

# **Houses in Multiple Occupation Amenities and Space Guidance 2022**

## **1. Introduction**

This policy sets out Chesterfield Borough Council's standards for Houses in Multiple Occupation (HMO) operating within the borough. These standards are based on legislative requirements where relevant and associated guidance and represent the minimum standards considered acceptable. They should be regarded as a starting point and not a target to be reached.

These standards are intended to provide landlords and tenants with guidance on the Council's expectations and its interpretation of legislation. If you are in any doubt about any of these standards, please contact Chesterfield Borough Council's Private Sector Housing Team and we will be happy to discuss them with you.

This policy is not intended to be rigidly prescriptive. It is possible that different solutions would be more appropriate. Where a landlord has an alternative solution that is within the legislative framework and provides tenants with a safe home and adequate facilities, the Council will adopt a flexible approach in discussions with a landlord with a view to reaching an acceptable conclusion.

It is accepted that properties will have, historically, met previous guidance and legislation but legislative changes and a desire to improve standards in the sector mean that properties that no longer meet the standards in this document may have to be improved accordingly.

## 2. Bathing and toilet requirements

Any person/household with access to an exclusive bathroom or en-suite facility shall be excluded from the following calculations.

The table below details what the Council believe provides adequate provision for the numbers of persons resident; the table represents the totality of provision and where numbers resident are above 5 this may be provided in a number of ways.

Number of occupiers	Shared baths or showers	Toilets	Wash hand basins (minimum size of 500mm x 400mm)
Up to 4	1	1	1
5	1	2	2
6-8	2	2	2
9-12	3	3	3
13-16	4	4	4

- All rooms containing a toilet must also contain a wash basin
- Bathrooms/shower rooms and toilets shall be suitably constructed and located, ideally not more than one floor away from any living accommodation. However, where the living/sleeping accommodation is on three floors it will be acceptable for some of the facilities to be on the ground floor.
- Where the property's living/sleeping accommodation consists of four or more floors there shall be bathrooms/shower rooms and toilets not more than one floor away from any living/sleeping accommodation.
- Bathrooms and toilets shall be of an adequate size and layout and be adequately heated. This will usually be as part of a whole-house gas central heating system or via storage radiators. Depending on the size of the room it is possible an electric panel heater/storage radiator or fan heater may be acceptable.
- Where an ensuite bathroom/shower room is provided and it is small it is possible that heating provided in the living/sleeping accommodation can effectively be 'borrowed' and no separate heating provision will be necessary.
- All bathrooms/shower rooms/en suites must have suitably located, ideally humidistatically controlled, mechanical extraction (ducted to the outside) providing a minimum extraction in accordance with Table 5.1a of Building Regulations Approved Document F: Intermittent extract rate of 15l/s; where there is no openable window provided the extract fan must have an overrun of a minimum of 15 minutes. If the vent is not humidistatically controlled it must be controlled by the light switch.
- All rooms containing a toilet and washbasin (but not a bath or shower) must, if there is no window, have suitably located, **non-humidistatically controlled**, mechanical extraction (ducted to the outside) providing a minimum extraction in accordance with Table 5.1a of Building Regulations Approved Document F:

Intermittent extract rate of 6l/s; If the vent is not humidistatically controlled it must be controlled the light switch and must have an overrun of a minimum of 15 minutes.

- All baths, showers and wash hand basins shall be fit for purpose and have taps supplying an adequate supply of hot & cold water.
- Baths and showers must have appropriate splashbacks such as ceramic tiling, waterproof panelling or similar suitably sealed at all junctions.
- Showers must have an impervious surround – either a cubicle or tiled/waterproof panelled walls with a screen/door.
- The walls and floor covering of any bathroom or shower room must be non-absorbent and capable of being readily cleansed.
- Suitable locks must be provided to all bath/shower rooms and toilets

**3. Kitchen requirements for HMOs, with shared kitchen(s) and no cooking facilities in the bedrooms; the table represents the totality of provision within the HMO**

No of persons sharing the amenities	Cooking facilities (minimum 4 ring/burner hob, oven and grill)	Sinks and drainers with hot and cold water supply; dishwashers where appropriate	Standard size Fridge freezer (or equivalent under counter separate fridges and freezers	Worktop length (minimum 600mm depth);	Double electric sockets over worktop (excludes those for fridge/freezer, washing machine, oven dishwasher etc.)	Single standard wall/base unit (minimum 500mm width or equivalent) for food storage only	Washing machines and tumble dryers
Up to 4	1 + 1 microwave oven	1	1	2m	2 double sockets	4	1 of each
5	1 + 1 microwave oven	1	1	2.5m	2 double sockets	5	1 of each
6	2 + microwave oven  or  1 + combi-microwave oven & grill	1 x 1.5 sink and drainer + 1 dishwasher  or  2 standard sinks and drainers (irrespective of dishwashers provided)	2	2.75m	3 double sockets	6	1 of each
7	2 + microwave oven  or  1 + combi-microwave oven & grill	As above	2	3m	3 double sockets	7	1 of each
8	2 + microwave oven  or  1 + combi-microwave oven & grill and an extra 4 ring/burner hob	As above	2	3.25m	3 double sockets	8	1 of each

9	As above	As above	2	3.5m	4 double sockets	9	2 of each
10	As above	As above	2	3.75m	4 double sockets	10	2 of each
11	3 + microwave oven  or  2 + combi-microwave oven & grill and an extra 4 ring/burner hob	3  or  2 + dishwasher	3	4m	5 double sockets	11	2 of each
12	As above	As above	3	4.25m	5 double sockets	12	2 of each
13	As above	As above	3	4.5m	5 double sockets	13	3 of each
14	As above	As above	3	4.75m	5 double sockets	14	3 of each
15	As above	As above	3	5m	5 double sockets	15	3 of each

**NB: For 16 or more occupiers, contact the Private Sector Housing Team to discuss.**

#### **Notes on Kitchen requirements**

- All kitchens shall be of such layout and size to adequately enable those sharing to safely store, prepare and cook food. Equipment shall be fit for purpose.
- Kitchens shall have adequate wall/base unit storage for crockery, pots/pans and cooking appliances in addition to food storage. This shall not include cupboard space under any sink unit.
- Shared kitchens shall be suitably located. Where the living/sleeping accommodation is on three floors it will be acceptable for the Kitchen and associated dining/communal space to be on the ground floor.
- Where the property's living/sleeping accommodation consists of four or more floors there shall be kitchens and adequate dining/communal space not more than two floors away from any living/sleeping accommodation.
- Where more than one hob is provided there must be at least 500mm of worktop between them. Worktop shall be provided to either side of a hob.
- Hobs and ovens shall not be installed adjacent to doorways.
- Worktops must be of suitable materials that have an impervious surface for food preparation with suitable splashback (such as 300mm of wall tiling with a silicone sealant at the junction of worktop and tiling).
- The walls of any kitchen must be non-absorbent and capable of being readily cleansed.
- The flooring in the kitchen shall be of a type that is waterproof and is easily cleanable such as vinyl sheet/tiling or other tiling.

- Fire blanket(s) shall be provided. They shall comply with BS 6575 or equivalent; be of 'light duty' type which are capable of dealing with small fires such as cooking fires or fires involving clothing; and be mounted on the wall approximately 1.5m high and closer to the room exit than the cooking facility
- All kitchens must have suitably located mechanical extraction (ducted to the outside) providing a minimum extraction in accordance with Table 5.1a of Approved Document F: Intermittent extract rate of 30l/s adjacent to any hob; 60l/s elsewhere.
- Sufficient electrical sockets for washing machines, cookers, fridge/freezer etc. shall be provided in addition to the number specified for above worktop use.
- All kitchens shall be provided with at least one 30 litre plastic or metal refuse container for every 4 occupants or part thereof.
- Where the landlord provides a catering service the facilities must comply with the The Food Safety and Hygiene (England) Regulations 2013 and are to be separate from any self-catering facilities provided. it is a legal requirement to register your business/the accommodation provided with the Council. You can register for free here:  
<https://www.chesterfield.gov.uk/health-and-environment/food-safety/food-business-registration.aspx>

**4.Kitchen requirements - Households within HMOs that have exclusive use of facilities.**

Cooker	<p>Minimum 2 ring hob, oven and grill; a suitably sized combination microwave oven and grill may be substituted for the oven and grill</p> <p>4 ring hob, oven and grill + microwave oven shall be provided for a household of two or more persons up to a maximum of 5 persons.</p> <p>Note: free standing, plug in, table top ovens with a built in 2 ring hob will not be permitted.</p>
Sink	A standard size sink with drainer and hot and cold water supply shall be provided.
Worktop	<p>Minimum 1.5m of worktop (600mm min depth) total length for a single person household with suitable splashback (such as 300mm of wall tiling with a silicone sealant at the junction of worktop and tiling).</p> <p>2m minimum for 2 person household with suitable splashback (such as 300mm of wall tiling with a silicone sealant at the junction of worktop and tiling).</p>
Electrical sockets over worktops.	Minimum of 2 double sockets excluding those used for washing machine, fridge/freezer, cooker etc.
Dry/canned/packet food storage	Double wall or base unit for a single person household. Additional single wall or base unit for 2 persons.
Refrigerator with freezer compartment.	Standard size under counter refrigerator with freezer compartment

- All kitchens shall be of such layout and size to adequately enable the occupants to safely store, prepare and cook food. Equipment shall be fit for purpose.
- All kitchens/kitchen areas shall be suitably and safely located within the living/sleeping accommodation having regard to fire safety/means of escape considerations.
- A minimum of 250mm of worktop shall be provided to either side of a hob.
- The walls of any kitchen area must be non-absorbent and capable of being readily cleansed.



- The flooring in the kitchen area shall be of a type that is waterproof and is easily cleanable such as vinyl sheet/tiling or other tiling.
- Hobs and ovens shall not be installed adjacent to doorways.
- Fire blanket(s) suitably sited close to cookers and hobs shall be provided. They shall comply with BS 6575 or equivalent; they shall be of 'light duty' type which are capable of dealing with small fires such as cooking fires or fires involving clothing; and be mounted on the wall approximately 1.5m high and closer to the room exit than the cooking facility
- All kitchens shall be provided with at least one 20 litre plastic or metal refuse container.
- All kitchens must have suitably located mechanical extraction (ducted to the outside) providing a minimum extraction in accordance with Table 5.1a of Approved Document F: Intermittent extract rate of 30l/s adjacent to any hob; 60l/s elsewhere.

## 5. Room Space requirements

### Mandatory HMO licensing - Minimum sizes for rooms used as sleeping accommodation

On 01 October 2018 the Government introduced the following minimum sizes for rooms used as sleeping accommodation in mandatorily licensable HMOs. These must be included as mandatory licensing conditions. These are not intended to be the optimal room size and the Council's guidance on what it considers to be appropriate in any HMO is set out below.

Occupancy	Minimum Floor Area M <sup>2</sup>
Single person under age of 10 years	4.64 m <sup>2</sup>
Single person over age of 10 years	6.51 m <sup>2</sup>
Two people over age of 10 years	10.22 m <sup>2</sup>

**Note:** any room of less than 4.64 m<sup>2</sup> may not be used as sleeping accommodation

Bedroom requirements	1 person room	2 person room
Bedroom with no living/dining space elsewhere and cooking facilities not provided in bedroom	Minimum 10m <sup>2</sup>	Minimum 15m <sup>2</sup>
Bedroom with adequate lounge or dining space elsewhere & cooking facilities not provided in bedroom	Minimum 7.5m <sup>2</sup>	Min 10.22m <sup>2</sup>
Bedrooms with cooking facilities provided in the room	13 m <sup>2</sup>	18m <sup>2</sup>

Note: a bedroom, taking into account it's shape and overall size, should be capable of containing the following: a bed of suitable size, adequate wardrobe/drawer space and a desk and chair (as appropriate).

<b>Kitchen space requirements</b>	7.5m <sup>2</sup> if used by up to 5 persons
	For over 5 persons an additional 1m <sup>2</sup> per person sharing the kitchen
<b>Dining space requirements</b>	2m <sup>2</sup> per person (for those sharing the space)
	<ul style="list-style-type: none"> <li>Any dining space (shared or for exclusive use) shall be suitable, and conveniently located. Where the living/sleeping accommodation is on three floors it will be acceptable for the Kitchen and associated</li> </ul>

	<p>dining/communal space to be on the ground floor.</p> <ul style="list-style-type: none"><li>• Where the property's living/sleeping accommodation consists of four or more floors there shall be kitchens and adequate dining/communal space not more than two floors away from any living/sleeping accommodation.</li></ul>
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## **6. Standards Applicable to all HMOs**

### **Sleeping Accommodation**

Bedrooms off a communal area cannot be used solely as a bedroom for a child

Rooms used solely as a child's bedroom will only be accepted if they are within a dwelling unit also occupied by the child's parent(s)/ legal guardian(s).

Persons of the opposite sex and aged 10 or over are not permitted to share the same room for sleeping purposes unless they are married, in a civil partnership or co-habiting as partners.

The sharing of a room for sleeping purposes by adults of the same sex who are neither related nor living as a married couple or partners shall only be permitted where a maximum of two persons share the room and only where both persons have given their express consent.

### **Space requirements**

#### **Exclusive use of Dining Facilities**

Persons occupying bedrooms/living units with exclusive use of adequate and suitably located dining space can be excluded from shared dining space calculations.

#### **Useable Living /Sleeping Accommodation Space – Floor to Ceiling Height**

Useable living/sleeping space of any room is a determining factor in the calculation of the maximum number of people for which it is suitable. Attic rooms with sloping ceilings for example may be short of useable space because of low headroom. Room sizes must comply with the standards set out above.

The calculation of room size only takes into consideration the part of the room where the ceiling height is greater than 1.5m, and assumes the majority of the room to be of a reasonable height and free of potential injurious obstructions

#### **Measurement of the Area of a room**

- Vertical height by reason of sloping roof/ceiling less than 1.5m is not included.
- The measurement can include bay windows, fixed cupboards
- It excludes the projecting chimney breast
- It includes projected skirting

#### **Kitchen Facilities**

- Each person in addition to their individual living/sleeping accommodation should ideally have access to a kitchen and a communal space (living/dining room)
- Kitchen and dining rooms should be located on the same level
- Where the landlord provides a catering service, through a communal kitchen, a separate dining space must be provided.

#### **Storage and Disposal of Refuse**

The landlord shall comply with Chesterfield Borough Council's waste collection scheme relating to the storage and disposal of waste arising from the HMO. Details of the Scheme are available at:

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/rubbish-waste/waste-strategy/chesterfield-waste-action-plan.pdf>

Where directed by the local authority, the landlord shall apply for, fund and maintain a 'Trade Waste Agreement' for the disposal of waste arising from the HMO.

The landlord shall provide and maintain an adequate number of waste wheeled bins for the number of households and amount of rubbish produced.

The landlord shall ensure that there is adequate off street storage for all waste receptacles between collections and that bins are not unnecessarily left on the street between collection days.

The landlord shall ensure that all occupiers of the HMO are provided with adequate information on the appropriate disposal of refuse, the relevant days of collection and any reasonable recycling schemes imposed by the local authority.

## **7. Standards Specific to Hostels and temporary accommodation (such as bed and breakfast provision)**

Kitchen facilities used by the management of the HMO/accommodation to provide meals for residents must comply with the The Food Safety and Hygiene (England) Regulations 2013 and are to be separate from any self-catering facilities provided. It is a legal requirement to register your business/the accommodation provided with the Council. You can register for free here: <https://www.chesterfield.gov.uk/health-and-environment/food-safety/food-business-registration.aspx>

The sharing of bedrooms by adults is not permitted unless:

- They are married, in a civil partnership or co-habiting as partners
- They are parent(s) and child/children (as long as the child is the same sex as the parent, or the child is under 10 years of age if they are the opposite sex).
- They are members of the same family and are both of the same sex. For example 2 brothers, (if below 10 years of age, opposite sexes can share a room).
- Bedrooms off a communal area cannot be used solely as a bedroom for a child
- Rooms used solely as a child's bedroom will only be accepted if they are within a dwelling unit also occupied by the child's parent(s)/ legal guardian(s).
- Persons of the opposite sex and aged 10 or over should not be permitted to share the same room for sleeping purposes unless they are married or living as partners.
- The sharing of a room for sleeping purposes by adults of the same sex who are neither related nor living as a married couple or partners shall only be permitted where a maximum of two persons share the room and only where both persons have given their express consent.

**Note:** There may be exceptions to the above. Advice should be sought from the Private Sector Housing Team in these cases and any exceptions to the above sharing rule must be formally agreed. The exceptions will be included in licence conditions if appropriate.

## 8. General Standards

### Natural and artificial lighting

All habitable rooms should have an adequate level of natural light, provided via a clear glazed window or windows. The glazed area should be equivalent to at least 1/10<sup>th</sup> (10%) of the floor area. Where practicable, all staircases, landings, passages, kitchens, bathrooms and toilets should be provided with a window. Windows to bathrooms and toilets should be glazed with obscured glass.

Artificial Lighting: All rooms and circulations areas within the property should have provision for electric lighting and should be controlled from suitably located switch points. The lighting on stairs should be capable of being switched on and off from both upstairs and downstairs.

### Ventilation

All habitable rooms require adequate ventilation. This will be directly to external air by a window with an openable area equivalent to at least 1/20<sup>th</sup> (5%) of the floor area of room. If there is no natural ventilation in kitchens, bathrooms or toilet mechanical ventilation must be provided to allow an adequate number of air changes per hour in accordance with building regulations. Habitable rooms need suitable and adequate floor to ceiling height to allow proper circulation of air.

### Space heating – heating standards

Heating appliances dependent upon liquid fuel or liquid fuel gas under pressure are not acceptable.

Provision of plug-in/standalone heaters as the sole means of space heating in a property or unit will not generally be considered acceptable.

The premises and each unit of accommodation shall be provided with an adequate heating system. The system shall be capable of maintaining the following internal temperatures when the external temperature is –1°C:

- Reception rooms: 21°C
- Kitchens large enough to also accommodate dining space: 21°C
- Bedrooms: 18°C
- Bathrooms: 22°C
- Hallways: 19°C

The heating system provided must be capable of efficiently and affordably heating the whole house/each individual unit of accommodation.

### Gas central heating

Where a gas centrally heated heating system is in place the following controls shall be provided:

- A room thermostat suitably positioned and wired so as to provide boiler interlock
- A programmer

- Thermostatic Radiator Valves on all radiators except on the one in the room containing the room thermostat (usually the hall). Provision of these valves in individual living/sleeping accommodation will allow for a degree of individual control and personal preference within that accommodation

### **Electric heating systems**

It should be noted that electric heating systems (such as storage radiators) are generally only considered appropriate where the property as a whole or individual unit is adequately insulated. Additional insulation may need to be specified where it is considered necessary.

For sizing and positioning of *newly installed* electrical heating systems regard shall be had to the method set out in DOM 8: Guide to the Design of Electric Space Heating Systems, The Electrical Heating and Ventilation Association, 2006.

### **Important Note:**

At the time of writing all local space heaters manufactured for sale must comply with a minimum efficiency standard under Lot 20 of the Energy Efficiency Directive (EED). Lot 20 ensures compliance with a minimum efficiency standard. This includes storage radiators, electric radiators, electric underfloor heating and electric and gas fires.

Where a new electric heating system is installed the following controls shall be provided:

- Electronic heat charge control with room and/or outdoor temperature feedback or controlled by energy supplier.
- Electronic room temperature control plus week timer

Storage heaters are configured to operate with two mains supplies, a 24 hour supply and an off peak switched supply. The installer must ensure that each storage radiator has the two supplies. This will involve, where necessary, installation of new circuit serving the heater and the provision of an appropriate 2-rate meter

### **Communal spaces**

The electrical supply serving the communal areas such as the means of escape and the associated smoke/fire detection/emergency lighting systems shall be on a separate landlord supply.

### **Security**

All entrances to the property should be well lit, especially ground floor/basement rooms/external staircases.

External entrance doors to communal areas should be self closing. Ensure security devices/locks do not hinder means of escape in case of fire.

### **Water supply**

An adequate supply of cold drinking water under adequate mains pressure should be available from the kitchen sink.



### **Gas Safety (Installation and Use) Regulations 1998**

As a landlord, you are responsible for the safety of your tenants. The Gas Safety (Installation and Use) Regulations 1998 specifically deal with the duties of landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.

As a landlord, you have a duty to ensure:

- Gas fittings (appliances, pipework) and flues are maintained in a safe condition;
- All installation, maintenance and safety checks are carried out by a Gas Safe registered Installer;
- An annual safety check is carried out on each gas appliance/flue by a Gas Safe registered Installer. Checks need to have taken place within one year of the start of the tenancy/lease date, unless the appliances have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- A record of each safety check is kept for two years;
- A copy of the current safety check record is issued to each existing tenant within 28 days of the check being completed, or to any new tenant before they move in (in certain cases the record can be displayed).

### **Electrical Safety**

The electrical installation to the property should be installed and maintained in accordance with the current edition of the IEE (Institute of Electrical Engineers) Wiring Regulations and certification should be provided as prescribed in accordance with The 18th Edition IET Wiring Regulations (BS 7671:2018) published in July 2018. All new electrical installations will need to comply with BS 7671:2018 from 1st January 2019. The installation should be retested and certified, as described, every five years, or following any alterations or extensions to the system. All work to the electrical installation should be carried out and certified by a competent person in accordance with Part P of the Building Regulations.

A landlord must also comply with Electrical Safety Standards in the Private Rented Sector (England) Regulations. Guidance is available here:

<https://www.gov.uk/government/publications>

A landlord must:

- Ensure national standards for electrical safety are met. These are set out in the 18th edition of the 'Wiring Regulations', which are published as British Standard 7671.
- Ensure the electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years.
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.

- Supply the local authority with a copy of this report within 7 days of receiving a request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that remedial or further investigative work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.
- Supply written confirmation of the completion of the remedial works from the electrician to the tenant and the local authority within 28 days of completion of the works.

### **Fire Safety**

The design, installation, commissioning, maintenance and servicing of fire alarms in all domestic (including rented) dwellings, is described in British Standard BS 5839 : 2019, Part 6 covering domestic premises. This is latest edition of the BS (published in May 2019) is the standard used by Architects, building professionals, Enforcing Authorities, Installers and any others responsible persons implementing fire precautions in domestic premises. It is therefore the standard Chesterfield Borough Council expect to see compliance with.

While fire detection is a key element of fire safety, it only forms part of the package of measures needed to keep occupiers and tenants safe. Fire containment (the buildings ability to resist the spread of smoke and flame), Fire Escape (the buildings design and layout) and Fire Management (procedures, management, signage, evacuation strategy etc.) also play key roles. These components combine with other factors such as the fire risks posed by the occupiers themselves to influence the overall fire risk posed by a premises.

All these factors/elements are considered in the LACORs Fire Safety Guide. Chesterfield Borough Council has adopted this guidance as the basis for its assessment of fire risk in HMO properties and subsequent specification of any works required.

This guidance is available here: <https://www.dashservices.org.uk/Resources/Fire-Safety/document-2>

### **The Maintenance & Testing of Fire Alarms**

The following maintenance and testing frequencies are recommended and should be followed unless a fire risk assessment identifies a higher or lower test frequency is required. All fire alarm systems must be maintained in accordance with manufacturers' instructions and BS5839, which describes testing and maintenance procedures for complex (Grade A) and simpler (Grade D) fire alarm systems.

#### **Grade A fire alarms systems**

**Weekly tests** – At least one detector or call point in each zone should be tested weekly. This push-button testing could be done routinely by cleaning or maintenance staff, or a competent tenant.

**Six-monthly maintenance** – Grade A alarm systems must be serviced every six months by a suitably qualified and competent professional (i.e. a specialist alarm engineer under a maintenance contract) as required by clause 45 of BS 5839-1 . An Inspection and Servicing Certificate should be issued in accordance with BS 5839-1.

You should record these checks and any remedial action taken in a logbook. The Council may ask you to submit a copy of the Inspection and Servicing Certificates confirming the alarms have been tested and maintained by a competent professional in accordance with BS 5839-1.

### **Grade D LD2/3 fire alarm systems**

**Routine tests** – BS5839:6 recommends weekly testing as best practice, but we appreciate that this is not always possible to achieve. We recommend that you:

- Always test during routine inspections, maintenance or cleaning visits (press the button on a different detector each time ideally).
- Advise tenants to test their detectors weekly.

The minimum testing frequency will depend on the size and type of HMO:

- More often for higher risk properties e.g. ‘bedsit’ type (separately let bedrooms) and larger two and three storey HMOs – fortnightly or monthly
- Less often for lower risk properties e.g. small two-storey properties let on a single tenancy – at least quarterly

**Annual maintenance** – All detectors must be maintained in accordance with manufacturers’ instructions. For Grade D systems this usually requires periodic cleaning/vacuuming of all detectors and changing batteries as necessary.

You should record these checks and any remedial action taken in a logbook

### **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

The regulations require private rented sector landlords, from 1 October 2015, to have:

- At least one smoke alarm installed on every storey of their rental property which is used as living accommodation, and
- A carbon monoxide alarm in any room used as living accommodation where solid fuel is used - after that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

Guidance for landlords is available [here](#)

### **Fire Extinguishers**

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

### **Emergency Escape Lighting**

Any emergency escape lighting present should be serviced and maintained in accordance with BS 5266-8: 2016 (BS EN 50172 : 2004) Emergency escape lighting systems. The requirements of BS 5266: part 8, require the annual test to be carried out by a competent person, usually a lighting engineer under a maintenance contract. The results of the test should be recorded in the log book with a periodic inspection and test certificate issued.

### **Monthly emergency lighting tests**

All emergency lighting systems must be tested monthly. The test is a short functional test in accordance with BS EN 50172 / BS 5266-8.

The period of simulated failure should be sufficient for the purpose of this test while minimising damage to the system components, e.g. lamps. During this period, all luminaires and signs shall be checked to ensure that they are present, clean and functioning correctly.

### **Annual emergency lighting tests**

A test for the full rated duration of the emergency lights (e.g. 3 hours) must be carried out. The emergency lights must still be working at the end of this test.

The result of the monthly and annual tests must be recorded and, if failures are detected, these must be remedied as soon as possible.

It is common for fire alarm servicing companies to carry out the annual emergency light 'drain' test at the same time as they carry out fire alarm system maintenance, as this fills the waiting time of the 'drain' test with useful activity.

### **Furniture Safety**

All furniture provided with the accommodation must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

## 9. Definitions

### **Meaning of “house in multiple occupation” under the Housing Act 2004**

The Housing Act defines a building or a part of a building as a “house in multiple occupation” if it meets one of the following tests as set out in section 254 of the Housing Act 2004-

- “the standard test”;
- “the self-contained flat test”;
- “the converted building test”;
- an HMO declaration is in force; or
- it is a converted block of flats to which section 257 applies

### **A building or a part of a building meets the standard test if:**

- (a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
- (b) the living accommodation is occupied by persons who do not form a single household (see section 258 Housing Act 2004);
- (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259 Housing Act 2004);
- (d) their occupation of the living accommodation constitutes the only use of that accommodation;
- (e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
- (f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

### **A part of a building meets the self-contained flat test if:**

- (a) it consists of a self-contained flat; and
- (b) paragraphs (b) to (f) of Standard Test apply (reading references to the living accommodation concerned as references to the flat).

### **Self Contained Flat means**

Self-contained flat means a separate set of premises (whether or not on the same floor):

- which forms part of a building;
- either the whole or a material part of which lies above or below some other part of the building; and
- in which all three basic amenities are available for the exclusive use of its occupants.

### **Basic amenities means:**

- A toilet,
- Personal washing facilities
- Cooking facilities

'Cooking facilities' in this context means a kitchen or kitchen area containing the full range of facilities described earlier in this document and either contained within its own room or in a part of a unit of accommodation.

**A building or a part of a building meets the converted building test if:**

- (a) it is a converted building;
- (b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);
- (c) the living accommodation is occupied by persons who do not form a single household (see section 258 Housing Act 2004);
- (d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259 Housing Act 2004);
- (e) their occupation of the living accommodation constitutes the only use of that accommodation; and
- (f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

**HMOs: certain converted blocks of flats (section 257)**

For the purposes of this section a "converted block of flats" means a building or part of a building which:

- (a) has been converted into, and
- (b) consists of self-contained flats.

(2) This section applies to a converted block of flats if—

- (a) building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and
- (b) less than two-thirds of the self-contained flats are owner-occupied.

**Definition of a Shared House**

There is no legal definition of a 'shared house' and so this term can sometimes cause confusion. Whilst shared houses fall within the legal definition of an HMO and will be licensable where licensing criteria are met, it is recognised that they can often present a lower fire risk than traditional bedsit-type HMOs due to their characteristics.

For the purposes of this document, 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 though it is common that bedrooms will have locks on the door for security purposes. 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 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 technically an HMO as the occupants are not all related.

**Definition of bedsitting room-type HMOs**

These are HMOs which have been converted into a number of separate non-self-contained bed-sit lettings or floor-by-floor lets.

There may be individual cooking facilities within each bedsit, but alternatively there may be shared cooking facilities or a mixture of the two. Toilets and bathing/washing facilities will mostly be shared but increasingly there are en suite facilities within the bedrooms. There is still likely to be a communal living or dining room.

Each bedsit or letting will be let to separate individuals who will live independently, with potentially little or no communal living between tenants. Each letting will have its own individual tenancy agreement and there will usually be a lock on each individual letting door.

## **10. Alternative Solutions**

The guidance given in this document is normally regarded as the minimum acceptable. However other factors or compensatory features may be taken into account therefore allowing for a degree of flexibility in certain circumstances. These factors could include the shape of the usable living space, or the needs and wishes of the occupants at any one time for example.

If you wish to deviate from any of the above standards you must discuss this with the council. If you are able to provide an alternative solution that works for your property that is within the legislative framework this will be considered by the council.

Where facilities fall short of these guidelines in a licensable HMO, the upgrading of facilities will normally be included as a licence condition with a specified timescale for completion.

## **11. Policy implementation and Review**

This policy will be implemented and managed by the Private Sector Housing Team. It will be reviewed and updated as necessary on an annual basis, or where there have been changes in legislation or guidance

## **12. Enquiries, Comments or Complaints about this Policy**

Chesterfield Borough Council encourages all customer feedback about its services and any queries, complaints, compliments, or suggestions about this policy are welcome. These can be made to and marked for the attention of the:

Private Sector Housing Manager.

Email to: [privatesectorhousing@chesterfield.gov.uk](mailto:privatesectorhousing@chesterfield.gov.uk)

Write to: Private Sector Housing Manager, Town Hall, Rose Hill, Chesterfield S40 1LP.

If you feel that any queries or concerns have not been dealt with to your satisfaction, please refer to the Councils Formal complaints policy. [Comments, compliments and complaints \(chesterfield.gov.uk\)](#)