

PRAS02

Birmingham City Council

Private Rented Access Service

**Landlord, Property and Tenancy
Procedures and Guidance**

June 2010

1. Wording used in this document

In this document, the term 'applicant' refers to the landlord or letting or managing agent who nominates a property to the scheme.

2. Responsibility for property offered to this scheme

Responsibility for the property remains with the applicant. Birmingham City Council will not take on the responsibility for the management or repairs of any property offered to the scheme.

3. Application procedure

Initial expressions of interest will be accepted from all applicants.

Applicants will then be sent the following documents and asked to fill in and return the appropriate ones:

- i. Property Application Pack (PRAS01)
- ii. Landlord, Property and Tenancy Procedures and Guidance (PRAS02)

Once the relevant documentation has been received, checks will be made to establish that the applicant meets the application criteria.

4. Application Criteria

Applicants must meet the following criteria before their properties will be entered onto the database to be offered to customers:

- a. The applicant must be accredited by the Midlands Landlord Accreditation Scheme.

If an individual would like to apply and is not yet accredited, they should notify the Landlord Liaison Service of this. They must then become accredited (attend a one day seminar, sign a 'fit and proper person' declaration and agree to follow the MLAS code of conduct). The applicant must then notify Private Rented Services that they are accredited, and provide their accreditation number. Any properties that they wish to let will then be added to the property database.

For more information on MLAS, visit www.mlas-online.co.uk

- b. The applicant must be *either*:

The owner and landlord of the property

Or the managing agent of the property. A managing agent is defined as someone who works for or represents a property owner, manages the

property (including repairs) collects rent, and is the sole individual who deals with tenants, contractors and Birmingham City Council in relation to that property.

NB MLAS accredited *letting* agents, who do not propose to manage the properties that they offer, will only be able to offer properties whose landlords are themselves also MLAS accredited.

NB If the owner of the property is accredited by the MLAS, but intends to use a managing agent (as defined above) to manage the property and tenancy, the agent must be accredited by the MLAS.

- c. The applicant must be resident in the UK
- d. The applicant must not have been prosecuted by Birmingham City Council
- e. All certificates and other documents provided must be acceptable and valid
- f. The property must be free of hazards and meet the criteria set out in Appendix 1 of this document.

5. Property standards guidance notes

Guidance notes are provided in Appendix 1 of this document. The applicant must complete the Property Application Pack (PRAS01), to certify that the property being nominated meets all of the standards set out.

6. Rent level

The purpose of this scheme is to enable people who have low incomes to access the private rented sector. The majority of customers will be in receipt of Local Housing Allowance, and so rent levels must fall within this. LHA rates are set monthly and can be found at

<http://www.birmingham.gov.uk/cs/Satellite/lha?packedargs=website%3D4&rendermode=live>

or <http://tinyurl.com/3y4fw3q>

7. Letting the property elsewhere

The applicant is free to let their property through other means whilst it is registered on the scheme. They must notify the Landlord Liaison Officer within two working days if they let the property in this way.

8. Ownership of property and permission to let

It is expected that the applicant holds the following:

Either: A satisfactory copy of the Land Registry entry for the property indicating that they are the owner of the property, **or** a copy of any agreement between the applicant and the owner giving the applicant authority to let the property.

And: A letter from any mortgage holder (if the property is mortgaged) agreeing to the use of the property for the purposes of private renting.

9. Property Inspection

A proportion of properties offered will be inspected to part 1 of the Housing Act 2004, to ensure compliance with the standards.

Properties will be inspected at a rate of 20% per applicant. For every five properties offered to the scheme, one will be inspected. If fewer than five properties are offered, one will be inspected.

The property to be inspected will be chosen by Private Rented Services, based on a risk assessment of the range of properties offered.

Wherever possible, a property will be inspected prior to being entered into the property database and made available to clients, however, due to demand, the inspection may take place after the property has been entered into the database.

If a property is found not to meet the standard specified, the applicant will be notified of the defect(s) and a deadline by which to rectify it by Private Rented Services. All work must be carried out before that property can be let.

A follow-up inspection will then be made after the deadline, to ensure that the work has been carried out. If this has been done, the property will be put forward to be viewed by customers.

If, upon re-inspection, the work required has not been carried out, the property will NOT be accepted onto the scheme, and can not be re-submitted. A 'Note of Concern' will also be recorded against the name of the applicant (see 'Note of Concern' section). Birmingham City Council, as an enforcing authority, may still proceed to enforce the repairs using its statutory powers, if appropriate.

Properties not selected for inspection will be put forward for let, and the Tenant Liaison Service will complete a simple Property Checklist at the point of viewing. If there are any issues identified, they will be brought to the attention of the applicant and the Landlord Liaison service.

10. Note of Concern

A note of concern will be placed against the name of the applicant if their behaviour or the standard of their property is deemed by the scheme administrators to warrant this. Circumstances in which a note of concern may be made include:

- Applicant breaches one or more term of the MLAS code of conduct which they have agreed to abide by.
- One or more property supplied by the applicant does not meet the required standard AND the property is found upon re-inspection not to have been brought up to the necessary standard.
- A repair issue occurs during a tenancy, the tenant follows the procedure note supplied by the applicant, but the repair is not completed within a reasonable time (see property standards guidance notes)

NB this is not an exhaustive list.

Should any single applicant have three 'Notes of Concern' against their name, they will be removed from the scheme, and no new properties will be accepted from them. Un-let properties will be removed from the property database. Properties supplied by that applicant that are already let will be subject to inspection. Tenants will be able to remain where they are, but once they vacate the property, it will also be removed from the database.

11. Property database

All properties that are certified by the applicant to meet the requirements set out in the Property Standards Guidance (see Appendix 1 of this document) and whose applicants meet the requirements set above will be entered onto the property database, using the details supplied by the applicant. This is unless a property has been inspected and found not to meet the requirements set out in the standards guidance.

This database will be shared on a weekly basis with Midland Heart Housing Association, the Tenant Liaison Service, for them to share with potential tenants and for the tenants to choose which properties to view.

The applicant must notify the Landlord Liaison Service within two working days in the event that all or part of one of their properties is let, so that customers can be informed.

The property database for this scheme will be held on a computer system that is only accessible to members of the Private Rented Services team. It will be shared with the Tenant Liaison Service, an external partner, but will be password protected, in order to protect the contact details of applicants.

12. Additional property records

Details of any property offered to this scheme may also be entered onto the Private Rented Services IT system. This is in addition to recording properties that are to be put forward to let, on the scheme's own database.

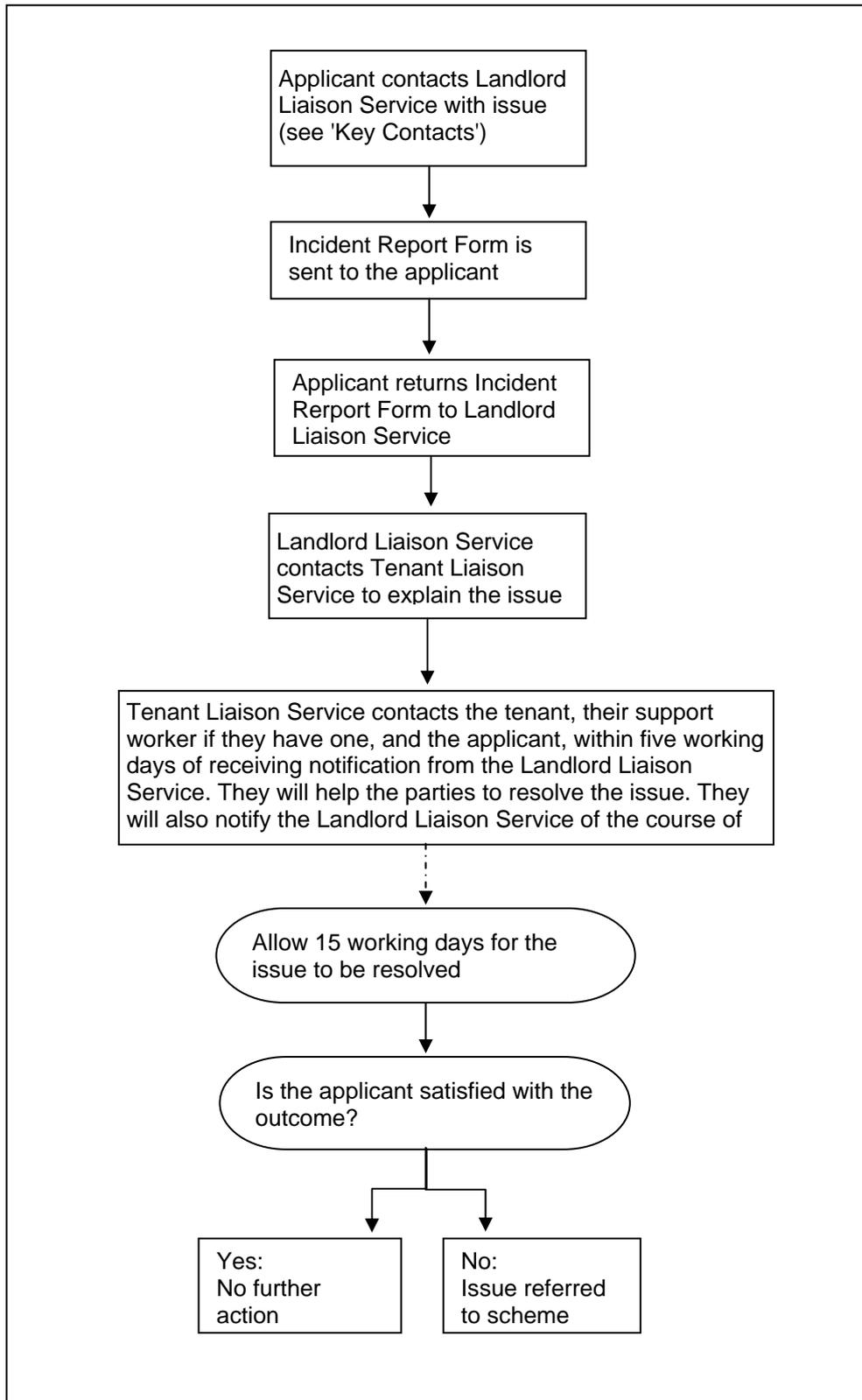
All properties that are put onto the scheme's property database to be offered to tenants will be entered onto the Private Rented Services IT system. This will enable Birmingham City Council officers to identify the property as part of this scheme if the applicant or tenant needs to contact the council, and will provide them with background information on the property.

Properties that have been inspected will also be entered onto the IT system for our records, whether they are accepted onto the scheme or not.

13. Repairs/ complaints procedure

If the applicant has any issues in relation to the scheme, their first point of contact in every case should be the Landlord Liaison Service, who will then help them or signpost them as necessary. If the applicant wishes to raise an issue with the tenancy, they should refer to Box 1 (below).

Box 1 Procedure for applicant to report issue with tenancy



If the issue is in relation to Local Housing Allowance payment, the applicant should contact the Landlord Liaison Service, who will refer the query to the Council's Benefits Service officers who are dedicated to this scheme. They will also notify the Tenant Liaison Service, who will ensure that the issue is raised with the tenant.

Tenant

If the tenant needs to raise an issue in relation to repairs to the property, they should follow the repairs procedure that the applicant has provided to them.

NB: The applicant should have a clear process in place for tenants to request repairs and report emergencies. The tenant should be provided with details of the process, including contact details, at the start of their tenancy.

Please see the property standards guidance notes for more details about repairs.

If the repairs are not carried out, the tenant should contact the Tenant Liaison Service, who will refer the issue to the Landlord Liaison Service.

The Landlord Liaison Service will refer the issue to a city council officer, who will contact the applicant. The Tenant Liaison Service will also be notified of the course of action, which may include:

- contacting the landlord by telephone to suggest repairs to be made and a timescale within which this should be done
- inspection by Private Rented Services

If the tenant wishes to raise a concern relating to the applicant's behaviour, they should contact the Tenant Liaison Service, who will refer this to the Landlord Liaison Service. Since all applicants must be accredited by the Midlands Landlord Accreditation Scheme, the concern will also be forwarded to the MLAS for consideration under the code of conduct and the MLAS complaints procedure. See <http://www.mlas-online.co.uk/tenants-area.htm> for details.

Tenant or applicant

If the tenant or applicant, or any partner organisation, has a complaint about the scheme, they should contact the tenant or Landlord Liaison Service (as appropriate) who will refer the complaint to the scheme manager.

14. Claim for bond

Eligible applicants will be supplied with a 12 month rent bond guarantee for every tenancy where the tenant is unable to provide a cash deposit and fits the service criteria.

The applicant should provide a full inventory of the property, including photos of the interior and exterior, when they submit it to the scheme. This can be used in the event that a claim is made against the bond, when the following process will apply:

The applicant should contact the Landlord Liaison Service, providing written and photographic evidence of damage to the property. This will be compared against the original inventory which was agreed when the property was let.

The Landlord Liaison Service will also contact the Tenant Liaison Service in order to get the tenant's account of the alleged damage. If necessary, the property will be inspected by Private Rented Services.

Further guidance on the bond scheme will be issued separately.

15. Guidance for applicants in the event of the ending or abandonment of a tenancy

If the applicant becomes aware that the tenant has ended the tenancy or abandoned the property, they must contact the Landlord Liaison Service within 24 hours, to formally inform the council that the property is empty. Where the tenancy has been ended or abandoned over a weekend or bank holiday, then the applicant should inform the council on the next working day.

The applicant should do this by telephone, and confirm in an email, with proof of the email being retained by the applicant for future reference.

Failure to inform the council of the ending or abandonment of the tenancy could result in a claim for repayment of Local Housing Allowance being made against the applicant.

15. Key Contact Details

Landlord Liaison Service

Telephone 0121 464 2049 or, if unavailable, 0121 303 7273

Email houpraccess@birmingham.gov.uk

Appendix 1 Property Standards Guidance

Part A:

Specification for Self Contained House / Flat

The property specification detailed in the following pages is the minimum required by Birmingham City Council. It is envisaged that the majority of properties provided will exceed this minimum standard.

1 bed properties requires a minimum	1 Living Room 1 Bedroom 1 Kitchen 1 bathroom	Minimum 10m ²
2 bed properties requires a minimum	1 Living Room 2 Bedrooms 1 Kitchen 1 bathroom	Minimum 13m ²
3 bed properties requires a minimum	1 Living Room 3 Bedrooms 1 Kitchen 1 bathroom	Minimum 15m ²
4 bed properties requires a minimum	2 Living Rooms room / 4 Bedrooms 1 Kitchen 1 bathroom 1 separate w/c	or one Living Dining room with a minimum floor area of 17m ²
5 bed properties requires a minimum	2 Living Rooms room / 5 Bedrooms 1 Kitchen 1 bathroom 1 separate w/c	or one Living Dinning room with a minimum floor area of 18m ²

6 bed properties requires a minimum	2 Living Rooms	or one Living
	room /	Dinning room with a minimum floor area of 19m ²
	6 Bedrooms	
	1 Kitchen	
	2 bathroom	
	1 separate w/c	

General Property Specification

External

Access

- To be safe, well-lit and easily accessible with no obstructions.
- Any access stairways to be secure and not unreasonably steep and have a fixed hand rail to the full length.
- On flats, any door entry system to be fully functional
- Access to flats above commercial premises should be independent of the commercial premises.

Communal/Common areas (if any)

- To be clean, tidy, well-lit and well maintained.
- A responsible landlord or managing agent / representative for common areas must be identified.

Garden/yards/paths

- Clear of any rubbish with no overgrown vegetation, shrubs or trees.
- Fences to be in good order and secure.
- Gate/s to operate and gate posts/pillars to be secure
- Sheds or ancillary buildings to be in good safe repair, otherwise to be removed.
- Rotary cloths dryer or a washing line fixed between two posts with a suitable line prop.

Rubbish

- Vermin proof rubbish bins to be provided for external use.

Internal

General items

Doors

- External front doors to have 5 levered mortice dead lock with an additional “Yale type night latch” and a safety chain fitted or a multipoint locking system and a safety chain fitted.
- External rear doors to have 5 levered mortice latch/ lock set or a multipoint locking system.
- All doors to open and close freely and be wind and weather tight.
- Any doors with large glass panes or low level glazing must be fitted with safety glass or safety film.

Staircases

- Gaps between spindles and gaps between balusters to be no more than 100mm and any gaps between treads and risers to be filled in.
- Two way light switch to be provided in the stairwell
- Staircases must be free from obstruction and not be unreasonably steep.
- Staircases must have a suitable handrail which covers the complete flight of the staircase.

Walls and ceilings

Damp

- Property to be free from any damp, mould, condensation, peeling wall or ceiling paper etc.

Condensation

- Condensation will occur, at some time, in all homes. Condensation problems due to structural features should not be so pervasive as to constitute a health hazard or be a statutory nuisance.

If a property has been accepted onto the scheme, and is subsequently found to suffer from significant condensation problems, the Council reserves the right to require the landlord to provide adequate heating, ventilation and insulation etc.

Plaster

- To be sound, unbroken and not to show movement when examined.

Decoration

- Surfaces to be painted / or papered
- Paint to be clean and free from obvious marking, dirt etc.
- Wallpaper to be in good condition and free from any defects.
- Wood to be free from rot and painted to a reasonable standard with suitable paint designed for a wood surface.

Advice on redecoration

The standards below apply to any landlord preparing the property for the scheme:

- *All walls to be painted in vinyl emulsion (magnolia or similar light colour)*
- *Ceilings to be painted in emulsion (white)*
- *Woodwork to be painted in gloss (white)*
- *Walls in kitchen and bathrooms to be eggshell (magnolia or similar)*

Windows / glazing

Louvre types of window and centre hung “swing” windows are not acceptable. Any windows above ground level, which open wider than 100mm and could present a danger to a child, should be fitted with a restrictor mechanism. This mechanism should limit the window’s opening to no more than 100 mm.

Windows in bathrooms and toilets must be glazed with obscure glass or be treated with plastic film to provide some level of privacy.

All glazing which is under 800mm/2.8 feet from the floor (and greater than 25cm in any direction) to be re-glazed with toughened glass or have safety film properly applied to prevent shattering if it breaks.

All windows are to be wind and weather tight and free from draughts.

Ventilation

The general requirement for ventilation is that all main habitable rooms (living rooms and bedrooms) should have a window with an openable part which is at least one twentieth of the room floor area.

In addition, all kitchens, bathrooms and any internal WC compartment should have mechanical extract ventilation. It should be capable of three air changes per hour. A light switch should actuate it and a fan should have a twenty minutes overrun when the light is switched off.

Insulation

All accessible loft spaces should have a minimum of 100mm Rock Wool insulation, (or equivalent) properly laid.

All hot water cylinders should be foam lagged or have a good quality cylinder jacket, which has been properly fitted.

All water pipes considered to be liable to damage by frost should be adequately protected with lagging.

Heating

Fixed heating must be provided and should be either

- Full gas central heating (**preferred**) or
- Full electric Economy Seven (night storage) heating (less than 15 years old).
- Warm air systems.
- Modern energy efficient central heating systems using other fuel types (see Decent Homes criteria).

The heating must be sufficient to maintain an internal temperature of 21 degrees Centigrade in the living room and 18 degrees Centigrade in all the bedrooms, bathrooms, kitchen and hallway when the outside temperature is minus 1 degree Centigrade.

- Boilers to be less than 10 years old and heating system to have a timer/thermostat.
- Details for location of off - switch to have been noted

(Properties with boilers fitted in bedrooms will not be accepted).

Gas

- Cooker service point to be provided in the kitchen (assuming gas is provided to the dwelling).
- All surface mounted pipe work to be securely fixed.
- Gas meters to be housed in cupboard, with childproof latch on the door to prevent unauthorised access.

Electrical

- All electrical wiring to be covered.
- All surface mounted wiring to be enclosed in suitable plastic conduit.

- Consumer unit to be housed in a cupboard, with childproof latch on the door to prevent unauthorised access and ensure cables under meters and consumer units are covered.
- **RCD, (residual current safety device) fitted to the electrical installation.**
- If the property has a meter, it should be a card or key prepayment type supplied directly by the utility company. ***No sub or landlord meters are allowed.***
- Meters to be located within an area that is accessible by the tenant at all times.

Minimum Number of Sockets Required

- Living room: a minimum of 3 double sockets.
- Kitchen: 4 sockets (2 double sockets at worktop height, 1 for fridge and 1 for washing machine).
- Boiler to be on fused spur.
- Landing: 1 socket.
- Double bedrooms: 2 double sockets.
- Single bedroom: 1 double socket.
- Cooker service point: to be provided in the kitchen.

Fire & Gas safety

Front doors to self-contained flats

Internal doors leading off communal hallway **MUST** be half hour fire doors to meet Building Standard 476 Part 22

Kitchens

If the kitchen adjoins a fire escape route (stairs opening into the kitchen), a half hour fire door complying with Building Standard 476 Part 22 will be required along with a mains electricity powered rate of rise heat alarm in the kitchen, interlinked to a smoke alarm on the first floor) in accordance with BS 5839 Part 6 Grade D category LD3.

Glazed doors should have clear Georgian wirecast glass or as an alternative, safety film fitted.

We recommend that a fire blanket be provided

Smoke alarms

Hardwired electrically operated interlinked smoke alarm installed to each floor complying with Building Standard 5839 Part 6 conforming to Grade D category LD3.

Flats in converted houses or above commercial premises must have electrically operated interlinked smoke alarms **(to comply with BS5839 + manufactures instructions in all cases)**

(Please note that battery operated smoke alarms are not acceptable).

Carbon Monoxide Detectors

To be fitted to all habitable rooms with gas burning appliances + following the manufactures recommended sighting point.

Part B:

HMO (Bedsit Type) Accommodation

1.00 Category A HMOs (Bedsit Type)

Suitable for single persons or couples subject to the standards laid out below.

1.01 Definition

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

1.02 Room Sizes And Permitted Occupation

The following are the minimum floor areas required:-

(a) One person units of Accommodation

(i) One Room Units

- A single room including kitchen facilities 13 m²
- A bed /sitting room with a separate kitchen 10 m²

(ii) Two or more roomed units

- Each combined living room / kitchen 11 m²
- Each living room (without kitchen facilities) 9 m²
- Each bedroom 6.5 m²
- Each separate kitchen 3.5 m²

(b) Two or more persons units of Accommodation

(i) One room units

- A bed sitting room including kitchen facilities for two persons 20 m²
- A bed sitting room for two persons with separate kitchen facilities. 15 m²

(ii) Two or more Roomed Units

• Each combined living room / kitchen	15 m ²
• Each living room	12 m ²
• Each bed /sitting room	15 m ²
• Each single bedroom	6.5 m ²
• Each double bedroom	10 m ²
• Each separate kitchen for exclusive use of up to three occupants, living as one household	4.5 m ²

NB. A unit of bedsit type of accommodation is unlikely to be occupied by more than three persons. In cases where more than three persons are or are likely to be accommodation within any particular unit of accommodation then the advice and agreement of the City Council must be sought.

1.03 General Principles Of Occupation

- Children below the age of 10 years now count as a whole person
- In no case shall any room be occupied by more than two persons
- Persons of the opposite sex over the age of 10 shall not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.
- The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple or partners shall be permitted only when both persons give their consent.
- No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal / migrant workers who occupy a property in connection with their employment).
- Only rooms designated as living rooms, bedrooms or bed/sitting rooms may be used for living or sleeping purposes.
- Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, or cellars, roof spaces etc shall be deemed unsuitable for use as sleeping / living accommodation.
- Irrespective of overall floor area, consideration will be given to the shape and useable living space within the room when determining its suitability for occupation No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft)

- A single bed/sitting room containing cooking facilities is not suitable for accommodating a child below the age of 5 years.

1.04 Kitchen Facilities For Bedsits

Each unit of accommodation must be provided with adequate facilities for the storage, preparation and cooking of food and the disposal of waste water. Such facilities should be for exclusive use and be located within the unit of accommodation. Where this is not practicable, the kitchen must be located not more than one floor distant from the accommodation. In exceptional circumstances whereby the provision of kitchen facilities for exclusive use is not practicable or appropriate, shared facilities may be provided on the basis that no more than three units of single person occupation have use of each set of facilities in any one kitchen. The shared kitchen is to be not more than one floor distant from any individual letting having use of it.

The kitchen facilities appropriate for any of the circumstances mentioned above are: -

(a) Bedsitting Room With Combined Kitchen (this is the most usual situation)

The facilities shall comprise as a minimum: -

- Cooking

Single person: a gas or electric cooker with two burners/hobs, oven and grill

Two persons: a gas or electric cooker with four burners/hobs, oven and grill

A microwave oven may be substituted for one or two of the burners/hobs respectively or in place of a conventional oven

- A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water
- Sufficient fixed work surface to enable each user to prepare food safely and hygienically. A minimum of 500 mm clear run of work surface will be required for a single person bedsit and 1000 mm for a double room.
- A suitable refrigerator of sufficient size to store an average persons dietary requirements on a day to day basis. A freezer compartment is desirable but not essential in a single person bedsit.

- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

Additional requirements specific to kitchen areas within bedsitting rooms:-

- The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.
- Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker ie. they must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

(b) Separate Kitchen Directly Off the Bedsitting Room

The kitchen must be of sufficient size and layout to enable food to be prepared safely and hygienically. A minimum floor area of 3.5 m² for a single person letting and 4.5 m² for a two person letting is normally required for this purpose. The facilities to be provided are as those for kitchens within the bedsitting room.

(c) Separate Kitchen For Exclusive Use But Accessed From Outside The Unit Of Accommodation

The facilities are as those for separate kitchens off a bedsitting room. The kitchen is to be not more than one floor distant from the unit of accommodation.

(d) Communal Kitchen Shared With Other Units Of Accommodation

- A set of kitchen facilities must be provided for each three single person units of accommodation having use of the shared kitchen
- There shall be no more than two sets of facilities within any one kitchen

- Kitchens for use by 2 to 3 persons shall have a minimum floor area of 7 m² and 4 to 6 persons a minimum floor area of 10m²
- The kitchen is to be not more than one floor distant from any unit of accommodation having use of it.
- A set of kitchen facilities shall comprise: -
 - A gas or electric cooker with four burners/hobs grill and oven. A combination microwave oven/grill may be used in place of a conventional oven.
 - A metal or ceramic sink and drainer with a constant supply of hot and cold water
 - Sufficient fixed work surface to enable each user to prepare food safely and hygienically. A minimum 500 mm clear run of work surface per person will be required.
 - Two twin switched electric power sockets set at a convenient height and safe position in relation to the kitchen facilities in addition to any sockets serving any major appliances.

Shared kitchens within bedsit type accommodation should not be used for communal food storage purposes (either refrigerated or dry food storage). This is due to the fact there may be little interaction between each occupancy which could result in poor storage practice and the likelihood of conflict between residents. A suitable refrigerator and food storage cupboard should therefore be provided within each unit of accommodation.

1.05 Personal Washing And Bathing Facilities For Bedsits

(a) Baths and Showers

Each occupancy shall be provided where practicable with a bath or shower in a separate room. Otherwise a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of one bath or shower to every 5 persons sharing.

Bathrooms intended to be shared by two or more households are to be accessible from a common area. A shower facility installed over a bath will not count as an additional shower

(b) Wash Hand Basins

Each separate occupancy shall be provided with a wash-hand basin together with constant supplies of hot and cold water and sited within the unit of accommodation.

If a sink is provided in a single bedsit room, then a separate wash hand basin will not be required. All bathrooms or separate compartments containing a WC must be provided with a wash-hand basin.

1.06 Toilet Facilities For Bedsits

Toilet facilities shall be provided on a ratio of at least:-

- One WC per five persons sharing where the WC is separate from the bathroom (and is accessible from a communal area without going through the bathroom)
- One WC per four persons sharing where the WC is located within the bathroom

Wherever possible, WCs should be located not more than one floor distant from any bedroom

Explanatory note

{The term “full suite” shall mean a bathroom containing a bath or shower, a wash hand basin plus a WC.

The term “bath only” shall mean a bathroom containing a bath or shower plus a wash hand basin.

The term “separate WC” shall mean a separate WC compartment with a wash hand basin.}

1.07 Fire precautions in bedsits

(a) 3 or 4 storey properties

The required fire protection scheme will in most cases consist of

- A protected escape route which is created by fitting half hour fire resisting self-closing fire doors to all risk rooms adjoining the communal escape route in accordance with British Standard 476 Part 22.

- Installing a mixed automatic fire detection and warning system in accordance with British Standard 5839 Part 6: 2004 Grade A giving a Category LD2 level of coverage plus stand alone single point smoke alarms within each unit of accommodation in accordance with British Standard 5839 Part 6: 2004 Grade D.
- Installing an emergency lighting system to the communal escape route in accordance with British Standard 5266.

Further details of the required level of fire protection can be found in an advice booklet entitled “A Guide to Fire and Security Protection in Multi – Occupied Residential Properties” which has been produced by a consortium of West Midlands Councils plus the West Midlands Fire Service and West Midlands Police acting in conjunction with the National Landlords Association (Midlands), Universities plus other organisations with an interest in the private rented sector

The consortium operates under the title ‘Homestamp’ and a copy of the advice booklet mentioned above can be found on the website www.homestamp.com or by telephoning the licensing Helpline on 0121 303 4009 to request a copy.

The Homestamp guidance closely follows the National Guidance published in July 2008 by LACORS (Local Authority Regulators of Regulatory Services) entitled “Guidance on Fire Safety Provisions for Certain Types of Existing Housing”. Copies of this national guidance can be downloaded free of charge from the website www.lacors.gov.uk

It is known that many bedsit type properties will have had a fire alarm system installed in the 1990s which does not comply with the latest standard in that rooms containing cooking facilities will only have a heat detector fitted and no single point smoke alarm.

In such cases it is intended that the fire alarm systems will need to be upgraded to the latest standard through the setting of licence conditions giving a reasonable period for compliance.

(b) 2 Storey Properties

- The protected route and emergency lighting system are as for a 3 storey property
- The fire alarm system differs in that both the interlinked system and the stand alone single point smoke alarms need only to comply with B.S. 5839 Part 6: 2004 Grade D (i.e. no control panel or fire resistant cables are needed).

(c) Properties Of More Than 4 Storeys Or Mixed Residential/Commercial Use

Properties of this description will require individual consideration by the City Council and West Midlands Fire Service.

In general, the standards may be similar to that for a 3 or 4 storey property but additional structural Protection or an alternative means of escape may be required.

1.08 Heating In Bedsits

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room (which in the case of a bedsit will usually be the only room), the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C. Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding and such heaters must also not be located where curtains are likely to catch fire.

Heaters which use full price electricity are not normally acceptable as the main form of heating.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

Paraffin heaters, LPG heaters and freestanding plug in electric heaters are not acceptable.

In fully insulated and draught – proofed accommodation, full price electricity may be a viable option if it can be shown that the overall costs are affordable.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with a fixed form of heating.

Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.00 The Management of Houses in Multiple Occupation (England) Regulations 2006

These new regulations replace the previous similar management regulations and apply to **most HMOs**, whether licensable or not, but do not apply to HMOs comprising properties converted into self-contained flats – these will become subject to a separate set of management regulations due to come in to force in October 2006. In the meantime, houses converted entirely in to self-contained flats will continue to be subject to The Housing (Management of Houses in Multiple Occupation) Regulations 1990 which were previously in force. The new regulations detail the management standards to be met and require the manager of the premises to carry out certain duties to maintain their property, taking account of the age, character, locality and prospective life of the house. The Regulations are summarised below but a full copy may be obtained by clicking on the link www.opsi.gov.uk. Follow the links to *legislation; statutory instruments; year 2006; statutory instrument number 372*. They may also be purchased from The Stationery Office Limited.

The duties of the manager are as follows:

- **To display their contact details** – the manager's name, address and contact telephone number must be clearly displayed in a prominent position. On the wall in the entrance hall is usually the best place. (Regulation 3)
- **To maintain all means of escape from fire** – all fire doors must be maintained in a good condition, free from damage and fully self-closing so that they will close fully into the rebates of the frame. The main routes of escape e.g. exit doors, landings, staircases and hallways must be kept free from obstruction. Escape routes must also be clearly indicated by fixing notices in

appropriate places in all HMOs having five or more occupants. The fire detection and warning system and emergency lighting system must be tested regularly. For most small and medium sized HMOs a monthly test by the landlord should suffice in addition to a thorough annual test by a suitably competent person (such as a qualified electrician or specialist fire alarm engineer). For larger HMOs more regular testing may be required. Fire fighting equipment, where provided, must also be maintained in good working order. (Regulation 4).

- **To take safety measures** – all necessary measures to protect the occupiers from injury must be taken, having regard to the design, the structural condition and the number of occupiers in an HMO. In particular this relates to the prevention of accidents associated with access to any roof or balcony and any low window sill (Also Regulation 4).
- **To maintain the water supply and drainage system** – the water supply or drainage system must be maintained in a good, clean and working condition. They must not be unreasonably interrupted from use by any occupier and any water storage tank must be covered and kept clean. Any water fitting which is liable to damage by frost must be suitably protected (Regulation 5).
- **To maintain gas and electrical supplies and to provide safety certificates** – the gas installation and any appliances must be tested annually by a Gas Safe registered engineer who will issue a 'Landlords gas safety certificate'. This must be supplied to the local authority within 7 days of any written request to do so. The electrical installation must be inspected and tested at least every five years by a qualified electrician who must issue a test certificate. Again, this must be supplied to the local authority within 7 days of a written request to do so. Neither the gas or electricity supplies must be unreasonably interrupted. (Regulation 6).
- **To maintain all common parts and installations within the property** – all common parts of the HMO eg. Entrance hallways, entrance doors, porches, steps, staircases, landings, shared bathrooms and kitchens plus all shared fittings and appliances must be maintained in a good state of repair and safe and working condition and kept clear from obstruction. Communal areas must also be kept clean and well decorated. In HMOs where the occupants are previously acquainted with each other and rent the house under the terms of a single tenancy agreement, for example a student shared house, it may be acceptable to expect the tenants to undertake the cleaning of the common areas on a group basis. The manager should visit from time to time, by prior appointment, to ensure that the common areas are being maintained to a satisfactory standard of cleanliness. In all other types of HMO, cleaning of communal

- **To maintain in good order and repair any outbuildings, yards, gardens or boundary fences** – any outbuilding, yard, forecourt, boundary wall, fence or railing belonging to the HMO must be maintained in good and safe repair so as not to constitute a danger to the occupiers. Any yard or garden belonging to the HMO must be kept in a safe and tidy condition (also Regulation 7).
- **To maintain each unit of accommodation** – each unit and any furnishings must be clean at the beginning of a person's occupation of it. The internal structure, any fixtures, fittings or appliances, any window or other means of ventilation must be maintained in good repair as long as the tenant has treated the accommodation properly in accordance with the conditions contained within his lease or tenancy agreement (Regulation 8).
- **To ensure refuse is stored and disposed of adequately** – a sufficient number of bins must be provided for the storage of refuse pending disposal. Arrangements must be in place to ensure that all refuse is removed and disposed of on a regular basis, generally this will be undertaken by the Local Authority. It would be expected that one standard refuse bin be provided per three occupiers and that appropriate instructions are provided to each tenant at the beginning of the tenancy as to the refuse collection arrangements. For larger hostel type premises (10 or more occupiers), a Trade Refuse Contract with the local authority would be expected. This may also be necessary for smaller premises, particularly where meals are provided (Regulation 9).

The regulations (Regulation 10) also place a duty on all occupiers of an HMO to:

- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- Allow the manager at all reasonable times to enter any living accommodation to enable him to carry out any duty. Except in the case of emergencies, at least 24 hours notice either in writing or by phone of any intended visit should be given to the occupiers.
- Provide the manager with any information requested to enable him to carry out his duties.
- Take reasonable care to avoid causing damage to the property and its contents.

- Store and dispose of refuse in accordance with the arrangements made by the manager.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

Under regulation 11, the manager is not expected to carry out any works or actions with respect to the supply of water, gas or electricity or to the drainage of the house where responsibility for a particular fault or problem lies with either the local authority or the supply company. The manager is however expected to bring any such faults or problems to the attention of the appropriate person, authority or company as necessary as soon as he becomes aware of the matter (for example a blocked sewer or power failure)

It is an offence not to comply with these regulations. A person who is convicted of such an offence may be fined up to level 5 on the standard scale (currently £5000). This applies to both the manager of a property and to the occupiers as appropriate.

Part C:

Specific Room and Facilities Specification

Kitchen

Kitchen units and any appliances that are supplied must be free from defects, clean and in a good working order.

Room Size

- *One or Two bedroom property*
Must be at least 6.5m² in area
- *Three or Four bedroom property*
Must be at least 7.5m² in area
- *Five or Six bedroom property*
Must be at least 9.5m² in area

Sockets

- Two double sockets at worktop height.
- Two low level sockets (for fridge and washing machine).

Lights

- Minimum single light point per 6.5m² or parts there of.

Cooker

- Cooker point required, gas / electric (subject to availability within the building).
- Fitted cooker
 - **Freestanding.**
 - **Slot in type.**
 - **Four rings / radiants.**
 - **Grill compartment complete with pan.**
 - **Main oven with minimum of two shelves.**
 - **Side opening oven door with optional left or right hand fitting.**
 - **With self cleaning oven liners.**
 - **Approximate size H 1253 x W 482 x D 590 mm.**
 - **Indicator lights for oven and grill only.**
 - **fixed to wall.**

Tiling of splash back to a minimum of 300mm (two tiles high) around all work surfaces apart from behind the cooker position, where full height protection (up to the ceiling) is required.

Sink Unit

- Sink unit to have a fixed drainer and have a constant supply of hot and cold water.
- Sinks to be sealed around edges with silicone sealant.
- Cold water to be of drinking water quality and have satisfactory flow pressure.

- Waste pipes & taps to be defect free, no leaks or drips. Any holes around waste pipes must be sealed so as not to allow ingress of vermin.

Fridge / Freezer

- *A suitably sized refrigerator (with freezer compartment) appropriate to the size of the dwelling.*

Kitchen Units

*Minimum quantity of units to be provided: **One bedroom property:-***

- Single drainer sink unit fitted above a double base unit.
- One double base unit (this is in addition to the sink base unit).
- Minimum of two drawers.
- Minimum of one double wall unit.
- A minimum of 1.5 meters of work surface with a minimum of 500mm either side the cooker.
- Units to be less than 10 years old and free from defects.

*Minimum quantity of units to be provided: **Two bedroom property:-***

- Single drainer sink unit fitted above a double base unit.
- One double base unit (this is in addition to the sink base unit).
- Minimum of two drawers.
- Minimum of two double wall units.
- A minimum of 2.0 meters of work surface with a minimum of 500mm either side the cooker.
- Units to be less than 10 years old and free from defects.

*Minimum quantity of units to be provided: **Three bedroom property:-***

- Single drainer sink unit fitted above a double base unit.
- Two double base unit (this is in addition to the sink base unit).
- Minimum of two drawers.
- Minimum of two double wall units.
- A minimum of 2.5 meters of work surface with a minimum of 500mm either side the cooker.
- Units to be less than 10 years old and free from defects.

*Minimum quantity of units to be provided: **Four bedroom property:-***

- Single drainer sink unit fitted above a double base unit.

- Three double base unit (this is in addition to the sink base unit)
- Minimum of four drawers.
- Minimum of two double wall units.
- A minimum of 3.0 meters of work surface with a minimum of 500mm either side the cooker.
- Units to be less than 10 years old and free from defects.

Minimum quantity of units to be provided: *Five / six bedroom property*:-

- Single drainer sink unit fitted above a double base unit.
- Four double base unit (this is in addition to the sink base unit)
- Minimum of four drawers.
- Minimum of three double wall units.
- A minimum of 4.0 meters of work surface with a minimum of 500mm either side the cooker.
- Units to be less than 10 years old and free from defects.

Floor covering

- Floor covering to be vinyl type (or other non porous material) and be free from any defects, edges to be sealed against skirting boards with silicon sealant.

Curtains or blinds

- A curtain rail / pole or blind, to be provided and securely fixed to all windows.
- Net curtains to be provided to all windows. Must be from a flame retardant material.
- Curtains or blinds to be provided to all windows, to be clean, free from defects, easily operable and to be manufactured from a flame retardant material.

Stopcock (Cold water supply)

- Location to be identified.

Dining room/area (As Living room / bedroom plus)

If there is a dedicated dining room or sufficient room within the kitchen for a table and chairs suitable for eating meals upon then the following furniture will be required

Dining table (size appropriate to the size of the accommodation)

Dining table chairs (number appropriate to the size of the accommodation)

Bathroom

Bathroom facilities must be free from defects and in a good working order. There must be adequate activity space adjacent to the facilities

Light Fittings

- *Light fitting to be of a sealed type appropriate for bathrooms and toilets*

Water closet (Minimum off one for a one, two or three bedroom property and two for a four, five or six bedroom property).

- Toilets to be clean, secure, free of defects, with a secure seat. The cistern should fill at a reasonable rate.
- Toilet roll holder to be provided.
- Toilet brush and holder to be provided.
- Wash hand basin to be provided within each water closet enclosure.

Bath

- To be fitted securely against any adjacent walls.
- Tiles to a height of 300mm around bath, sealed at all joints with bath panels – to be free of defects.
- Taps to be easy to operate.
- To have hot and cold water supply sufficient for the size of the bath.

Showers (where provided)

- Showers are not essential but where provided the landlord must ensure that their use will not cause damage to the property.
- Separate shower cubicles to be tiled to a height of 1.8 M.
- Base to be adequately sealed and curtain/door to be provided.
- Showers over baths must only be provided to a bath which is designed for such use (adequate anti-slip surface).
- Tiling of a sufficient height to protect the decoration of the wall (1.8M +).
- Shower door or curtain to be supplied and should be of a sufficient standard to prevent water damage to floor.

Wash Hand Basin (within bathroom and all w/c enclosures)

- Tiling of splash backs to a minimum of 300mm (two tiles high)

- To be sealed around edges with silicone sealant.
- Waste pipes and taps to be defect free, no leaks or drips.
- Taps to be easy to operate.
- To have hot and cold water supply sufficient for the size of the bath.

Floor covering

- To be of vinyl type only (within above ground floor locations) or other non porous material) and be free from any defects, edges to sealed against skirting boards with silicon sealant free from defects (tiles may be acceptable)
- To be sealed around the edges with silicone sealant.

Blinds

- Blinds to be securely fitted above windows.
- Net curtains to windows must be from a flame retardant material.
- Blinds to windows, to be clean and free from defects and easily operable and to be manufactured from a flame retardant material.

Living room and bedrooms

Minimum Room Sizes

Living room to be at least 10m² in area.

Double bedrooms to be at least 11m² in area –

Single bedrooms to be at least 6.5m² square feet in area –

Every property must have a minimum of one double bedroom.

The suitability of unusual room layouts or shapes should be checked with the Council.

Carpets (if supplied)

- Carpets (or other suitable flooring) to be under laid, clean, of reasonable quality and free from defects (tainting, excessive wear etc)
- Carpets to be close fitted utilising appropriate installation methods depending upon floor type.
- Due to noise disturbance to neighbouring residents, laminate or other wooden type flooring is not acceptable in flats above the ground floor.

Curtains (if supplied)

- Curtain rails to be securely fitted above all windows
- Net curtains to all windows must be from a flame retardant material.

- Curtains to all windows, to be clean and free from defects and easily operable and to be manufactured from a flame retardant material.

Settees and Armchairs (if supplied)

- Sufficient settees and armchairs to be provided (number appropriate to the size of the accommodation)
- Fabric to comply with BS5852 Parts 1 and 2 for flame retardancy to Crib 5.
- Settees to conform to BS4875 Parts 3 and 4. Armchairs to conform to BS4875 Parts 5 and 6.
- Cushions to be fixed and manufactured from high density flame retardant cushion foam.

Beds and Cots (if supplied)

- Beds to be manufactured to BS7177 (BS6807) Source 5
- If cots are present, they are to be manufactured to BS1753
- Cots to be painted in flame retardant non toxic paint
- Fabric and other material to be fire retardant
- Cot mattress to be finished in a washable material

Bedroom furniture (if supplied)

- Double wardrobe
 - With rail for hanging clothes
- Bedside unit
 - Two draws
- Bedside unit
 - Three draws

Bed and Cot sizes (if supplied)

	Base			Mattress		
Double	Length Width Depth	2075mm 1250mm 425mm	(6'3") (4'6") (1'3")	Length Width Depth	2075mm 1250mm 225mm	(6'3") (4'6") (9")
Single	Length Width Depth	2075mm 914mm 405mm	(6'3") (3'10") (1'3")	Length Width Depth	2075mm 914mm 225mm	(6'3") (3") (9")
Cot	Length Width Depth		(4'0 1/2") (3'2 1/2") (1'11/2")	Length Width Depth		(3'10") (1'10") (4")

Part D:

The Decent Homes Standard

This Part of the Specification sets out some of the requirements of the Decent Homes Standard. All properties that are to be included in this Scheme must meet the Decent Homes Standard. Some of the requirements of the Decent Homes Standard are not high enough to satisfy the requirements of the Council, therefore where there is a conflict between the Decent Homes Standard, the summary of that standard in this part and the rest of this Specification, it is the highest standard which is to apply. For example, if there are 2 different maximum ages for a kitchen referred to, then it is the lower age which is to apply.

In addition to meeting the Decent Homes Standard we also require properties to meet the City Councils minimum enforcement standards, an extract of which ([Discretionary Power to deal with category 2 Hazards](#)) has been attached to the end of the Decent Home standards descriptions.

The Decent Homes Standard is divided into four criteria:

Criteria A –

It must meet the current statutory minimum standard for housing. A property will meet this standard only if it is free from any serious hazards posed to the occupiers' health and safety (Category 1 hazards.)

The framework and methodology for assessing such hazards is set out in Part 1 of the Housing Act 2004. Supplementary guidance is provided in the government publication: "Housing Health & Safety Rating System - Operating Guidance (Published, February 2006, ISBN 13:978 185112 846 4) 29 hazard types are specified and these fall into four groups each reflecting basic health requirements in housing:

A. Physiological Requirements:

- 1: **Damp and mould growth**
Exposure to house dust mites, damp, mould or fungal growths.
- 2: **Excess cold**
Exposure to low temperatures.
- 3: **Excess heat**
Exposure to high temperatures.
- 4: **Asbestos and MMF**
Exposure to asbestos fibres or manufactured mineral fibres.
- 5: **Biocides**

- Exposure to chemicals used to treat timber and mould growth.
- 6: Carbon monoxide and fuel combustion products**
Exposure to -
(a) carbon monoxide;
(b) nitrogen dioxide;
(c) sulphur dioxide and smoke.
- 7: Lead**
The ingestion of lead.
- 8: Radiation**
Exposure to radiation.
- 9: Un-combusted fuel gas**
Exposure to un-combusted fuel gas.
- 10: Volatile organic compounds**
Exposure to volatile organic compounds.

B. Psychological Requirements:

- 11: Crowding and space**
A lack of adequate space for living and sleeping.
- 12: Entry by intruders**
Difficulties in keeping the dwelling or HMO secure against unauthorized entry.
- 13: Lighting**
A lack of adequate lighting.
- 14: Noise**
Exposure to noise.

C. Protection Against Infection:

- 15: Domestic hygiene, pests and refuse**
(1) Poor design; layout or construction such that the dwelling or HMO cannot readily be kept clean.
(2) Exposure to pests.
(3) An inadequate provision for the hygienic storage and disposal of household waste.
- 16: Food safety**
An inadequate provision of facilities for the storage, preparation and cooking of food.
- 17: Personal hygiene, sanitation and drainage**
An inadequate provision of -
(a) facilities and a supply of hot water for maintaining good personal hygiene;
(b) sanitation and drainage.
- 18: Water supply**
An inadequate supply of water free from contamination, for drinking and other domestic purposes.

D. Protection Against Accidents:

- 19: Falls associated with baths etc**
Falls associated with toilets, baths, showers or other washing facilities.
- 20: Falling on level surfaces etc**
Falling on any level surface or falling between surfaces where the change in level is less than 300 millimeters.
- 21: Falling on stairs etc**
Falling on stairs, steps or ramps where the change in Level is 300 millimeters or more.
- 22: Falling between levels**
Falling between levels where the difference in levels is 300 millimeters or more.
- 23: Electrical hazards**
Exposure to electricity.
- 24: Fire**
Exposure to uncontrolled fire and associated smoke.
- 25: Flames, hot surfaces etc**
Contact with—
 - (a) controlled fire or flames;
 - (b) hot objects, liquid or vapours.
- 26: Collision and entrapment**
Collision with or entrapment of body parts in doors, windows or other architectural features.
- 27: Explosions**
An explosion at the dwelling or HMO.
- 28: Position and operability of amenities etc**
The position, location and operability of amenities, fittings and equipment.
- 29: Structural collapse and falling elements**
The collapse of the whole or part of the dwelling or HMO.

Additional information:- Whilst these are a brief summary of the hazards found in housing, the above list is not exclusive. Regard must be had to all 29 hazard types when assessing housing under the Housing Health & Safety Rating System. (Refer to Operating Guidance.)

Criteria B –

It must be in a reasonable state of repair.

A home will meet this criterion unless

1. One or more of the **key** building components are old and because of their condition need replacing or major repair, or
2. Two or more of **the other** building components are old and because of their condition need replacing

Key building components are

External Walls
Roof structure and covering
Windows/doors
Chimneys
Central Heating boilers
Gas fires
Storage heaters
Plumbing
Electrics

If any of the above are old and need replacing/major repair then remedial action must be taken because the property is not of a decent standard

Other building components are/include:

Kitchen Units
Bathroom generally
Central heating parts

If two or more of these are old and need replacing/major repair then remedial action must be taken because the property is not of a decent standard N.B 'Old' means older than its standard lifetime 'Poor condition' means if they need major work, either full replacement or major repair

Criteria C –

It must have reasonably modern facilities and services

A home will not meet this criterion if it lacks 3 or more of the following:

1. A kitchen which is 15 years old or less
2. A kitchen with adequate space and layout (e.g. large enough to fit sink, cupboards, cooker, worktops)
3. A bathroom which is 25 years or less
4. An appropriately located bathroom and WC (e.g. It can't be accessed via a bed room, or if located outside, or if no sink and enters from kitchen)
5. Adequate noise insulation (Is it near rail/road/air traffic or factory?)

6. Adequate size and layout of common entrance areas for blocks of flats (e.g. must not have narrow access ways or steep stairs)

Criteria D –

It must provide a reasonable degree of thermal comfort

This criterion requires a home to have both **efficient heating** and **effective Insulation**.

Efficient Heating means

1. Any gas or oil programmable central heating, or
2. Electric storage heaters, or
3. Programmable LPG/solid fuel central heating, or
4. Warm air system, or
5. Under-floor system, or
6. Similar efficient heating systems agreed to by the Council

*Please note that Central Heating is the Council's preferred option
N.B the system must ensure that the home is warm enough for the occupant. A rating system under SAP is a minimum of more than 35 (using 2005 SAP methodology)*

Effective Insulation means

1. Cavity wall Insulation OR Loft Insulation of minimum thickness 50mm if it has gas or oil central heating, or
2. Cavity wall Insulation and Loft Insulation of minimum thickness 200mm if it has electric space heating
Based on minimum requirements as set out in 'A Decent Home Definition &

Guidance for Implementation – 2006' by Department for Communities and Local Government

Discretionary Power to deal with Category 2 Hazards

Under Section 7 of the Housing Act 2004, local authorities have a power as opposed to a duty to take particular kinds of enforcement action with respect to Category 2 hazards.

As with category 1 hazards, the Council has powers to require that category 2 hazards are removed or reduced to an acceptable level. The same types of notice and order are available except for emergency

remedial action and emergency prohibition orders. The powers to make a demolition order or to declare a slum clearance are included in section 7 of the Housing Act 2004 as options to deal with category 2 hazards, however only in circumstances prescribed by Order of the Secretary of State. To date the Government has not made such an Order.

Whilst there is no obligation for the Council to take action with respect to category 2 hazards, it cannot fetter its discretion and as such it is considered appropriate for enforcement action to remain available in the following circumstances:-

- **Any Category 2** hazard assessed as falling within Bands **D, E** or **F** where found in conjunction with a **Category 1** hazard
- **Two** or **more Category 2** hazards assessed as falling within Bands **D, E** or **F**
- **Any single Category 2** hazard assessed as falling within Bands **D, E** or **F**, where the **vulnerability** of the occupier due to age or infirmity significantly increases the risk of harm occurring, or where the hazard relates to crowding and space.
- **Any single Category 2** hazard assessed as falling within Bands **D, E** or **F**, in a House in Multiple Occupation affecting means of escape from fire or shared standard amenities.
- **Any Category 2** hazard assessed as falling within Bands **D, E, F** or **G** within a defined strategic area for the purpose of achieving a strategic objective such as a Burglary Reduction Initiative.
- Cases falling outside the above general policy may arise from time to time, but where the case officer considers there are justifiable reasons for taking action, the decision to proceed must be agreed by a Service Manager or more senior.

Where it is identified that action could be taken to remedy category 2 hazards in line with this policy, then the initial informal approach and any subsequent formal action will be as for category 1 hazards detailed in section B1.3 above.

Part E:

Certificates, Contracts & Insurances

The following documents are required.

- A Satisfactory “Periodic Inspection Report” for the fixed electrical installation in the property from a recognised inspection body (ie, NICEIC, ECA etc).
- A satisfactory Electrical Test Certificate for the fire alarm system (HMO / Bedsit only) from a recognised inspection body (ie, NICEIC, ECA etc).
- A satisfactory Portable Appliance Testing Certificate for the portable electrical appliances supplied by the landlord for the property from a recognised inspection body (ie, NICEIC, ECA etc).
- A satisfactory Landlord’s Gas safe gas safety certificate (if gas is supplied to the property).
- A satisfactory Energy Performance Certificate (EPC).
- A letter from any mortgage holder agreeing to the use of the property for the purposes of private renting.
- A Satisfactory Service Contract for the central heating system.
- A satisfactory current Insurance certificate / policy document for your building insurance. (you will need to obtain confirmation from your Insurer that adequate buildings Insurance is in place to cover rebuilding or reinstatement of the property in the event of damage or destruction by usual risks. We will also need confirmation that the policy does not impose restriction on the type of occupants (i.e. owner-occupiers or tenants) and that cover is also in place for public liability of at least £5million).

Part F:

Repairs to a dwelling within the scheme:-

Emergency repairs (Complete within 24 hours)

Definition – any defect where there is a risk of danger to the health, safety and security of the tenant or a third party on the premises, or that affects the structure of the building adversely. Some examples of **EMERGENCY** repairs are:-

- Loss of heating & hot water for elderly or vulnerable tenants.
- Total loss of water or any other utility supply (excluding by failure of the tenant to pay any relevant charges).
- Flooding / Burst water main.
- Gas Leak / Blocked Flue.
- Unsafe electricity fittings / equipment.
- Breaches of security to external doors and windows (boarding up / lock replacement).
- Blocked main drains or soil pipe.
- Blocked toilet - only where there is **no** other toilet available.
- Severe fire or storm damage.

Urgent repairs (Complete within 7 working days)

Definition - repairs that are likely to lead to further damage to buildings or loss of secondary services and repairs to washing machines, tumble dryers and dishwashers.

Some examples of **URGENT** repairs would be:

- Minor plumbing leaks or defects.
- Blocked drains, sinks, basins, baths or toilets.
- Defective cistern or overflow.
- Heating faults or breakdown / loss of hot water.
- Minor electrical faults.

- Roof leaks causing severe damp.
- Faulty stair treads, flooring or paving where there is a trip hazard.
- Breaches of security to internal doors and windows (Flats and HMO's).

- Failure of door entry system / replacement communal door locks.
- Repairs to adaptations e.g. grab / hand rails, ramps.

Routine repairs (Complete within 28 working days)

Definition – defects that can be reasonably deferred without serious discomfort or inconvenience to the tenant or a third party, or long-term deterioration of the building and which can await the next scheduled maintenance visit or between lets.

Some examples of **ROUTINE** repairs would be:

- General joinery repairs including shelving and cupboard repairs.
- Repairs to doors, windows and floors.
- Repairs to external walls, fences or paths.
- Repairs to brickwork, slates or tiles.
- Repairs to or clearing of blocked gutters and downpipes.
- Repairs to kitchen fittings or replacement cupboards.
- Repairs to plasterwork.
- Repairs to stair treads or banisters.
- Dripping / leaking taps or shower units & other minor plumbing repairs.
- Repairs to tiling including replacement.
- Easing and adjusting windows and doors.
- Other minor day to day repairs or replacements.

