Extract Fans

W

here an extract fan is fitted in the same room (or in an adjoining room) as an open-flued combustion appliance, a spillage test should be carried out to ensure the combustion appliance is operating safely. Testing to the following guidance will satisfy this requirement:

- a) For a solid fuel appliance, BRE Information Paper IP 7/94; (NOTE: An extract fan should not be fitted in the same room as an open-flued solid fuel appliance).
- b) For an oil-fired appliance, clause 4.4.7 of BS 5410: Part 1: 1997 and OFTEC Technical Information Note TI/112.
- c) For a gas-fired appliance, clause 4.3.2.3 of BS 5440: Part 1: 1990.

1.8 Lighting and Ventilation

Natural Lighting

Every bedroom and living room should have a window or windows of an aggregate glazed area equal to at least 1/15th of the floor area of the apartment and situated in an external wall or roof, or in a wall between the room and a conservatory.

Ventilation

Every bedroom and living room should have a window or windows with an opening area equal to at least 1/30th of the floor area of the apartment and situated in an external wall or roof, or in a wall between the room and a conservatory. Kitchens, bathrooms, and WCs should either have natural ventilation (with a window or windows with an opening equal to at least 1/30th of the floor area) or adequate mechanical ventilation.

Artificial Lighting

There should be an electric lighting system providing at least one lighting point to every circulation space, bedroom, living room, kitchen, bathroom, WC compartment and other space having a floor area of 2m² or more. Any lighting point serving a stair within an HMO should have controlling switches at each storey.

1.9 Electrical Safety

At least once every 3 years, certification should be provided that the installed system and any appliances provided by the landlord have been examined by a competent person, are functioning properly and are safe. Such certification requires to be submitted before the license can be granted.

There should be a minimum of:

- in each kitchen, 6 socket outlets;
- in each bedroom and living room, 4 socket outlets; and
- anywhere in the building, 4 additional socket outlets.

1.10 Clothes Drying

Suitable arrangements, internally or externally, should be provided for drying clothes, bedding, etc.

1.11 External

The property must be maintained in good external decorative repair All gardens, yards and paved areas must be kept in good order and tidy condition

1.12 Refuse Storage

A suitable wheeled bin must be available for use to ensure the proper disposal of domestic refuse. A larger capacity wheeled bin is available from the Council for households of 5 or more occupants. All licences issued after 1st October 2018 will need to include a condition requiring the compliance with the councils storage and waste disposal scheme (if one exists).

1.13 Fixtures and Fittings

All furniture and other domestic contents provided by the landlord must be kept in good repair and serviceable condition.

All Furniture must comply with the relevant British Standard regarding fire safety. Further advice is available from Trading Standards. All windows must be provided with suitable curtains or blinds.

1.14 Security

All ground floor and other accessible windows must be provided with suitable window locks
The main entrance and exit doors must be fitted with a suitable locking device to prevent intruders but allow easy escape in the event of a fire.

1.15 License Holder / Manager Responsibilities

The License Holder / Manager of the property must attend an appropriate training course in relation to property management unless they hold a relevant professional qualification.

The License Holder or Manager must demonstrate that they have in place measures to prevent or reduce anti-social behaviour by the persons who occupy or visit the dwelling.

APPENDIX 2: FIRE SAFETY STANDARDS

2.0 General

In order to ascertain the adequacy of the existing fire precautions within an HMO, a risk assessment requires to be carried out by (see the assessment form at the end of this Appendix), or on behalf of, the prospective licensee, to establish both the risk of fire occurring and the risk to people in the event of fire. This would apply to everyone using the HMO and should take adequate account of any disabled people with special needs. The fire precautions recommended for all HMOs include:

- means of detection and giving warning in case of fire;
- the provision of means of escape;
- the means of fighting fire; and
- the formulation of an emergency plan.

2.1 Benchmark Standards for Fire Safety

The tables below should be appropriate for the majority of types of accommodation however where there are unusual circumstances such as excessive travel distances, listed buildings, design etc. which prevent full compliance with the guidance then expert advice should be sought.

The Council will use as its benchmark standards those Fire Safety standards specified for types of HMOs in the *National guidance on Fire Safety Standards in Certain Categories of Residential Accommodation*.

In particular:

Table 1: Benchmark guidance for recommended fire safety standards in bedsit HMO's (let) of add 1,2, 3 or 4 storeys	
Escape routes	30 minute protected route: ✓ 30 minute fire resisting construction, ✓ FD30S doors to all risk rooms. ✓ Travel distances:see Table 3 below.
Fire separation	30 minute fire separation between units of accommodation throughout
Fire detection and alarm systems	Mixed system Grade A, LD2 system ✓ Smoke detectors located throughout the escape route Where cooking facilities are sited within the bedsits

	<ul style="list-style-type: none"> ✓ Heat detectors located in each bedsit ✓ Additional Grade D, non-interlinked smoke alarm with integrated battery back-up located in each bedsit <p>Where cooking facilities are sited in shared kitchen, not within bedsits</p> <ul style="list-style-type: none"> ✓ Smoke detectors located in each bedsit. ✓ Heat detectors located in each kitchen ✓ Additional interlinked smoke alarms with integral battery back-up located in any cellar
Lighting of escape routes	<p>Emergency escape lighting required</p> <p>Conventional artificial lighting required</p>
Fire-fighting equipment	<p>Fire blanket to be provided in each bedsit with cooking facilities and in shared kitchens</p>
Fire safety signs and notices	<p>Final exit signs</p> <p>Signage along escape route if the escape route is complex</p>
Surface finishes and floor coverings	<p>Will only allow materials that are in Classes 0 to 3 as defined in BS476.</p> <p>Class 0: acceptable in all locations.</p> <p>Class 1 acceptable in rooms but NOT in escape routes or stairways.</p> <p>Class 3 acceptable in small rooms if total the area does not exceed more than one half of the floor area up to a maximum of 20m²</p>
Management and maintenance of fire safety	<p>See section 2.2 below</p>

Table 2 : Benchmark guidance for recommended fire safety standards in bedsit HMOs (lets) of 5 or 6 storeys

Escape routes	<p>30 minute protected route.</p> <ul style="list-style-type: none"> ✓ 30 minute fire resisting construction ✓ FD30S doors to all risk rooms ✓ Travel distances are in accordance with Table 3 below. <p>5 storey</p> <p>Lobby protection to all floors except the top floor or secondary means of escape from top floor</p> <p>6 storey</p>
---------------	---

	Lobby protection to all floors except the top floor and secondary means of escape from top 2 floors
Fire separation	30 minute fire separation between units of accommodation throughout 30 minute fire separation across the stairway between second and third floors and between fourth and fifth floors
Fire detection and alarm systems	Mixed system Grade A, LD2 system ✓ Smoke detectors located throughout the escape route Where cooking facilities are sited within the bedsits ✓ Heat detectors located in each bedsit ✓ Additional Grade D, non-interlinked smoke alarm with integral battery back-up located in each bedsit Where cooking facilities are sited in shared kitchen, not within bedsits ✓ Smoke detectors located in each bedsit ✓ Heat detectors located in each kitchen ✓ Additional interlinked smoke alarms with integral battery back-up located in any cellar
Lighting of escape routes	Emergency escape lighting required Conventional artificial lighting required
Fire-fighting equipment	Fire blanket to be provided in each bedsit with cooking facilities and in shared kitchens
Fire safety signs and notices	Final exit sign Directional signage along escape route
Surface finishes and floor coverings	Will only allow materials that are in Classes 0 to 3 as defined in BS476. Class 0: acceptable in all locations. Class 1 acceptable in rooms but NOT in escape routes or stairways. Class 3 acceptable in small rooms if total the area does not exceed more than one half of the floor area up to a maximum of 20m ²
Management and maintenance of fire safety	See section 2.2 below

Table 3: Maximum recommended travel distances for “normal” risk premises with a single exit and escape route

Single room units and accommodation with an exit door leading directly to a protected stairway enclosure, a separate fire compartment from which there is a final exit to a place of total safety, or a final exit

Maximum travel distance from any point in a habitable room to the door to the exit from the accommodation	9 metres
---	----------

Larger units of accommodation, such as flats/maisonettes with a number of rooms accessed from an internal lobby/corridor/hallway

Maximum travel distance from any point in a habitable room to the door to the exit from the accommodation	9 metres
---	----------

Maximum travel distance from the door from any habitable room to the door to the exit from the accommodation.	<p>9 metres</p> <p>The lobby/corridor should be a protected route. Doors opening onto the lobby/corridor/hallway from risk rooms should be FD20 and be self-closing.</p>
---	--

Table 4 : Benchmark guidance for recommended fire safety standards in shared houses up to 3 storeys

Escape routes	<p>No requirement for protected route*.</p> <ul style="list-style-type: none"> ✓ sound, traditional construction required* ✓ travel distances are in accordance with Table 3 ✓ suitable escape door or escape windows to bedrooms and living rooms* <p>escape route should not pass through risk rooms</p> <p>No requirement for fire doors*.</p> <ul style="list-style-type: none"> ✓ sound, well constructed and close fitting, conventional doors required*
---------------	--

Fire separation	<p>No requirement for additional fire resistance</p> <ul style="list-style-type: none"> ✓ walls and floors of sound, traditional construction. <p>If a cellar is present 30 minute separation between the cellar and the ground floor escape route required.</p>
-----------------	---

Fire detection and alarm systems	Grade D, LD3 system Interlinked mains wired smoke alarms with integral battery backup located in the escape route at ground and first floor levels Additional interlinked heat alarm with integral battery back-up located in the kitchen Additional interlinked smoke alarm with integral battery back-up located in the lounge Additional interlinked smoke alarms with integral battery backup located in any cellar
Lighting of escape routes	No requirement for emergency escape lighting ✓ Conventional artificial lighting required
Fire-fighting equipment	Fire blanket to be provided in the kitchen
Fire safety signs and notices	No requirement
Surface finishes and floor coverings	No requirement
Management and maintenance of fire safety	Recommended that all doors are kept closed at night See section 2.2 below

Table 5 : Benchmark guidance for recommended fire safety standards in shared houses of 4 storeys

Escape routes	30 minute protected route. ✓ 30 minute fire resisting construction ✓ FD30S doors to all risk rooms ✓ Travel distances are in accordance with Table 3 *
Fire separation	No requirement for additional fire resistance ✓ walls and floors of sound, traditional construction. If a cellar is present 30 minute separation between the cellar and the ground floor escape route required.
Fire detection and alarm systems	Grade D, LD3 system ✓ Interlinked mains wired smoke alarms with integral battery back- up located in the escape route at each floor level ✓ Additional interlinked heat alarm with integral battery back-up located in the kitchen ✓ Additional interlinked smoke alarm with integral battery back-up located in the lounge ✓ Additional interlinked smoke alarms with integral battery backup located in any cellar

Lighting of escape routes	Emergency escape lighting required only if the route is long or complex or where there is no effective borrowed light Conventional artificial lighting required
Fire-fighting equipment	Fire blanket to be provided in the kitchen
Fire safety signs and notices	Signage only required if the escape route is complex
Surface finishes and floor coverings	No requirement
Management and maintenance of fire safety	See section 2.2 below

Table 6 : Benchmark guidance for recommended fire safety standards in shared houses of 5 or 6 storeys

Escape routes	<p>30 minute protected route.</p> <ul style="list-style-type: none"> ✓ 30 minute fire resisting construction ✓ FD30S doors to all risk rooms ✓ Travel distances are in accordance with Table 3. <p><u>5 storey</u> Lobby protection to all floors except the top floor or secondary means of escape from top floor</p> <p><u>6 storey</u> Lobby protection to all floors except the top floor and secondary means of escape from top 2 floors</p>
Fire separation	<p>No requirement for additional fire resistance generally</p> <ul style="list-style-type: none"> ✓ walls and floors of sound, traditional construction. <p>Lateral fire resisting separation of the top floor (in 5 storey), top 2 floors (in 6 storey), from the remainder of the house</p> <p>If a cellar is present 30 minute separation between the cellar and the ground floor escape</p>
Fire detection and alarm systems	<p>Grade A, LD2 system</p> <ul style="list-style-type: none"> ✓ detection throughout common parts and all risk rooms including bedrooms, living rooms, kitchen (heat detection) and any cellar
Lighting of escape routes	Emergency escape lighting required Conventional artificial lighting required
Fire-fighting equipment	Fire blanket to be provided in the kitchen

Fire safety signs and notices	Signage only required if the escape route is complex
Surface finishes and floor coverings	No requirement
Management and maintenance of fire safety	See section 2.2 below

2.2 Management and Maintenance of Fire Safety

2.2.1 Whatever physical fire safety measures are provided in residential accommodation their effectiveness will only be as good as their management and maintenance. The responsible person (the licensee, landlord or managing agent) is responsible for ensuring 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 an obligation in law under *The Management of Houses in Multiple Occupation Regulations 2006* (see paragraph 8).

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

2.2.3 Management duties should be carried out in accordance with BS 5588, Part 12: 2004. *Fire precautions in the design, construction and use of buildings - Managing fire safety*. The following points as a minimum should be expected in any acceptable risk assessment as a minimum:

2.2.4 Escape routes

- must be free from obstruction at all times and regular checks should be made to
- guarantee this.
- There should be no storage within the routes
- There should be no trip hazards such as trailing electrical leads or worn carpets.
- All fire resisting doors should be effectively self-closing to engage their latches throughout with no obstructions or hindrances such as catching carpets etc. They should be close fitting as designed. No fire doors should 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.

2.2.5 Artificial lighting

Conventional staircase lighting must be working properly throughout at all times. Any blown bulbs should be replaced and all switches should be working. If timer switches

are fitted the duration should be checked and adjusted if necessary.

Any emergency escape lighting must be serviced and maintained in accordance with BS 5266-8: 2004 (BS EN 50172: 2004). *Emergency escape lighting system*. This contains detailed recommendations which include inspections and tests to be carried out down to a daily basis. For large, complex HMOs (e.g. 5 or 6 storeys) or premises with a specific high risk factor e.g. persistent vandalism problems, those with 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 an procedure for responding to reports of defects should be adequate:

- a monthly functional test in accordance with the requirements of BS 5266, Part 8. This will involve simulation of mains power failure to each luminaire and a check to ensure each one illuminates. The simulated failure should be for a period of 1/4 of the rated duration of the luminaire. Each luminaire should be visually checked to ensure it is functioning correctly. At the end of the test period the mains supply should be restored and indicator lamps verified to confirm. Mains failure is simulated using a test key where fitted or by removing the fuse or activating the circuit breaker to the mains supply circuit. Tests should be recorded in the log book including any defects identified and dates rectified. The monthly test can be carried out by any responsible person which could be the landlord, managing agent or person appointed by them.
- 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 BS 5266, Part 8 and it should be recorded in the log book and a periodic inspection and test certificate issued.

2.2.6 Automatic fire detection and warning systems

Automatic fire detection and fire alarm systems should be tested and serviced in accordance with the recommendations of BS 5839-6. This contains detailed recommendations which include inspections and tests to be carried out down to a daily basis. For large, complex HMOs (e.g. 5 or 6 storeys) or premises with a specific high risk factor the full recommendations may be appropriate. However, in most average sized premises with normal risk, the following regime with an procedure for responding to reports of defects should be adequate:

Grade A systems

- a weekly test by the responsible person which could be the landlord, managing agent or person appointed by them. At least one detector or call point in each zone should be tested to ensure correct operation. Any defect should be recorded in the log book along with the date and extent of the remedial action.
- a six monthly service. This must be carried out by a competent person, usually an

specialist alarm engineer under a maintenance contract. It entails a full test to ensure compliance as specified in with BS 5839-6 and it should be recorded in the log book and a periodic inspection and test certificate issued.

Grade D systems

- a weekly test where each alarm is activated using the test button.
- All alarms should be cleaned periodically in accordance with the manufacturer's recommendations.

2.2.7 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 on an annual basis, and in accordance with the manufacturer's instructions.

2.2.8 Residential sprinkler systems

- Where provided, the responsible person must ensure that any sprinkler 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 sprinkler system in accordance with clause 7 (maintenance) of BS9251:2005
- The responsible person is responsible for ensuring that the sprinkler system is fully functional at all material times and any defects are reported immediately to the 24 hr emergency number and 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 immediately reported to the enforcing authority.
- The System Log Book must also be used to record all actuations, testing,
- maintenance, system faults and any remedial action.
- The enforcing authority must be notified as soon as practical of any system defects, deficiencies or actuations.

2.2.9 Gas installations

The Gas Safety (Installation and use) Regulations require that gas installations and appliances receive a gas safety check annually. It must only be carried out by a Gas Safe registered engineer. The findings must be recorded and the records kept for at least two years.

2.2.10 Electrical installations

All electrical equipment should be installed and maintained in a safe manner by a competent person and should be inspected periodically by a competent electrical engineer. Every five years is recommended.

2.2.11 Information and training

Each occupier should be given specific advice on fire prevention and fire safety in the home. This should be given at the start of each new tenancy and reviewed periodically. Suitable advice can be found in Annex 1 of BS 5588, Part 12 '*Advice to occupiers of domestic residential buildings*' and advice is also available from local fire and rescue authorities. Information should include:

- an explanation of the escape routes particularly where secondary means of escape is provided
- how the fire detection and alarm system operates and what to do if it activates
- 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

2.2.12 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 via landlord accreditation schemes.

FIRE SAFETY IN HOUSES IN MULTIPLE OCCUPATION

FIRE RISK ASSESSMENT for :.....

To ensure the adequacy of existing fire precautions within a house in multiple occupation, a risk assessment should be carried out by or on behalf of the licensee/prospective licensee to establish both the risk of fire occurring and the risk to people in the event of fire. This checklist, or similar, may be used and requires to be submitted to Northumberland County Council before a license can be issued. A copy should be retained by the landlord and the building checked on a regular basis using the checklist.

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

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

	material?				
10	Are the premises free of accumulation of rubbish, waste paper or other materials which could catch fire or be set alight?				
11	Are there suitable facilities for the disposal of smoking materials?				
12	. Have measures been taken to reduce the risk of arson?				
13	Are there suitable management procedures in place to ensure fire safety standards are maintained in the event of outside contractors working on the premises?				
14	Is there vehicular access to the premises for fire service vehicles?				
	Means of Escape	Y	N	n/a	Comments
15	Are there sufficient exits for the number of people present?				
16	Do exits lead to a place of safety?				
17	Are all gangways and escape routes free from obstruction?				
18	Are all internal fire doors clearly labelled?				
19	Can all fire safety signs and fire exit notices be clearly seen?				
20	Are self-closing devices on fire doors in working order?				
21	Are exits clearly indicated where necessary and are all escape routes adequately lit?				
22	Where appropriate, do doors used for means of escape open in the direction of travel?				
23	. Are there suitable procedures in place for the evacuation of disabled persons?				
24	Are all doors used for means of escape purposes available for use and can doors be easily and				

	immediately opened without the use of a key?				
25	Are the floor surfaces on escape routes free from tripping and slipping hazards?				
26	Are all vents and service ducts etc. suitably protected, where appropriate, to prevent the spread of fire, heat or smoke?				
	Lighting				
27	Has the need for Emergency Escape Lighting been considered?				
28	Do members of the public regularly visit or have access to the premises?				
29	Is the emergency escape lighting, in working order?				
	Fire Fighting				
30	Is there sufficient fire fighting equipment of the correct type?				
31	Are portable fire extinguishers, fire blankets, etc, suitably located and available for use?				
32	Have the portable fire extinguishers been serviced within the last year?				
33	Is the fixed fire fighting installation in working order?				
34	Is the fire alarm system in working order?				
35	Is the fire alarm tested weekly?				
36	Can the alarm be raised without anyone being placed at risk from fire?				
37	. Are the fire alarm call points unobstructed and clearly visible or suitably indicated?				
38	Is the automatic fire detection system in working order?				
	Fire Instructions/Emergency Plans	Y	N	n/a	Comments
39	Are fire instructions clearly displayed through the premises?				

40	Have you recorded the findings of the fire risk assessment?				
41	Have steps been taken to plan what actions everyone should take if a fire starts?				
42	Have these steps been brought to the attention of all residents?				
43	Has a procedure been established to review the fire risk assessment periodically?				

Signature Date

Print Name

APPENDIX 3: TENANCY MANAGEMENT STANDARDS

3.1 General

Much of the emphasis in licensing will be on ensuring that operators meet property standards and manage and maintain their HMOs in an acceptable manner.

There is an equally important tenancy management dimension to the operator's responsibilities. Tenancy management refers to the owner's responsibilities in respect of the legal rights of his or her tenants to operate lawfully at all times and to manage the property with due care for the welfare of the tenants and the interests of neighbours.

Examples of some of the most important tenancy management responsibilities include ensuring that tenants have peaceful occupation of their home, providing lawful tenancy agreements, returning rent deposits where no case for their retention arises, giving 24 hours notice of intention to enter a tenant's room for the purposes of inspection or carrying out repairs or maintenance, and pursuing repossession by lawful court procedures only.

All tenants of an HMO, regardless of how unconventional a tenancy might be, should have a written tenancy agreement. A checklist of areas that might be covered by such agreements is at Section 3.4. It should be noted that there might be circumstances where it would not be appropriate for all items in the checklist to be covered in the agreement. Also, this checklist assumes that the accommodation is permanent. The standards will be different for temporary accommodation, such as homeless hostels and other accommodation for homeless people, women's refuges, etc. Other special situations will require more flexible criteria, such as live-in care workers staying with someone with special needs.

3.2 Fit Person

As part of its responsibilities towards tenants, some of whom will be vulnerable people, it is for the Local Authority to determine whether an operator who is applying for an HMO license is a 'fit person'. If a different person is managing the premises, the same test must apply to them. The Housing Act 2004 does not contain a precise definition of a 'fit person', but the Local Authority require a Criminal Records Bureau Enhanced Disclosure and will investigate by checking with the Police and other sources whether the applicant has any convictions relevant to his or her prospective role as an operator of an HMO. Not all convictions, however, should preclude an applicant from being granted an HMO license. For example, a conviction for a motoring offence would not be relevant, but a conviction for theft could be, since the operator would be in a position of trust. Ultimately, it is for the Local Authority to decide as a matter of fact whom is a 'fit person' based on the information available, including the CRB report.

3.3 Anti-Social Behaviour

As part of the landlord's tenancy management duties, he or she must ensure that tenants comply with the terms of their lease and conduct themselves in a way that does not interfere with the rights of neighbouring residents to enjoy peaceful occupation of their homes. Where a complaint is made to the landlord about a tenant behaving in an anti-social manner, the landlord will be advised to follow his or her own policy and procedures for dealing with it. Landlords are advised not to approach the Council with a request for an Anti-Social Behaviour Order (ASBO) until they have considered and, where appropriate, tried all legal means at their disposal to resolve matters.

The Council will investigate complaints made directly to them by neighbours of HMOs and will take appropriate action. Such complaints may relate, for example to operators rather than occupiers, for instance on the maintenance of the fabric of the HMO.

3.4 Tenancy Agreements Checklist

The following checklist gives an indication of the sorts of provisions that landlords should consider, including in a tenancy or other occupancy agreement, although all of these items will not apply in every case:

3.4.1 Operator Responsibilities

General Points

The agreement should contain the following:

- the name and full contact address of the operator, as well as the address of the property being let to be supplied to the tenant;
- all tenants to have a written agreement, regardless of type of tenancy;
- agreements to be written in plain English;
- summary translations of agreement into ethnic minority languages to be available where appropriate;
- agreement to state both a start and end date for the tenancy;
- agreements should refer to an inventory of furniture and fittings, and the condition of these;
- agreements to contain undertaking that rent deposits will be held in an identifiable rent deposit account and returned within 14 days of tenant's departure;
- where rent paid weekly, payments to be recorded in rent book to be retained by the tenant, otherwise written receipts to be issued for rent deposits and rent payments. Stubs to be retained for inspection;

- occupancy records to be kept including residents' names, dates of arrival and departure, and record of rent payments and arrears;
- only rent books, occupancy records, leases, and tenancy agreements approved by the Licensing Authority to be used;
- agreement to contain statement that 24 hours notice will be given in writing of intention to enter a tenant's room for the purpose of carrying out routine maintenance and repairs;
- agreement to undertake that resident's mail will be available on a daily basis;
- agreement to contain undertaking that a telephone, in working order, is provided to enable residents to call emergency services;
- agreement not to cause, or allow any employee, or any person visiting the household on the operator's behalf, to commit any act of violence or any form of harassment on the grounds of race, colour, religion, gender, sexual orientation, disability, or age against the tenant, the tenant's family, or anyone visiting the HMO;
- agreement to contain clause to the effect that the operator is responsible for ensuring that tenants comply with the terms of their lease and conduct themselves in a way that does not interfere with the right of neighbouring residents to enjoy peaceful occupation of their homes;
- agreement to refer to protocol between operator and Local Authority for the rehousing of temporarily displaced tenants;
- agreement to set out rights on sub or part letting of property; and
- agreement to contain following clauses relating to repairs and maintenance.

3.4.2 Structure and Exterior

The operator will (in conjunction with other owners, if appropriate) keep in repair the structure and exterior of the house, and keep it fit for human habitation, including:

- drains, gutters and external pipes (this does not include the clearance of blockages caused by the tenant's negligence);
- The roof;
- outside walls, outside doors, window sills, window catches, sash cords and window frames, including external painting and decoration;
- internal walls, floors and ceilings, doors, door frames, and internal staircases and landings, including painting and decoration;
- chimneys, chimney stacks and flues;
- pathways, steps or other means of access;
- plasterwork;
- integral garages and stores;
- boundary walls and fences; and
- making good damage caused by acts of vandalism/criminal activity by a person or

persons other than a tenant, any member of his/her household or a tenant's visitor(s), provided they have been notified to the Police within 24 hours of occurring, or as soon as is reasonably practicable, by the tenant or by someone acting on the tenant's behalf.

3.4.3 Installations

The operator will maintain and keep in proper working order any installations provided for space heating, water heating and sanitation, and for the supply of water, gas and electricity, in compliance with current safety legislation including:

- basins, sinks, baths, toilets, flushing systems and waste pipes, showers, water tanks;
- electric wiring, fireplaces, fittings, fires and central heating installations, door entry systems, TV aerials, and extractor fans.

The operator will also maintain fire safety precautions and installations and exterior routes.

3.4.4 Disposal of Rubbish

- Adequate facilities to be provided for the storage and disposal of rubbish.
- Operators should ensure that residents are aware of and comply with arrangements for rubbish presentation in common properties.

3.4.5 Insurance

The operator will maintain comprehensive building insurance. The operator is not responsible for the arrangement of contents insurance cover for property belonging to tenants but may wish to arrange such cover for any of his own moveable property within the HMO.

3.4.6 Common Parts

- The operator will (in conjunction with other owners, where appropriate) take reasonable care to keep common parts in repair and fit for use by the tenant and other occupiers and visitors to the property.
- Provide appropriate lighting in all common parts.
- Contribute to arrangements for maintaining and cleaning gardens and mutual areas.

3.4.7 Furnishings

Where the subject of the let is furnished, the landlord will ensure that furnishings are fit for this

purpose and comply with current fire safety regulations, and other relevant legislation and regulations.

3.4.8 Security

Where appropriate, the landlord should ensure that let rooms are secure, with a suitable lock.

3.4.9 Tenant Responsibilities

Agreement to contain following clauses relating to the use of the accommodation:

The tenant agrees:

- to pay the rent for the accommodation at such intervals and for such amounts as have been agreed with the landlord;
- to occupy the accommodation as a private dwelling;
- to advise the landlord of who will be living in the accommodation and also of any changes in the household;
- not to use or allow the accommodation to be used for illegal purposes;
- not to use or allow the accommodation to be used as a base for any business purposes without the written consent of the landlord;
- not to cause or allow any person occupying or visiting the house to cause nuisance or annoyance to neighbours or to cause any nuisance or annoyance within the vicinity of the house;
- not to commit or allow members of his/her household or persons visiting the house to commit any form of harassment on the grounds of race, colour, religion, gender, sexual orientation, disability, or age which may interfere with the peace and comfort of, or cause offence to, any other neighbours or members of their household either in their accommodation or in the vicinity of the house;
- to keep any domestic pet (where permitted) under supervision and control and to ensure that it does not cause nuisance to neighbours, or deterioration in the condition of the house, common areas, or the vicinity of the house;
- not to cause, or allow any member of his/her household, or any person visiting the household to commit, any act of violence or any form of harassment on the grounds of race, colour, religion, gender, sexual orientation, disability, or age against the landlord or any member of his staff;
- not to interfere with equipment and services; and
- not to interfere with fire precautions.

Agreement to contain following clauses on repairs and maintenance:

3.4.10 Notice of Repairs and Access

- The tenant shall report promptly to the landlord any defect or disrepair (including the results of vandalism) for which the landlord is responsible and shall ensure that access is provided to the property for repairs to be carried out and for the inspection of gas and electrical installations.

3.4.11 Notice of Absence to Landlord

The tenant shall inform the landlord if he/she intends to leave the premises on holiday, business, or for any other reason, for a period of over 14 days, to enable the landlord to take any steps to maintain and/or carry out repairs as necessary.

3.4.12 Emergencies

The tenant will take all reasonable steps to ensure that the landlord is notified immediately of emergencies, including those involving the supply of water, and to ensure that, where necessary, access can be gained by the landlord's representatives. In the event that the landlord is informed or becomes aware of any emergency, and the tenant is unable to provide access to the property immediately, it is agreed that the landlord may gain access to the property, using forcible entry if necessary.

3.4.13 Interior

- The tenant shall keep the interior of the accommodation in good and clean condition.
- The tenant shall keep fittings and furnishings clean.

3.4.14 Neglect

The tenant agrees to repair or replace items damaged through neglect, carelessness or wilful damage on the part of the tenant or any members of the tenant's household, or a visitor.

3.4.15 Common Parts

- The tenant will, in turn with other occupiers, sweep and clean the common parts at least on a weekly basis, or as required.
- If the tenant fails in any of these responsibilities, the landlord may carry out the work and recover the costs from the tenant.

3.4.16 Other

The agreement should contain:

- conditions for ending the tenancy;
- details of any rights of succession;
- provision that the tenant shall dispose of rubbish in an appropriate manner, and at the appropriate time;
- provision for the landlord and tenant to jointly inspect the accommodation to ensure installations are in working order and furniture and fittings are fit for purpose and for the landlord to rectify any faults reported by the tenant within 7 days of taking up residence;
- identification of the accommodation as a house in multiple occupation and of the Licensing Authority and the Licensing Authority's point of contact for complaints and queries;
- liability to be agreed for gas/electricity and phone charges;
- liability to be agreed for payment of TV license; and
- liability to be agreed for payment of Council Tax.

All enquiries and correspondence to:-

**Northumberland County Council
Housing & Public Protection Service
West Hartford Fire Station
Cramlington
Northumberland
NE23 3JP**

public.protection@northumberland.gov.uk