

Improving the Private Rented Sector

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1. Introduction

The private rented sector in LBHF has grown rapidly in the last 10 years and now accounts for approximately 27,500 properties, a third of the borough's housing. It is likely that this trend is to continue leading to the private rented sector becoming the dominant housing provider.

A notable proportion of private rented sector accommodation is provided by Houses in Multiple Occupation (HMO). The current legal definition of an HMO in the Housing Act 2004 is a property rented out by at least three people who are not from a single 'household' but share facilities like the bathroom and kitchen.

The increased demand and competition from tenants to find accommodation that is in short supply means that there is little market driven incentive for poor landlords to maintain minimum safe housing standards. It is reported that one in three private rented properties are 'non-decent' according to official measures. But this can obscure the harsh reality of what non-decency means: one in six privately rented homes (16 per cent) is considered physically unsafe according to a recent Citizen's advice report.

A Citizens Advice Report (A Nation of Renters, How England moved from secure family homes towards rundown rentals) reports that whilst nationally, in 2004 the most common household type renting were young single persons, in 2014 it was couples with children. This changing demographic is of key concern to the Council, which is committed to reducing the effects of child poverty.

We want to improve living standards for our residents in the private rented sector. We're considering options to improve the standard and safety of private rented housing and address anti-social behaviour in what historically has been a difficult area to intervene in effectively. We want to develop ways to improve standards in this sector that are good for tenants and good for landlords. This is in line with our housing strategy and corporate priorities.

In summary, we are committed to improving the private rented sector and believe that introducing new initiatives would:

- allow us to work with landlords to ensure homes are safe and well managed through a set of minimum standard conditions.
- shift the reliance away from using resident complaints to identify problems.
- promote a professional approach to management amongst private landlords
- allow us to take action against landlords who provide a poor standard of accommodation or whose tenants cause persistent levels of anti-social behaviour
- provide tenants with consistent information about unacceptable standards of accommodation
- provide safe homes for tenants to live in.
- drive rogue landlords out of this sector
- reduce the levels of anti-social behaviour in the borough
- improve the local environment and improve storage and collection of waste
- provide a strategic approach to managing this sector

On 2 November 2015 Cabinet agreed to consult Borough-wide and cross-boundary on five proposals:

- the introduction of additional licensing that would bring a greater number of HMOs into the licensing regime
 - the introduction of selective licensing that would bring some other privately rented properties into the licensing regime
 - the introduction of an H&F private landlords rental charter that lays out minimum standards for landlords
 - the revision of minimum standards we apply to Houses in Multiple Occupation
 - The formation of a social lettings agency to proactively raise housing standards and protect residents.
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2. Our business case

A significant proportion of the complaints we receive from residents relate to poor heating, damp, mould and deficient fire safety measures owing to poor management by landlords. We are considering options that would protect families, children and individuals living in accommodation with shared facilities and raise overall standards.

We encourage the improvement of the private rented sector through enforcement, mandatory licensing of large HMOs and the promotion of landlord accreditation. Despite continuing work, in the year 2014/2015 the private housing team received 903 requests from residents about defects within their rented accommodation; a 46% increase on the previous year.

The majority of defects were remedied as a result of our intervention. Formal enforcement action was required in 87 properties where Category 1 Hazards (the most serious: e.g. fire, electrical and gas safety) were identified, 43 of which were due to excess cold (inadequate insulation and heating).

We are duty bound to take enforcement action where a Category 1 hazard exists; the enforcement of Category 2 hazards is discretionary and policy based.

Poor management of HMOs in Hammersmith & Fulham is mapped out in Appendix 1

A review of the data from our property and street-based complaints systems confirm that there is a correlation between the private rented sector and anti-social behaviour at street level, at specific locations across the borough.

The review has resulted in a model, which shows that 172 streets in the borough make up fewer than 20% of the private rented sector, and almost 19% of total households. These areas account for just under 37% of the borough's anti-social behaviour and police call outs.

Anti-social behaviour of concern includes noise nuisance, issues with rubbish collection and storage, small scale rubbish dumping; and also includes police call outs to incidents.

The same group of streets account for just under 33% of all crime in the borough; 38% of all environmental nuisance; 37% of all small scale rubbish dumping; 30% of litter / detritus complaints and 27% of all incidents where a fire engine was dispatched. Residents in these areas tend to have a greater fear of being a victim of crime, but are significantly more likely to be concerned about being mugged or robbed, having things stolen from their cars, and being physically attacked by strangers.

The anti-social behaviour incidents per household in Hammersmith & Fulham is mapped out in Appendix 2

3. How do the plans support the Council's wider objectives?

We want a fairer deal for our residents and landlords in the private rented sector. To improve the standard and safety of private rented housing the Council's Housing Strategy: 'Delivering the change we need', introduced in May 2015 set out the following key actions:

- Housing Strategy Action 15: The council will:
- Take steps to improve the Private Rented Sector by taking enforcement action against unsatisfactory landlords and those who are deliberately and illegally letting unfit homes
- Take enforcement action where letting agents or property managers have not signed up to a redress scheme
- Continue to promote landlord accreditation
- Investigate the advantages and disadvantages of licensing schemes within the Borough
- Consider means to prevent homes being kept empty for longer than six months
- Promote the right to longer term tenancies in the private sector for those that want them and for rent increases to be kept at reasonable levels
- Formulate an 'H&F Private Landlords' Charter which will include reference to conditions and standards in the private rented sector.
- Promote improved energy efficiency in the Private Rented Sector and take steps to help those at risk from excess cold.

The Economic Regeneration, Housing and the Arts Policy and Accountability Committee formally resolved to support the proposals for improving private rented housing in the borough and asked the Cabinet to bring forward detailed plans for their implementation.

4. Summary of the proposals

The introduction of a number of initiatives, including licensing schemes, would help us to work with landlords to ensure homes are safe and well managed through a set of minimum standard conditions. The Housing Act 2004 contains provisions for the introduction of a scheme of additional or selective licensing of private landlords in a local housing authority's area. These alongside a number of other options are being considered as part of this consultation.

Additional licensing can be introduced where poor landlord management is demonstrated. An additional licensing scheme for houses in multiple occupation (HMOs) would require landlords who let a HMO property (which currently falls outside of the mandatory licensing scheme), that is occupied by three or more non-related occupiers that share some basic facilities (such as a kitchen), to have a licence.

Selective licensing can be introduced where anti-social behaviour is identified as a 'significant' and 'persistent' problem. A selective licensing scheme would require landlords who let residential accommodation that falls outside of additional HMO definition to have a licence.

Revised HMO minimum standards could be introduced, which would be used to determine whether a licensed property is reasonably suitable for occupation by a certain number of persons. By amending our local standards we could ensure that accommodation is maintained above minimal national standards that do not adequately reflect HMOs that are typically found in the borough. New local standards will provide information for landlords on what is required of them. This will include the management, safety, facilities, refuse storage and collection and living space for the occupiers.

A 'H&F landlord's rental charter' could be introduced which landlords can sign up to, that commits landlords to best practice on rents, housing standards, charges, tenants' deposit protection and security of tenure.

A social letting agency, run by the council, to better represent and advise its residents, could be introduced.

Do nothing: This means that the council would not implement any of the above proposed options to improve the private rented sector in Hammersmith & Fulham

5. What are the benefits to landlords and tenants?

Alongside improving standards of private rented sector properties and reducing anti-social behaviour, we see this as an opportunity for landlords to sustain and grow their businesses by creating a level playing field where irresponsible landlords who flout their legal responsibilities are required to comply or leave the sector.

Good landlords will gain from the improved local environment from improving management standards to tackle anti-social behaviour. By knowing who is responsible in the first instance for dealing with problems associated with the premises, will improve the quality of life for local residents and the local area.

Licensing allows a strategic approach to raising the standard in a larger number of properties without the need for enforcement, except in those cases where landlords do not comply or do not license their properties. For landlords, it will create a level playing field and allow peace of mind through knowing that their property meets minimum safe standards.

For small scale landlords (The National Landlords' Association 2014 research shows that 70% of landlords are 'part time' and do not make their main income through being a landlord), some of whom are 'accidental' landlords, it will ensure that they are aware of their responsibilities and property standards.

The scheme will provide an overview of the private rented sector stock, and contact details for landlords. As well as being able to better plan sector policy, it will enable us to support landlords in ensuring their properties are good quality homes. For example landlords will have better access to private sector housing advice and council tenants in need of homes.

Many types of council across the country including at least 14 in London have adopted such schemes, with a number of others currently in the process of consulting, as an effective approach in driving up standards, which benefits everyone. In London these include Newham, Camden, Brent, Ealing, Harrow and Islington amongst others.

6. Proposal Options and Fees

This section sets out the six proposals. It is designed to help you tell us what you think.

1: Introduction of additional licensing across the borough

A significant proportion of residents' complaints relate to poor heating, damp, mould and deficient fire safety measures owing to poor management by landlords. It is proposed to consult on the introduction of additional licensing across the whole borough in order to protect families, children and individuals living in accommodation with shared facilities and raise overall standards.

Currently, an HMO is only required to be licensed with the Local Authority if it is three or more storeys in height and is occupied by five or more tenants, or which at least two households share one or more basic amenities such as kitchen, bathroom or toilet.

The Department for Communities and Local Government recently consulted on extending the definition of mandatory licensing to which the council responded. Any resulting change will be reflected in the current mandatory regime.

An additional licensing scheme for HMOs would require landlords who let a HMO property that meets criteria to be determined by the council, which falls outside of the mandatory licensing scheme, to have a licence.

We propose to introduce additional licensing for HMOs across the entire borough, which would require landlords who let a HMO property to licence the property. The criteria would be any HMO which is occupied by at least three people who do not make up a single household, who share one or more basic amenities such as kitchen, bathroom or toilet.

Licensed HMOs must be inspected within the period of the licence, which will be for five years; licenses may be issued for shorter periods (e.g. two years) where poor management and conditions are identified.

Fees

The proposed associated fee for additional licensing consists of a base fee of £450 and an additional £30 per habitable unit.

A suggested £50 discount is available to landlords who have signed up to the H&F Landlord's Charter or other relevant landlord association body.

The full fee, if calculated over the normal licensing period of five years (assuming a HMO with three units at £540) equates to £2.08 per week. A set fee, £283, for landlords requesting extra assistance with the application is also payable if required.

2: Introduction of selective licensing (in designated areas)

Selective licensing relates to private rented sector properties that are let to single families, couples and individuals. This proposal relates to those private rented sector properties that are not covered by the mandatory licensing scheme or the proposed additional licensing scheme.

We propose introducing a scheme to designated areas with evidence of high levels of anti-social behaviour. The majority of this accommodation is in streets with a mixed commercial/residential make up i.e. predominantly along major roads and nearby streets.

The list of 172 proposed streets where selective licensing will be introduced, based on reported levels of anti-social behaviour, is set out in Appendix 3

Fees

The proposed associated fee for selective licensing consists of a base fee of £450 and an additional £30 per habitable unit.

A suggested £50 discount is available to landlords who have signed up to the H&F Landlord's Charter or other relevant landlord association body.

The full fee, if calculated over the normal licensing period of five years (assuming a HMO with three units at £540) equates to £2.08 per week. A set fee, £283, for landlords requesting extra assistance with the application is also payable if required.

3: Introduction H&F landlord's rental charter

We propose introducing a 'H&F Landlords Rental Charter' that commits landlords to best practice on rents, housing standards, charges, tenants' deposit protection and security of tenure.

Landlords will be able to display a copy of their signed charter to demonstrate to tenants that they uphold to the principles of good management. Landlords renting a property, which requires a licence will benefit from a suggested discount of £50 per licensed property.

The proposal aims to be self-certified and we will not verify that landlords are upholding the principles set out in the charter. However, landlords who have signed the charter but do not uphold to the principles will have their chartered status removed if an inspecting council officer has cause to, subject to review. The terms of the charter are set out in Appendix 4.

Fees

There will be no charge for signing up to the charter.

4: Revision of H&F local HMO standards

We propose revising the local HMO standards we use to decide whether a property is reasonably suitable for occupation by a certain number of persons.

By amending our local standards we could ensure that licensed accommodation is maintained above minimal national standards that do not adequately reflect the built form, size, layout and type of HMO that is typically found in the borough.

New local standards will provide information for landlords on what is required of them to comply with the law. This will include the management, safety, facilities, waste storage and collection and living space for the occupiers.

The main proposed changes to the HMO standards are:

- More detailed and comprehensive advice to landlords on HMO definition, licensing and the main housing hazards such as fire and cold homes.
- Updating the guidance to include recent legal requirements such as electrical safety and smoke detection/carbon monoxide requirements
- Simplifying the advice provided and layout
- Guidance in applying risk-assessment to housing hazards
- Greater flexibility in achieving safe and healthy HMOs rather than relying on fixed standards
- Updated guidance on refuse storage
- A copy of the draft standard is available in Appendix 5

5: Formation of a social lettings agency

We've started a project to look at the feasibility of establishing a social lettings agency in the borough and to produce a recommended model. The idea is to help residents on low or modest incomes to overcome the barrier to accessing homes in the private rented sector and to help landlords in this part of the market find suitable tenants. It is expected that the proposed model to be advantageous to both tenant and landlord.

Through the agency, we could aim to let properties or rooms in the private rented sector through provision of tenant sourcing and letting services at competitive fees and rates that are currently proving to be a barrier to many people.

The agency could also be useful to our mainstream operations by providing access to other sources of accommodation in the private rented sector for the purposes of homelessness prevention and to those requiring temporary accommodation. The agency will help vulnerable tenants sustain their tenancies, reduce the risk for landlords to enable them to let to benefit claimants and provide tenants with up to five-year tenancies.

6: Do nothing

This means that the council would not implement any of the above proposed options to improve the private rented sector in Hammersmith & Fulham

7. How have the licensing fees been calculated

The introduction of any licensing scheme would legally need to operate on a cost neutral basis to the council. The fees have been calculated on the basis of the anticipated scheme costs. The fee would cover the costs of running the licensing scheme.

As the licence fee covers a five-year period, an estimate of the projected costs of administering the scheme together with the corresponding fee income is shown in the following table:

Expenditure type	Estimated total for 5 years
Staff costs (inc corporate overheads) administration, inspection and enforcement	£3,775,000
IT costs	£200,000
Communications	£75,000
Legal costs	£224,250
Total	£4,274,250

The total licence fee is estimated as follows and assumes the same level of compliance as experienced by another London authority. It is estimated that over 8,000 properties will be affected by the scheme and will comply.

Assume average 3 bedroom	Licences	5 year total
Year 1	6,400	£3,296,000
Year 2	660	£354,750
Year 3	500	£268,750
Year 4	360	£193,500
Year 5	300	£161,250
Total	8,220	£4,274,250

8. The structure of the proposed licensing scheme

How will landlords get a licence?

Applicants will need to complete an on-line application form and meet certain criteria in order to obtain a licence. The criteria would include:

- The licence holder must be a fit and proper person as set out in law
- Where the licence holder is not the owner of the HMO, the licence holder will need to provide a management agreement confirming he has the authority to hold a licence and undertake all licence holder responsibilities.
- The licence holder must have satisfactory local management structures (UK based) and suitable financial arrangements in place
- Properties must be suitable for the number of occupants
- Provide gas and electricity safety certificates and fire safety and emergency lighting certificates
- Applicants must demonstrate satisfactory procedures are in place for dealing with anti-social behaviour
- The licence holder must comply with the conditions of the licence (appendix 6)

Once we receive a valid application, we'll process it. An officer will inspect the property within the term of the licence to ensure the rooms are of adequate size and that the property has adequate facilities such as kitchens, bathrooms and WCs that meet the required standards.

Where appropriate an HMO will be licenced for five years; licenses may be issued for a shorter period of two years (for the same fee) where poor management and conditions are identified.

How much will the licence cost?

A fee would be payable and will be discussed as part of the consultation process. We will only consider an application to be valid once the fee has been paid.

The proposed licence fee for a property for either selective or additional licensing consists of a base fee of £450 and an additional £30 per habitable unit.

Where a license is issued for a shorter period (e.g. two years) owing to poor management and conditions the full fee will still be applied.

These fees do not include charges for any legal notices or any litigation. The calculation for the processing fee is based upon the predicted estimated costs of processing the volume of applications and the relevant number of staff over the life of the license.

Mandatory Licensing remains separate to this proposal

Where a licence is not granted and there is no inspection the sum of £150 will be returned to the applicant.

What does a 'fit and proper person' mean?

In order for us to decide if an applicant is 'fit and proper' the following would be taken into account:

- Any previous conditions relating to violence, sexual offences or drug related crimes;
- If the person has broken any laws relating to housing or landlord and tenant issues; and
- If the person has been found guilty of any unlawful discrimination.
- If the person has been found guilty of any crimes relating to fraud or dishonesty

What if the council makes a decision that isn't thought to be fair?

If an applicant feels an unfair decision has been made they should contact us to discuss the decision. If the applicant still feels that we acted unfairly by failing to grant, or imposing sanctions on a licence, the applicant can appeal to the First-Tier tribunal: Property Chamber (Residential Property). The First-Tier Tribunal is an expert independent panel that will act in place of the County Court to either overturn or uphold the Councils decision.

9. Public consultation

Based on the information available, detailed in this consultation document, we consider that the conditions for introducing licensing schemes are satisfied and that there is evidence in the borough of a lack of management of the private rented sector properties and that anti-social behaviour is higher in specified areas with private rented sector housing.

However, before making a decision as to whether or not additional licensing and/ or selective licensing and other initiatives should be introduced, we are keen to consult widely with those likely to be affected.

During the consultation we are seeking the views of all interested parties, including landlords, tenants, residents, residents associations, registered housing providers and other stakeholders. This consultation gives an opportunity for all those affected by the proposal to fully engage and ensure that all views are properly taken into account prior to any decisions being made.

The consultation will take place over a 12-week period starting in early July 2016, on the six proposals. The consultation will be managed by an independent external research consultancy and will include extensive publicity.

The consultation period will include public forums, questionnaires and other engagement work across the borough and in neighbouring boroughs.

10. Analysis of results and decision making

The results of the consultation will be collated by M·E·L Research, with an independent report on the findings produced. This will then form part of the report due to be considered by Cabinet later in the year, who will determine whether the proposals should be introduced.

When a decision has been made, we will announce this formally on the council website and in the local press. If approved, there would also be a publicity campaign designed to reach as many affected landlords and tenants as possible.

If the additional and selective schemes are approved, they would be likely to commence in Spring/Summer of 2017. If the landlord's charter and revised HMO standards are approved they would be likely to be introduced in early 2017. The information gained from the consultation on the formation of a social letting agency will be used to inform the feasibility of such a scheme.

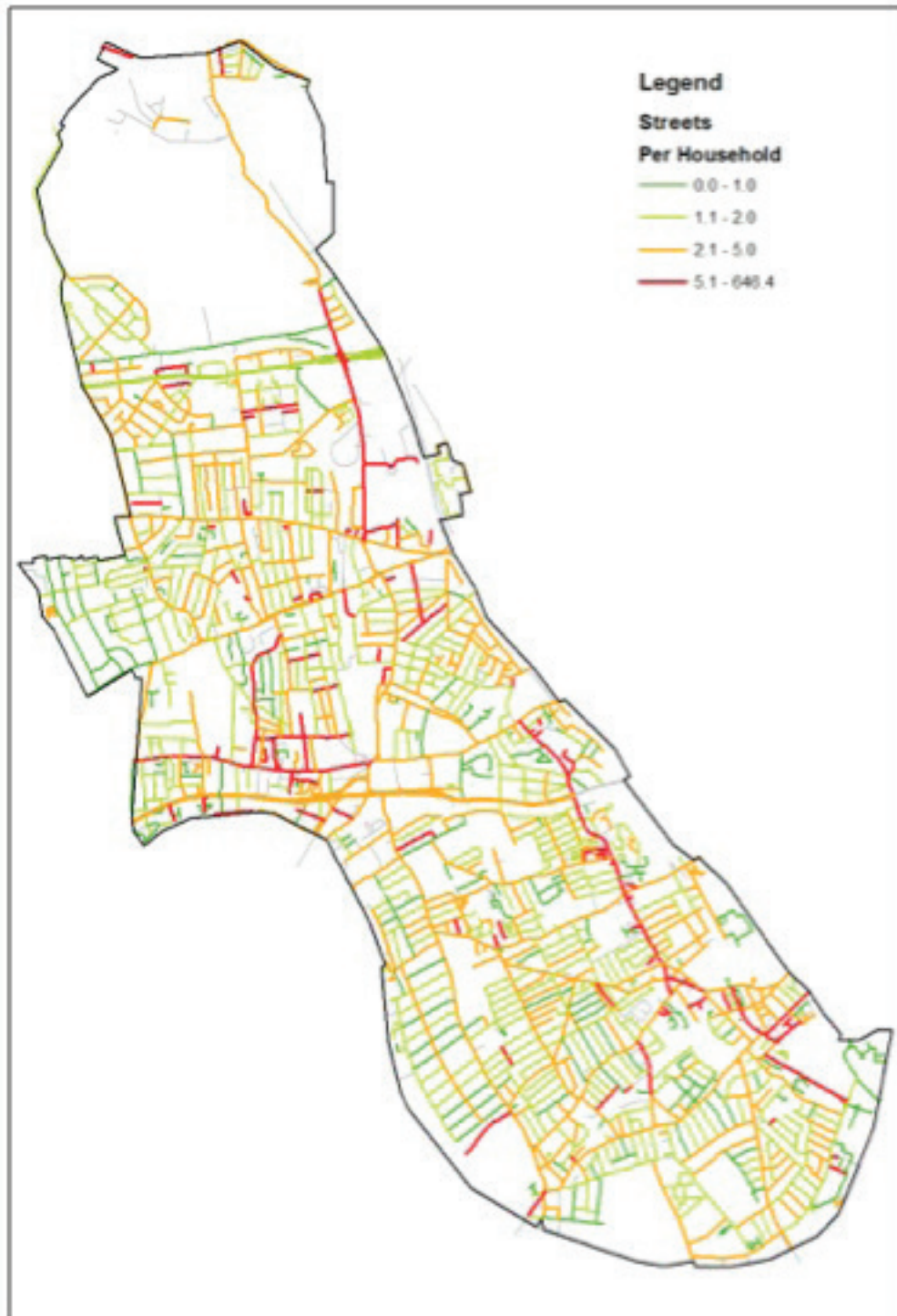
Appendix 1:

Poor management of HMOs in Hammersmith & Fulham



Appendix 2:

Anti-social behaviour incidents per household Hammersmith & Fulham January 2011 to December 2015



Appendix 3:

Streets in Hammersmith & Fulham where it is proposed to introduce Selective Licensing in the private rented sector

Adie Road	Commonwealth Avenue	Lettice Street	Spring Vale Terrace	Molesford Road
Aldensley Road	Coningham Mews	Leysfield Road	St John's Close	Moore Park Road
Armadale Road	Coulter Road	Lilac Street	Stanwick Road	New King's Road
Askew Crescent	Crabtree Lane	Lime Grove	Station Approach	Norbroke Street
Askew Road	Daffodil Street	Loris Road	Sterne Street	Normand Road
Aspenlea Road	Foxglove Street	Lower Mall	Studland Street	North End Crescent
Astrop Mews	Frithville Gardens	Luxemburg Gardens	Sullivan Road	North End Road
Astrop Terrace	Fulham Broadway	Macbeth Street	Talgarth Road	Old Oak Road
Augustine Road	Fulham High Street	Macfarlane Road	Tamarisk Square	Ollgar Close
Barb Mews	Fulham Park Road	Mandela Close	Telephone Place	Ormiston Grove
Basuto Road	Fulham Road	Palliser Road	Terrick Street	Overstone Road
Batoum Gardens	Galloway Road	Parsons Green	Trevanion Road	Vereker Road
Batson Street	Glenroy Street	Parsons Green Lane	Tyrawley Road	Wallflower Street
Beaconsfield Terrace Road	Glenthorne Road	Peterborough Mews	Upper Mall	Waterford Road
Beavor Lane	Goldhawk Mews	Poplar Mews	Uxbridge Road	Watermeadow Lane
Bentworth Road	Goldhawk Road	Porten Road	Dalling Road	Wells Road
Beryl Road	Goodwin Road	Primula Street	Dawes Road	Wood Lane
Bishop's Avenue	Gorleston Street	Purcell Crescent	Devonport Road	Woodlawn Road
Bloemfontein Road	Grimston Road	Ravenscourt Avenue	Down Place	Woodstock Grove
Bloemfontein Way	Gwyn Close	Ravenscourt Park	Dunraven Road	Yew Tree Road
Bothwell Street	Harwood Terrace	Ravenscourt Place	Eddiscombe Road	
Bramble Gardens	Hawksmoor Street	Raynham Road	Effie Place	
Britannia Road	Hazlitt Mews	Redmore Road	Effie Road	
Broomhouse Lane	Hilary Close	Reporton Road	Elysium Place	
Bryony Road	Hofland Road	Rickett Street	Epirus Mews	
Bulwer Street	Hopgood Street	Rigault Road	Erconwald Street	
Byam Street	Imperial Road	Rockley Road	Fane Street	
Cactus Walk	Jerdan Place	Rosebury Road	Farm Lane	
Cambria Street	Kenmont Gardens	Ryecroft Street	Felden Street	
Cambridge Grove	Kilmarsh Road	Scrubs Lane	Fielding Road	
Cassidy Road	King Street	Shepherd's Bush Place	Filmer Road	
Cathnor Road	King's Road	Shepherd's Bush Road	Firth Gardens	
Caverswall Street	Lalor Street	Sherbrooke Road	Maurice Street	
Caxton Road	Lamington Street	Shortlands	Meldon Close	
Chancellors Road	Lanfrey Place	Snowbury Road	Melina Road	
Charlow Close	Langford Road	South Black Lion Lane	Melrose Terrace	
Clancarty Road	Larnach Road	Southcombe Street	Micklethwaite Road	
Colehill Lane	Leamore Street	Southerton Road	Milson Road	

Appendix 4:



LANDLORDS RENTAL CHARTER

The London Borough of Hammersmith & Fulham values the private rented sector and its important role in providing decent, warm, safe homes. We believe that working together with landlords we can improve the choice for Borough residents and landlords alike.

LANDLORD / AGENT COMMITMENT I will-

- Advertise my property honestly and in accordance with the law
- Be clear about all fees that tenants will have to pay
- Provide tenants with a clear written tenancy agreement and agree an inventory
- Ensure any deposit taken is protected and in accordance with the law
- Provide safe, warm and energy efficient homes that meet minimum standards (Appendix 1)
- Provide an Energy Performance Certificate (EPC) and, where gas is provided at the property, a current Gas Safety Certificate
- Provide tenants with contact details, including a telephone number they can use in case of an emergency
- Be proactive in maintaining my property to keep it safe and in good repair
- Let my tenants know how they can report repairs and respond promptly
- Provide my tenants with a clear means of making and fairly dealing with complaints
- Respect my tenant's privacy and give advance notice of visits
- Ensure tenants are aware of the standards of behaviour they should follow and how they will be dealt with if they fail to meet such standards
- Provide clear instructions on what they should do at the end of a tenancy
- Make sure any deposit is released in accordance with the rules of the tenancy deposit scheme it is held under
- Keep myself up to date with the law on housing
- Provide security of tenure
- Provide a copy of landlord's Insurance
- Protect tenants harassment or illegal eviction
- Meet best practice on rents
- Letting and property management agents are required to join a tenant's redress scheme

London Borough of Hammersmith & Fulham

Landlord(s)/Agent

Signature:

Signature:

Date:

Expiry Date

Appendix 1: Minimum Accommodation Standards

Hammersmith and Fulham expect all privately rented accommodation in the borough to be safe, free from hazards and in good repair.

The following are minimum standards which privately rented properties should meet. Landlords letting Houses in Multiple Occupation must comply with the Borough's standards:

<https://www.lbhf.gov.uk/housing/private-housing/houses-multiple-occupation-hmos>

Security

- Access doors to premises must have suitable locks and windows in accessible locations must be provided with suitable window locks.

Condensation - Control & Prevention

- Adequate permanent ventilation must be provided to all habitable rooms. In particular, fixed mechanical ventilation is to be provided to kitchens and bathrooms.
- If condensation is a result of cold bridging, effective insulation must be installed in addition to the provision of adequate ventilation and efficient heating.

Damp

- The building must be free from rising damp.

Heating & Thermal Comfort

- An efficient heating system which is affordable to run, controllable by the tenant and available at all times, must be provided. The space heating must be fixed – portable, plug-in appliances are not acceptable. The system must be capable of efficiently maintaining 21oC in living areas and 18°C in sleeping rooms when the outside temperature is -1oC. In most cases, a suitable heating system will comprise full gas central heating which is modern (under 12 years old) and programmable, with Thermostatic Radiator Valves (TRVs).
- Where there is a loft present, a minimum of 200mm loft insulation is required. If new loft insulation is required, a thickness of 270 mm is required to meet current Building Regulations.

Windows

- Windows must be in good working order and open and shut properly.
- Single glazed windows must have suitable and effective draught proofing.
- Restrictors to be fitted to all windows above ground level to restrict opening to 100mm.
- Low level glazing (within 800mm of floor level) must be impact resistant.

Kitchen, Bathroom and WC Facilities

- All cooking units and sanitary facilities and appliances must be in reasonable repair and good working order.

Staircases and Balconies

- Steps and stairs must have level, even treads and provide adequate friction.
- All staircases must have suitable handrails at the height of 900-1000mm.
- and landings with a drop of 600mm or more must have guarding with maximum opening of 100mm and designed to prevent climbing. The height of the guarding shall be 900mm.
- Balconies must be properly constructed and guarded. The guarding must have maximum openings of 100mm and designed to prevent climbing. The height of the guarding shall be 1100mm.

Gas and Electric

- A gas safety certificate must be provided annually by GAS SAFE engineer– legal requirement
- A check of the electrical installation should be carried out every 5 years and interim checks carried out on an annual basis and/or at a change of tenancy. An electrical test certificate must be provided by a competent person e.g. NAPIT or NICEIC.
- Sufficient electrical sockets must be provided to prevent the inappropriate use of extension leads and avoid overload (see Fire Safety).

Fire Safety

- Shared flats/houses and bedsits in converted houses must conform to certain standards of fire protection. Such premises are classified as 'Houses in Multiple Occupation' (HMOs). These are defined as premises occupied by persons who do not form a single household'. If the premises is an HMO there must be adequate provision for means of escape in case of fire. (See website link at the end of this guidance).
- As a minimum in rented properties, the following requirements for fire apply:
- Mains wired smoke detectors must be fitted to the ceiling of the dwelling hallway/landings (one per floor, interlinked). In some properties, including converted buildings and HMOs, a more comprehensive fire detection system may be required.
- Flat entrance doors (within converted properties) must be of half hour fire resistant construction and fitted with suitable self-closing devices.
- All kitchens must have close fitting doors and in HMOs these must be fire resistant.
- Key only operated mortice lock to flats, houses and HMOs are not acceptable as they compromise escape in case of fire. As an alternative, locks with an internal thumb turn are acceptable.
- All kitchens must be provided with suitably fixed fire blankets conforming to BS 1869:1997
- All fire escape routes and communal areas must be kept free of obstructions.

Lighting

- The dwelling should have adequate natural and artificial lighting in all habitable rooms and adequate artificial lighting to all other such as circulation areas, bathroom and kitchens.

Crowding & Space in Dwellings (Non HMOs)

- Depending on gender mix, a one household/family dwelling comprising one bedroom is suitable for up to two people regardless of age, two bedrooms for up to four people, three for up to six people and four for up to seven people.

Crowding & Space in HMOs

- For space standards in HMOs, please refer to Hammermsith & Fulham HMO standards: <https://www.lbhf.gov.uk/housing/private-housing/houses-multiple-occupation-hmos>

Pests and Vermin

- Landlords (not the tenants) are responsible for eradicating pest/vermin infestations in properties they rent, including mice, rats, bedbugs and cockroaches. Any infestation must be properly treated and any gaps/holes which allow the ingress of vermin must be filled.

Asbestos

- Landlords have a legal responsibility to manage risks associated with any asbestos present in rental properties. Where a problem of asbestos is identified or suspected, the landlord must seek specialist advice from an asbestos surveyor or a licensed contractor.
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Appendix 5:

The Council's requirements for HMO landlords



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Part 1: Introduction

1.1 Background

The Council has a large private rented sector with huge demand for shared accommodation. Houses in Multiple Occupation (HMOs) provide a vital role in meeting the need for decent and affordable accommodation for a wide range of residents, from students to low paid workers and professionals. We want to encourage landlords to provide good quality accommodation for tenants.

The aim of this document is to ensure that HMOs provide a minimum acceptable standard so that tenants occupy safe and healthy homes. HMOs should be of adequate size, with sufficient space to live, reasonable levels of washing, cooking and sanitary facilities and be well managed. This guide provides comprehensive and practical information on the law and is updated to include new legislation such as the Smoke and Carbon Monoxide Regulations 2015.

The Council has a duty to ensure that Houses in Multiple Occupation are free from serious housing hazards including crowding and space. Some HMOs are required to be licensed by the Council under the mandatory HMO licensing scheme.

1.2 Why is HMO guidance needed?

A review and revision of the Council's HMO standards is long overdue. Some amendments were made to them as a result of the major changes in the Housing Act 2004 but they do not accurately reflect all current legal requirements or offer adequate or comprehensive guidance to landlords. They were too prescriptive and of insufficient detail to help landlords comply with the law.

1.3 What are the main changes?

This new HMO guidance brings the Council's requirements up to date and addresses concerns about the quality and standard of HMO accommodation in the borough. The main changes are:

- More detailed and comprehensive advice to landlords on HMO definition, licensing and the main housing hazards such as fire, cold homes etc.
- Updating the guidance to include recent legal requirements such as electrical safety and fire/carbon monoxide requirements
- Simplifying the advice provided and layout
- Guidance in applying risk-assessment to housing hazards
- Greater flexibility in achieving safe and healthy HMOs rather than relying on fixed standards
- Updated guidance on refuse storage

1.4 Types of HMO and terminology

1.4.1 Bedsits

These are houses & flats let as individual rooms / bedsits occupied by a number of unrelated persons living as more than one household where there is little interaction between the occupiers.

Bedsits tend to be occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathrooms and / or toilets). Cooking and food preparation facilities are usually provided within the individual units of accommodation. There is usually no communal living room and each occupant lives otherwise independently of all others.

There are usually individual tenancies rather than a single joint tenancy. Bedroom doors will usually be lockable. Initially there may be little or no social interaction amongst the residents.

1.4.2 Shared Houses and flats in multiple occupation

Shared houses are described as HMOs where the whole property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. Each occupant normally has their own bedroom but they share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. All the tenants will have exclusive legal possession and control of all parts of the house, including all the bedrooms. There is normally a significant degree of social interaction between the occupants and they will, in the main, have rented out the house as one group. There is usually a single joint tenancy agreement. In summary, the group will possess many of the characteristics of a single family household, although the property is still legally defined as a HMO because the occupants are not all related.

1.5 Applying the guidance to HMOs

This guidance outlines the minimum requirements of the Council and should not be seen as the ideal. It covers the most common types of HMOs found in the borough, which are usually described as shared houses or bedsits. If the HMO you are letting is a hostel, temporary accommodation or student/staff accommodation, please refer to our separate guidance for this type of property, which is available on our website.

This document sets out standards for management, overcrowding, room sizes, bathroom & WC facilities, kitchen facilities and references standards for means of escape from fire. The Council are also required to assess properties under the Housing Health & Safety Rating System (see 1.8 below). Although some standards are set out in law, other requirements may depend on the Council taking a risk based approach to certain housing hazards. For such hazards, the Council will take a flexible and common sense approach to assessment and enforcement.

To ensure that these standards are current, please check with the Council's website at http://www.lbhf.gov.uk/Directory/Housing/Multiple_occupancy_homes/

1.6 Definition of HMO

An HMO is a property occupied by 3 or more unrelated people in 2 or more households. A full definition of 'house in multiple occupation' can be found in section 254 of the Housing Act 2004. Details of what relationships constitute a single family can be found in section 258 of the Housing Act 2004. The Act also gives the Council powers to deal with poor living conditions in HMOs.

1.7 Planning

There is a different definition of a HMO which is set out in planning legislation and local planning policy. There are restrictions about the development and change of use of HMOs and planning permission may be required. Property owners, developers and their agents are strongly advised to check with the Council's Planning and Conservation Department before carrying out any development, including any self-containment of units within an HMO or any change in use of a property.

Further information is available at:

http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/

1.8 Licensed HMOs

An HMO is required to be licensed with the Council if it is three or more storeys in height and is occupied by 5 or more tenants, of which at least 2 households share one or more basic amenities including kitchen, bathroom or WC.

The aim of the licensing scheme is to improve conditions and management within HMOs by ensuring:

- conditions within a HMO comply with the Council's HMO standards
- landlords and/or their agents are 'fit and proper' persons as defined in the Housing Act 2004
- management arrangements for the HMO are appropriate.

It is the landlord/manager's responsibility to apply to the Council to licence a property.

As part of the HMO licensing process, the Council can discuss with landlords any variations from the standards that may be appropriate for a particular HMO. However, national minimum HMO licensing standards apply and must be complied with, in particular the level of bathroom, WC and wash hand basin provision.

1.9 Housing Health and Safety Rating System

The Housing Health and Safety Rating System (HHSRS) is a system for assessing the health and safety risks in dwellings.

The principle of HHSRS is that any residential premises (including the structure, means of access, and any associated outbuilding, garden or yard) should provide a safe and healthy environment for any potential occupier or visitor. The HHSRS is comprehensive in its coverage of key health and safety risks in dwellings. It assesses the risk associated with certain hazards and, if the likelihood of harm is significant, the Council may take action to ensure that the risk is removed.

If you require any additional advice on the standards required you can contact us by emailing phs@lbhf.gov.uk or calling 020 8753 1221

Part 2: Minimum Space Standards

2.1 Calculating Room Sizes

In calculating floor areas in letting rooms, the Council will discount space occupied by:

- bathrooms/shower rooms
- corridors
- lobbies
- chimney breasts, small alcoves etc.
- ceiling height - rooms should have a minimum height of 2.3 metres over at least half of the habitable floor area. Any floor area where the ceiling height is less than 1.9 metres or 1.5 metres in attic rooms will not count towards the habitable floor space.

2.2 Minimum room sizes

2.2.1 Exclusive use

Table 1 - Rooms where there are kitchen facilities in a separate room for exclusive use

Space standard room with separate kitchen	No. of persons	Minimum floor area
Single Room	1 person	7m ²
Double Room	2 persons co-habiting as a couple	11.5m ²
Kitchen area		4m ²

Table 2 - Rooms with kitchen facilities in the letting room

Space standard kitchen facilities in room	No. of persons	Minimum floor area
Single Room	1 person	9.3m ²
Double Room	2 persons co-habiting as a couple	15m ²

2.2.2 Shared kitchens

These standards will only be applied in properties where there is evidence that the occupiers are living more like a single household and are comfortable using shared communal space, rather than individuals who have very little interaction with each other. Examples of this type of occupation are shared houses where the occupiers came together as a group or have a common shared interest i.e. students or employees from the same college or employer. Typically, they would cook and eat meals together and would choose to spend time together in a dining area or lounge.

Table 3 - Rooms where there are separate shared kitchen facilities and lounge/living room

Space standard separate shared kitchen and lounge	No. of persons	Minimum floor area
Kitchen	Up to 5	5.5 m ²
Lounge/Living room	1-3 people	8.5m ²
	4-6 people	11m ²

2.3 Living Rooms

Living rooms must be fully furnished and need to have adequate sofas and armchairs to accommodate all of the occupiers at any one time (to avoid incidences where some occupiers are unable to make use of the communal living room at certain times) and would usually have a television and coffee table.

2.4 Loft Rooms/Spaces

Loft spaces and cellars are unsuitable for use as living accommodation unless proper Building Control & Planning Permission have been obtained. These spaces may require extra works in order to comply with these standards and the Housing Act 2004.

Attic rooms and loft rooms should have a minimum room height of 2.3 metres over at least half of the habitable floor area. Any floor area where the ceiling height is less than 1.5 metres will not count towards the habitable floor space.

Part 3: Facilities for the storage, preparation and cooking of food

3.1 Kitchens for exclusive use in the letting room or a separate room

Table 4 – Minimum requirements for kitchen facilities

Kitchen facility	Standard	Minimum size
Cooker	One cooker	Minimum of 4 burners, oven and grill. A microwave may be substituted for up to 2 burners. Cookers must not be sited adjacent to exit doors. Splashback or lift-up cover provided.
Sink	Set on a base unit. Provided with a constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback shall be provided to the drainer	Sink minimum size 600mm x 500mm 300mm height.
Worktop	Made of an impervious material.	
A tiled splashback shall be provided	500mm x 500mm worktop must be provided adjacent to the cooker	300mm height
Storage cupboards	One cupboard - the cupboard below the sink cannot be used for food storage.	Minimum capacity 0.3 cubic metres
Fridge	1 refrigerator	75 litres
Electrical sockets	4 x 13 amp sockets provided within the food preparation area, at least 2 shall be above worktop level.	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop

3.2 Shared kitchens

3.2.1 Ratio of persons to facilities

For shared kitchens, one set of kitchen facilities shall be provided for every 5 occupants.

3.2.2 Shared kitchen facilities

Table 5 - Minimum requirements for shared kitchen facilities.

Kitchen facility	Standard	Minimum size
Cooker	One cooker for every 5 persons	Minimum of 4 burners, oven and grill. Cookers must not be sited adjacent to exit doors. Splashback or lift-up cover provided.
Sink	Set on a base unit. Provided with a constant and adequate supply of hot and cold water and properly connected to the drainage system. Sink strainer or plug provided. A tiled splashback shall be provided to the drainer	Sink minimum size 600mm x 500mm 300mm height.
Worktop	Made of an impervious material.	
A tiled splashback shall be provided	1000mm x 500mm worktop must be provided adjacent to the cooker	
300mm height		
Storage cupboards	One cupboard for each tenant, the cupboard below the sink cannot be used for food storage. The cupboard can be located in the letting room where there is sufficient space	Minimum capacity 0.3 cubic metres cupboard per person
Fridge	1 fridge/freezer for every 5 persons	245 litres for 5 people. This can be smaller if individual fridges are provided in the rooms, this should be discussed with the case officer
Electrical sockets	4 x 13 amp double sockets provided in food prep. area, at least 2 shall be above worktop level. 1 extra socket shall be provided for each major appliance (fridge, freezer, washing machine). The cooker shall be connected to a separate cooker spur	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop

Where the dwelling is occupied by more than five persons contact the Private Sector Housing Team for further advice on required facilities for the preparation, cooking and storage of food.

3.2.3 General requirements for shared kitchens

The kitchen size (see space standards) and layout must enable the practical, safe & hygienic use of the kitchen for storage, preparation and cooking of food.

The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned

3.3 General requirements for all kitchens

3.3.1 Location

For shared kitchens, the kitchen must be not more than one floor distant from the letting room.

This requirement will only be relaxed in the following circumstances:

- the property has been lawfully converted under planning law and building regulations from a 2 storey house into a 3 storey house with a loft or other similar construction.
- The loft conversion provides accommodation for one letting room
- there are 5 persons or less living in the property
- There is a shared kitchen on the ground floor of the premises which meets the Council's standards for shared kitchens.
- Where practicable, cooking facilities should be available for the exclusive use of the tenant(s) occupying the loft room letting, rather than sharing cooking facilities more than one floor distant.

3.3.2 Other requirements

- The lighting shall be suitable to enable the practical, safe & hygienic use of the kitchen facilities.
 - There must be adequate ventilation. Where mechanical ventilation is required, it must be extracted to the outside air
 - Kitchens must not be located in any hallway, corridor or lobby
 - Suitable and sufficient provision shall be made for refuse storage and disposal both within the unit of accommodation and outside. Internal storage for waste and recycling must be located in an accessible and commonly used area inside each dwelling. The storage for refuse and recycling should be away from circulation areas e.g. below a worktop.
-

Part 4: Personal hygiene and sanitation standards

4.1 Personal hygiene facilities

The following shared facilities shall be provided for up to 5 people not being more than one floor distant from each letting room

Table 6 - Minimum requirements for personal hygiene facilities

Washing/sanitary fittings	Minimum size	Splashback
Baths	1600mm x 700mm	450mm
Shower rooms/cubicles	800mm x 800mm	In cubicle or fully tiled with shower screen or curtain
Wash hand basin	500mm x 400mm	300mm high
WC	-	-

4.2 General requirements

- One bathroom or shower room, one toilet and one wash hand basin shall be provided for every 5 occupants.
- The room shall be accessible directly from the common areas and within one floor of each letting.
- All shower/bathrooms must have adequate heating, ventilation and artificial lighting
- Baths, showers, toilets and wash hand basins shall be provided in a separate room of adequate size. There should be adequate space for drying & dressing and somewhere to hang clothes and towels. Baths must have a suitable plug and overflow.
- If an over bath shower is provided, then the adjacent walls should be fully tiled.
- A suitable water resistant shower curtain must be provided in a fully tiled shower or the shower must be in a purpose built shower cubicle, with a suitable water resistant shower curtain or door to the cubicle
- A wash hand basin shall be provided within each toilet compartment and within each bathroom/shower room. Plug must be provided to the wash hand basin.
- Each bath, shower and wash hand basin shall be provided with a constant supply of hot and cold water.
- The doors to bathrooms, shower rooms and WCs shall be capable of giving privacy and should be lockable from the inside.
- Where light switches are located within the bathroom, shower room or WC compartment they must be pull cord switches.
- The wall, floor and ceiling surfaces shall be smooth, impervious and capable of being easily cleaned.
- The lighting shall be suitable to enable the practical, safe & hygienic use of the facilities.
- Any door or window glazing must be obscure glass.

4.3 Wash hand basins within bedrooms (where five or more occupiers occupy the HMO)

- Each bedroom must have a wash hand basin, minimum size 500mm x 600mm, provided with constant and adequate supply of hot and cold water and properly connected to the drainage system. Plug must be provided to the wash hand basin.
- A tiled splashback (minimum 300mm high) shall be provided to the wash hand basin.

NB: A wash hand basin is not required where a sink with a constant and adequate supply of cold and hot water is provided within the letting on the grounds that the sink can be used for personal washing in addition to food preparation.

Part 5: Guidance on key hazards and steps to protect your tenants

5.1 Fire Safety

5.1.1 General principles

All HMO's are subject to an assessment under the Housing Health & Safety Rating System and must comply with the Regulatory Reform Order and LACORS Fire Guidance. http://www.cieh.org/policy/fire_safety_existing_housing.html

The Council works closely with the fire authority to determine whether fire safety measures are satisfactory. Each case will be judged on its own merits. It is difficult to prescribe set standards for HMOs which are a very diverse type of property type. Variations away from accepted guidance has to be fully justified and any alternative solutions will need to be agreed by both parties

5.1.2 Fire Risk Assessment

The Regulatory Reform (Fire Safety) Order 2005 is enforced by the fire brigade and requires that the 'responsible person' carry out and regularly review a fire risk assessment of the premises. This will identify what you need to do to prevent fire and keep people safe. If you don't have the expertise or time to do the fire risk assessment yourself you'll need to appoint a 'competent person' to help, e.g. a professional risk assessor. If you're not sure if your risk assessment has been carried out properly your local fire and rescue authority might be able to give you advice although they can't carry out risk assessments for you. Further information can be obtained from <https://www.gov.uk/workplace-firesafety-your-responsibilities/fire-risk-assessments>

5.1.3 Smoke and Carbon Monoxide Alarms

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced legal requirements which are to equip a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation. There is also a requirement to carry out checks to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

For the purposes of the legislation, living accommodation is a room that is used for the primary purposes of living, or is a room in which a person spends a significant amount of time, and a bathroom or lavatory is classed within this definition.

Landlords should be aware that in HMOs there will, in most cases be a need for a higher standard of fire detection in HMOs than the requirement in these regulations. Landlords are advised that in HMOs they should comply with LACORS fire Guidance as a minimum requirement.

General requirements

In general terms the following fire safety measures must be considered:

5.1.4 Provision of a protected escape route

The protected escape route leads from the letting to the street exit through the building, and normally includes staircases, passageways, landings and protected lobbies. Protection is provided by fire resistant doors and partitions. The protected escape route must be kept clear.

There must be adequate fire separation from any commercial areas of the building and any other residential parts of the building not linked by common entrances or stairways.

5.1.5 Fire resistant doors

30-minute fire resistant doors are required on doors opening onto the protected route from any room other than a bathroom or WC. They should be provided with:

- intumescent strips and cold smoke seals, to prevent the passage of smoke
- a self-closing device (except on cupboard doors)
- a lock (for example thumb turn) to each letting room which does not require a key to open the door from the inside, to allow escape in the event of a fire.
- capable of being fully closed,
- close fitting, without excess gaps between the leaf and frame,
- hung on three heat resisting hinges (not rising butts)

5.1.6 Automatic Fire Detection (AFD) system

Provision of any form of AFD system requires specialist advice to design and install the system. AFD systems are designed to provide the earliest possible warning of fire within a letting or the common parts. The purpose of an AFD system is to detect and alert the occupiers of the HMO to the presence of smoke and/or fire before it develops into a dangerous situation. Alarm systems are required in all HMOs because the fire risk is significantly greater than in single-family dwellings.

- Alarms must be mains-wired and most must be inter-linked so that they all sound when any one is activated.
- The specification for the type and coverage of the AFD will vary depending on the risk, size and layout of the HMO.

A summary of the general requirements for bedsit type HMOs has been provided below, listed by storey height of the HMO but this is intended as a broad guide only NB: for shared houses occupied by an identifiable group of sharers such as students or friends as joint tenants, the AFD specification and coverage will be different. You should seek advice from the Private Sector Housing Team before installing any equipment.

5.1.7 Two storey HMOs

A Grade D, LD2 system; consisting of:

- Interlinked mains-wired smoke alarms with integral battery back-up located in the escape route at all floor levels, in each bedsit, living area, cellar and any cupboard opening onto the escape route but not required in bathrooms/WCs unless they contain a specific risk.
- Interlinked heat alarms with integral battery back-up located in each communal kitchen.
- If cooking facilities are sited within the bedsits
- As above but interlinked heat alarms instead of smoke alarms, with integral battery back-up in each bedsit; and a non-interlinked smoke alarm with integral battery back-up in each bedsit, sited away from the cooker.

figure D7: bedsit-type HMO, two storeys



5.1.8 Three storey HMOs or above

A Grade A, LD2 system; consisting of:

- Smoke detectors in the escape route at all floor levels, in each bedroom, living room, cellar and any cupboard opening onto the escape route.
- Heat detectors located in each communal kitchen;
- Alarm sounders throughout the common escape route, hallways and landings;
- Manual call-points in the common escape route on each floor.
- All the above linked to a Control/Indicator Panel in the entrance hallway and powered from a protected mains supply.

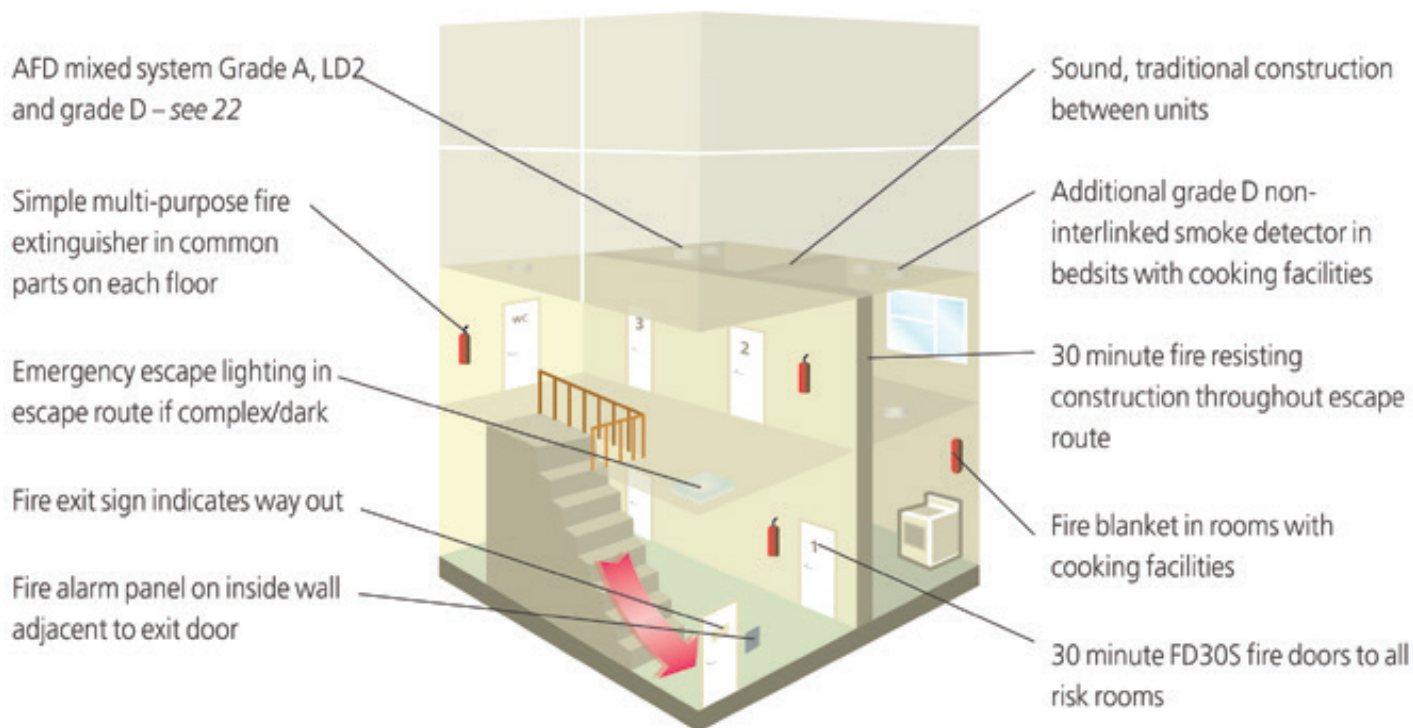
If cooking facilities are sited within the bedsits

- As above but heat detectors instead of smoke detectors in the bedsits and also a Grade D, non-interlinked smoke alarm with integral battery back-up in each bedsit sited away from the cooker.

Power supplies to AFD systems of any type are not permitted to be from pre-payment meters and must be from the landlord's power supply. AFD systems to conform to BS 5839 Part 6: 2004.

Example of typical requirements:

figure D8: bedsit-type HMO, three or four storeys



5.1.9 Emergency lighting

Emergency lighting which comes on if mains electricity fails may need to be fitted to illuminate the protected route and some internal staircases. The installation must comply with BS5266.

5.2 Raised bed platforms in letting rooms

5.2.1 Fire safety

Raised bed platforms must comply with all of the following:

- at least 50% of the floor area of the room should be unobscured by the gallery;
- the distance from the foot of the egress stair from the gallery to the room exit should not be less than 3 metres.
- Any cooking facilities must be located in a safe position. This means that they must not be located under the sleeping platform, should be sited remote from the room exit and may need to be enclosed within fire-resisting construction.
- Where the fire risk to the occupants cannot be ensured and redesigning the room to overcome fire risk is not practical, additional fire precautions such as sprinkler or misting systems may be required.

5.2.2 Guarding

Raised sleeping platforms must be provided with guarding/edge protection of adequate height along the full length of the gallery area to prevent falling.

Safe access to the raised bed platform must be provided and ladders are not acceptable. Where possible a staircase complying with building regulations should be provided. As a minimum, fixed stair treads and a handrail must be provided.

5.3 Electrical Appliances and Installations

All works to the electrical installation shall be carried out by a properly qualified engineer and must comply with the following:

- ▶ The Electrical Equipment (Safety) Regulations 1994

These regulations impose a duty on landlords as the supplier that electrical equipment is 'safe' as defined by section 19 of the Act, so that there is no risk of injury or death to humans or pets or risk of damage to the property. They cover all mains voltage household electric goods including cookers, kettles, toasters, electric blankets, washing machines, immersion heaters etc. The Act also requires that if any equipment is supplied with any particular characteristic, suitable information or instruction booklets should be provided.

- ▶ Plugs & Sockets (Safety) Regulations 1994

These regulations require that where any plug, socket or adaptor supplied for intended domestic use, that it complies with the appropriate current standard and specifically that:

- The live and neutral pins on the plugs are part insulated so as to prevent shocks when removing plugs from sockets; and
- All plugs are pre-wired.

- ▶ Electricity at Work Regulations 1989

These regulations require the testing of portable appliances (PAT testing) provided within the common areas of the property, e.g. kettles, toasters etc.

5.4 Carbon Monoxide Detection

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced legal requirements for private sector landlords in respect of premises occupied under tenancies starting on or after that date. The requirements are to:

- Equip a carbon monoxide alarm in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- Carry out checks by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy

For the purposes of the legislation, living accommodation is a room that is used for the primary purposes of living, or is a room in which a person spends a significant amount of time, and a bathroom or lavatory is classed within this definition.

5.5 Gas Supply and Appliances

All works to the gas installation and gas appliances shall be carried out by an engineer registered on the Gas Safe Register.

All gas pipe work, appliances and flues must be tested by a registered Gas Safe Engineer every 12 months. Landlords must keep a copy of the Gas Safety Certificate for 2 years and issue a copy to each existing tenant within 28 days of the check being completed and issue a copy to any new tenants before they move in. A copy of the Gas Safety Certificate can be provided within the common areas.

5.6 Space heating and hot water

Landlords should install heating system that are fixed, efficient, controllable and of an adequate size and capacity for the rooms and building. Where space heating and hot water are provided centrally by the landlord, these services should be made available at all times. All heating sources must be provided with controls to allow the occupants to regulate the temperature within their unit of accommodation. There must be adequate thermal insulation to the building.

An adequate means of fixed space heating must be provided in all rooms, including common areas of the dwelling, WC compartments and bathrooms, so that a constant temperature of at least 21°C can be maintained in sleeping rooms and bathrooms and at least 18°C in all other rooms when the outside temperature is -1°C degrees centigrade.

The Borough has a large number of older properties that are hard to heat. Landlords are advised that electrical heaters are not recommended in these premises unless they are well insulated. This is due to electrical heating often being prohibitively expensive to run due to excessive heat loss resulting in tenants having difficulties in cost-effectively heating the property.

In these types of properties, ideally a whole house gas fired central heating system should be provided to the premises to satisfy the design and installation requirements of British Standard 5449:1990 and in accordance with Part L of the current Building Regulations.

Fixed electrical heaters will only be acceptable in the letting rooms of older properties with solid wall construction if all the following conditions are met:

1. Small rooms – as a guideline, rooms of up to 9.3m² are considered small rooms.
2. The appliance is controllable, with timer, thermostat and of adequate capacity to heat the room and maintain it at a temperature of 21°C when the outside temperature is -10°C.
3. Standard ceiling heights, generally not greater than 2.4m
4. Not more than one exposed external wall in the bedsit room
5. Not in a particularly exposed location e.g. north facing.
6. No large exposed areas of single glazing
7. Not in basements, attic spaces with less than 200mm of insulation or poorly insulated mansard roofs
8. Other adequately heated rooms (not mobile/fixed individual electrical heaters) above and below the bedsit
9. Adequate heating is provided in the common parts, bathrooms and any kitchens of the HMO.

Any rooms not falling within the above criteria must be provided with adequate thermal insulation, the details of which must be approved by the Council before installation.

5.7 Furnished Lettings

All furniture provided in connection with the letting must comply with The Furniture & Furnishings (Fire) (Safety) Regulations 1988.

5.8 Security

5.8.1 Communal front door

The main entrance door from the street should close properly, be capable of resisting bodily pressure and slipping of the door lock. Entry systems should not have 'tradesmen' buttons, which bypass normal locking. The following requirements apply:

- The door should be of solid construction.
 - Solenoid based, bolt-action locks are preferred, as they cannot be put on the latch and require less maintenance (also fully compliant with means of escape).
 - Landlord registered keys to control access.
 - Letterbox Cowl to prevent access to the door lock.
 - Properly maintained door closer to ensure the door shuts properly.
 - Glazing should be protected (see Windows).
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5.8.2 Individual dwelling doors

Where locks are provided on doors landlord registered keys should be used for all locks. The main entrance door to each letting room should comply with fire standards and should meet the following minimum standard:

- Door to be of solid construction and attached using three hinges.
- BS8621:2007 Mortice lock with thumb turn cylinder which does not require a key to open the door from the inside, to allow escape in the event of a fire.
- Hinge Bolts and Frame Reinforcers to resist bodily pressure (the most common method of forcing doors in converted properties).

5.8.3 Windows

All windows should have key operated locks (this is an insurance requirement). All basements, ground floors and other externally accessible windows should have restrictors fitted.

Glazing may be protected in a variety of ways:

- • Internal grilles or gates
- • Security film
- • Laminated glazing

NB: Georgian wired glass offers no security.

5.9 Refuse Storage

The HMO Management Regulations state that landlords must make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the Council.

Suitable facilities must be provided for storing refuse generated by tenants whilst it is waiting to be collected. Refuse disposal facilities sufficient for the number of occupants within the building must be provided.

At residential premises served by kerbside collections, space must be made available outside for the storage of refuse and recycling.

The refuse service in operation by the council is the collection of standard dustbins or bags. These dustbins, typically around 90 litres, are not provided by the council and must be supplied by the landlord. Wheelie bins are not acceptable containers because they are not compatible with collection vehicles and are too tall for bags to be safely removed from them.

For each individual household an external cupboard or designated storage space is needed, capable of holding at least two ordinary dustbins, whose specification conforms to BS 792 or BS 4998, or alternatively space or holders for at least two refuse sacks, each of about 100 litre capacity. Additional space of at least 160 Litres is also needed for recycling sacks.

The table below summarises the approximate capacity needed depending on household size.

Table 7 – Storage Capacity for refuse per household size:

Household size	Refuse	Recycling
1-3 people	2-3 dustbins (minimum 2 dustbins or 200 litres)	2 recycling sacks (minimum 160 litres)
4-6 people	3-5 dustbins (minimum 3 dustbins or 300 litres)	2-3 recycling sacks (minimum 240 litres)

It is not acceptable for any waste to be stored on the public highway (with the exception of black sacks and recycling sacks placed out on collection day, or after 9pm on the preceding day).

If storage requirements for refuse pending disposal can't be met due to a lack of storage capacity landlords need to arrange for additional weekly collections. Our contact details are at:

<https://www.lbhf.gov.uk/pages/contact-us>

5.9.1 External Storage

External refuse storage areas should be on a hard level surface that is impervious, pest-proof with easily cleansable surfaces and close fitting lids to receptacles. If the storage area is provided within basement vaults beneath the footway at the front of the premises the following requirements apply:

- The flooring to the vault should be in good order and provide a smooth and easily cleansable concrete finish.
- The vault should be free from serious water ingress and standing water.
- All holes surrounding pipework and gas /electricity services should be filled to prevent pest ingress. The pointing to the brickwork of the vault should be reasonably sound.
- The structure should be pest proof.
- The vault should be provided with a sound, rodent-proof timber door and frame. The door should be close-fitting with a maximum clearance of 5mm at the foot to prevent rodent entry beneath, and, ideally, fitted with a metal kick-plate at the foot to prevent gnawing, etc.
- The storage area to be kept clean and free from accumulations of refuse.

The tenants should be advised on the arrangements for refuse collections and the relevant days when refuse is regularly collected for disposal by the Council.

A full technical specification is available at the following <insert link>

6.1 Introduction

The following is a summary of the following legislation which applies to the Management of HMOs.

- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. SI 2006 No.373
- The Management of Houses in Multiple Occupation (England) Regulations 2006 No.372
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. SI 2007 No.1903.

6.2 Responsibilities of the manager

Regulation 3 - Duty to inform the occupier of contact details including name, address and telephone number and to display this information in a prominent place in the HMO. If a landlord is regularly out of the country or away for long periods of time, a local manager should be appointed who can act on behalf of the landlord; contact details for this person should also be displayed.

Regulation 4 - Duty of the manager to take safety measures in relation to providing and maintaining the means of escape from fire & firefighting equipment and to reasonably protect the occupiers of the HMO from injury.

Regulation 5 - Duty of the manager to maintain water supply & drainage. Water rates should be registered in the name of the landlord/manager who is responsible for paying the bills.

Regulation 6 - Duty of the manager to supply & maintain gas & electricity, including the provision of the latest gas safety certificate to the local authority when requested and the uninterrupted supply of gas and electricity. Utility bills should be registered in the name of the landlord/manager who is responsible for paying the bills. Key meters are not acceptable.

Regulation 7 - Duty of the manager to maintain common parts, fixtures, fittings and appliances including stairs, banisters, floor coverings, windows, lighting, shared appliances, yards, gardens and boundaries. Common parts must be kept free from obstruction, clean and in good order & repair.

Regulation 8 - Duty of the manager to maintain living accommodation and any furniture, fittings and appliances provided by the landlord.

Regulation 9 - Duty to provide waste disposal facilities suitable for the number of people occupying the HMO.

Regulation 10 - Duties of occupiers to reasonably cooperate with, not to hinder or frustrate the manager in performance of his duties; to provide information reasonably requested by the manager for the purpose of carrying out his duties; take reasonable care to avoid causing damage; properly dispose of rubbish; and comply with reasonable instructions regarding the means of escape from fire, prevention of fire and the use of fire equipment.

Appendix 6: Schedule 1

London Borough Of Hammersmith & Fulham Hmo/Property Licence Terms

Licence Terms

1. The licence relates to the property described in the licence approval.
 2. The licence may be granted before the time it is required, but the licence will not come into force until that time.
 3. The licence is valid for a period of 5 years from the date of its issue, unless the following apply:
 - a) The licence will cease if the licence holder dies whilst the licence is in force.
 - b) The licence is revoked under section 70 of the Housing Act 2004.
 4. The licence period continues during the period of the licence even if the premise is no longer a HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
 5. The licence may not be transferred to another person.
 6. If the Licence Holder dies during the licence period, during the period of 3 months beginning with the date of the Licence Holder's death, the premises is to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed. Sections 62 and 68 of the Housing Act 2004 will apply.
 7. If on the expiry of the initial period stated in 6 above, representatives of the deceased licence holder must apply for a further exemption from the date the initial period ends. The premise is to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licensed. Sections 62 and 68 of the Housing Act 2004 will apply.
 8. A copy of the licence must be displayed in a prominent and accessible position within the licensed property at all times. The manager's name, address and emergency contact details must be displayed in a prominent position in the property.
 9. At the start of each tenancy, each tenant must be given a written statement of the terms of their occupancy and a signed inventory covering all parts of the house occupied exclusively by them.
 10. A receipt must be given for all cash payments for deposit or rent.
 11. The licence holder shall submit to the London Borough of Hammersmith and Fulham of the tenancy deposit scheme used for safeguarding the deposits of tenants of those parts of the house under their control.
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Licence Conditions

Material changes to the licensed property or licence holder

12. If, at any time during the licence period:
- There has been a change of circumstances to the premises since the licence was granted. This includes any changes to the construction, layout or amenity provision of the house.
 - There has been any change in ownership or management of the house.
 - The maximum number of households or persons authorised to occupy the HMO has been exceeded since the date the licence was granted.
- The licence holder must notify the London Borough of Hammersmith and Fulham in writing.
Failure to notify the Council of such a change is an offence.
13. If the Licence Holder needs to apply to vary the licence for the premises, they must put their request in writing. The Licence Holder does not have to pay any fee to the Council in respect of any request to vary an existing licence.

Numbers of persons permitted to occupy

14. The number permitted relates to the numbers of amenities provided and/or size of rooms available. The number of persons residing in the premises shall not exceed either,
- the maximum number of occupiers in each room and;
 - the total maximum number of persons, as stated in condition 10 below.
15. The number of persons occupying the rooms/units listed below shall not exceed:

Room/Unit Name	Location	Maximum No. of Persons	Maximum No. of Households
	Total Persons/ Total Households		

16. The use and occupancy levels of each room shall not be changed without the approval of the Council. A new resident must not be permitted to occupy the house or any part if the maximum number of persons or households above is exceeded.
17. The licence holder must, if required by written notice provide the Council with the following particulars as are requested regarding 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 particulars shall be provided to the Council within 28 days on demand.

Standard of Accommodation

18. All licensed HMOs must be reasonably suitable for occupation or can be made suitable by complying with London Borough of Hammersmith and Fulham HMO Standards. These standards relate to the number of households specified in the application and cover the following issues:

- Bathroom and WC facilities
- Kitchen facilities
- Other facilities and equipment such as those provided to ensure fire safety and adequate heating.

Where properties fail to meet these HMO standards conditions may be applied to the licence.

At the time of granting this licence the following HMO standard was applied:

Bedsits and Studios	
Shared houses	
Hostels, Vocational, Student and Staff Accommodation	

The Licence Holder must inform the HMO Licensing Team if the business model for the property changes during the licence period. For example from bedsit accommodation to a shared house property. This change will result in a separate HMO standard being applied, which will be considered a material change.

Management Arrangements

19. The Licence Holder shall ensure that the property is maintained in a reasonable condition in accordance with the requirements of The Management of Houses in Multiple Occupation (England) 2006. (Full details of these requirements are available in the Council's HMO Standards.
20. The Licence Holder shall take reasonable steps to prevent smoking in the common parts of the property.
21. The Licence Holder shall ensure that sufficient bins are provided for the adequate storage of refuse and that adequate arrangements are made for disposal in accordance with Council's HMO Standards.

Gas Safety and Supply

22. The Licence Holder shall be responsible for ensuring that all gas installations comply with the Gas Safety (Installation and Use) Regulations 1998 and are in a safe condition at all times.
23. The Licence Holder shall ensure arrangements are made for gas installations, appliances and flues to be inspected once in every 12 months by a Gas Safe Registered engineer/installer and that any remedial works are carried out in a reasonable time frame.
24. The Licence Holder must send a copy of the Gas Safe certificate to the Housing Team every 12 Months. The current gas safety certificate for the property must be provided to all tenants at the start of their tenancy.

Electrical Safety and Supply

25. The Licence Holder shall be responsible for ensuring that all electrical installations are in a safe condition.
26. The Licence Holder will ensure that a person qualified to undertake such inspection and testing is competent to do so. The competent person shall carry out inspections of electrical installations and appliances at appropriate intervals and that any remedial works will be carried out in a reasonable time frame.
27. The Licence Holder will ensure that a valid Electrical Installation Condition Report that is not more than 5 years old is produced to the Council within 7 days of receiving a request in writing.
28. The Licence Holder will ensure that a copy of the electrical safety certificate is sent to the HMO licensing team at the appropriate periodic intervals.

Supplies

29. The Licence Holder shall ensure that the supply of water, gas or electricity to any residential premises is not unreasonably interrupted. For this purpose, the licence holder shall ensure:
 - a) That the apparatus for the supply and use of these services is maintained in good condition; and
 - b) Where the landlord pays for supplies, these supplies are not disconnected, or threatened with disconnection through non-payment of monies owed to the relevant statutory undertaker.
 - c) Where space heating and hot water are provided centrally and controlled by the landlord, these services should be made available to an extent which meets the reasonable needs of tenants in the premises.

Condition of Furniture and Electrical Appliances

30. The Licence Holder will ensure that all electrical appliances and furniture, made available by the Licence Holder are kept in a safe condition and regularly inspected, as part of a maintenance programme.
31. The Licence Holder will make a declaration as to the safety of electrical appliances and furniture made available by him, on demand from the Council.
32. The Licence Holder shall ensure any covers and fillings of cushions and pillows of upholstered furniture supplied by the licence holder, whether of new, replacement or second hand furniture and soft furnishings provided in the accommodation comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended).

Fire Safety

33. The Licence Holder shall ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation. 'Room' includes hall or landing. Bathroom and lavatory is to be treated as a room used as living accommodation. The minimum requirement is that each smoke alarm is a lithium battery smoke alarm with a minimum life of 10 years. Each alarm should meet the relevant European and British Standards. The Licence holder shall ensure that, on demand from the Council, a declaration is supplied as to the condition and positioning of such alarms.

NOTE: The standard in paragraph 32 is a minimum requirement and may not comply with the higher standard required for the hazard "Fire" under Part 1 of the Housing Act 2004. The most appropriate type of automatic fire detection system for the premises is that recommended in the LACORS guidance, "Housing-Fire Safety; Guidance on fire safety provisions for certain types of existing housing. The LACORS standard may be enforced by the Council if fire detection in the house is inadequate.
34. The Licence Holder shall ensure that smoke alarms are installed and positioned correctly in the house and are kept in proper working order.
35. The Licence Holder shall provide copies of inspection and test certificates for automatic fire alarm systems and emergency lighting to the Council annually.

Managing Anti-Social Behaviour

36. The Licence Holder will ensure that any anti-social behaviour committed by residents or their visitors, to anyone residing in or visiting the property is dealt with appropriately and effectively, in particular by investigating complaints thoroughly.

Where the Licence Holder determines these complaints to be justified they shall take all reasonable steps to resolve the issue. The following requirements must be complied with:

- a. The licence holder must not ignore or fail to take action if complaints of anti-social behaviour have been received about it or to or occupiers of the premises.
- b. Letters or records sent or received must be kept for 3 years by the licence holder.
- c. The licence holder must keep records of any meetings or telephone conversations or investigations regarding anti-social behaviour for 3 years.
- d. If a complaint is received or anti-social behaviour is discovered, the licence holder must contact the tenant within 14 days. The tenant must be informed of the allegations in writing and of the consequences of its continuation.
- e. When the antisocial behaviour continues, the licence holder must provide the tenant with a warning letter advising them of the possibility of eviction if their behaviour continues.
- f. Where the Licence holder believes that criminal activity is occurring the license holder shall inform the relevant authorities.
- g. If after 14 days of giving a warning letter the tenants has not taken steps to address the behaviour the licence holder shall take formal steps under the written statement of terms for occupation eg the tenancy agreement which shall include promptly taking legal eviction proceedings to address the anti-social behaviour.
- h. All correspondence shall be provided to the Council on demand.

Pest Control

37. If the licence holder becomes aware of a pest infestation he shall take steps to eradicate it by implementing a treatment programme. Records must be kept of any treatment and records submitted to the Council on demand.