



MANCHESTER
CITY COUNCIL

Houses in Multiple Occupation Guidance and Amenity Standards

Manchester City Council: Standards for Houses In Multiple Occupation

Contents

1. Introduction
2. Definitions
3. General Controls on all Private Rented Housing
4. Standards Applicable to HMOs
5. Amenity and Space Standards
6. Means of Escape in case of Fire/ Fire Standards
7. Certification
8. Enforcement

1. Introduction

This document sets out Manchester City Council's Standards for Houses in Multiple Occupation (HMOs) operating within the City. These standards are based on legislative requirements and relevant guidance as well as the Council's expectations of all HMOs.

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 the Council.

All HMOs including non licensable HMOs must comply with the [Management of Houses in Multiple Occupation \(England\) Regulations 2006 \(other than a converted block of flats to which section 257 of the Housing Act 2004 applies\)](#). The Regulations set out the duties of landlords/managers including providing contact details to tenants and maintenance responsibilities both internal and external; as well as the responsibilities of the tenants.

HMO's which require a Mandatory HMO Licence will also need to comply with [Manchester's Houses in Multiple Occupation Licence Conditions](#). This sets out the conditions applicable to Licensable HMO properties and forms part of all HMO licences. Licensed HMO properties are required to comply with all conditions. These conditions are a good practice guide for landlords with non licensable HMOs to follow.

It may be that you wish to vary one of more of the standards because your property's circumstances mean a different solution would work better. Providing the solution is within the legislative framework and provides tenants with a safe home and improved quality, wherever we can Manchester City Council may adopt a flexible approach in discussions with a landlord.

Enquiries about HMOs can be made to:

Manchester City Council
Neighbourhood Services
P.O. Box 532
Town Hall
Manchester
M60 2LA

Tel: 0161 234 5500

Email: HMOlicensingenquiry@manchester.gov.uk

2. Definitions

Definitions around HMOs can be complex. The main definitions used by the Council for private sector housing enforcement purposes are provided below.

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-

- “the standard test”;
- “the self-contained flat test”;
- “the converted building test”;
- a HMO declaration is in force;
- it is a converted block of flats

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

1. It consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
2. The living accommodation is occupied by persons who do not form a single household (*see section 258 of the Housing Act for a definition of persons not forming a single household*);
3. 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 of the Housing Act for a definition of persons treated as occupying premises as only or main residence*);
4. Their occupation of the living accommodation constitutes the only use of that accommodation;
5. 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
6. 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:

1. it consists of a self-contained flat; and
2. paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).

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

1. It is a converted building;
2. 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);
3. The living accommodation is occupied by persons who do not form a single household (*see section 258 of the Housing Act for a definition of persons not forming a single household*);
4. 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 of the Housing Act for a definition of persons treated as occupying premises as only or main residence*);
5. Their occupation of the living accommodation constitutes the only use of that accommodation; and

6. Rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

HMO declarations:

Where the local authority are satisfied that a building or part of a building meets one of the above tests they may serve a notice under Section 255 of the Housing Act "a HMO Declaration" declaring that the building or part to be a house in multiple occupation. (See Manchester City Council Houses in Multiple Occupation Licensing Policy document)

(Also See Section 255 Of the Housing Act)

Converted blocks of flats:

Properties that have been converted into self contained flats will be required to provide evidence that the standard of conversion meets as a minimum the standards required by the Building Regulations 1991, i.e. Certificate of Completion. For the purposes of this section a converted block of flats means a building or part of a building:

1. On which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and
2. Which would not have been exempt under those Regulations, building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and
3. In the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984.

(Also see Section 257 of the Housing Act)

Definition of a Bed and Breakfast House in Multiple Occupation:

In Bed and Breakfast establishments, residents usually occupy as "contractual licencees". Occupiers will have no right to "exclusive occupation" and will receive a service as part of their continued occupation such as, "a prepared breakfast".

Definition of a Student Hall House in Multiple Occupation:

This is a large unit or clusters of smaller units of accommodation incorporated into a main building exclusively occupied by full time students for part or all of the duration of their education. The make up of these properties can vary from:

- The traditional halls e.g. bedrooms along wings with large communal areas and shared facilities on each storey.
- To the more recent purpose built 4 – 6 bedroom self contained clusters.

Definition of a Bedsit:

These are houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathrooms and / or toilets).

Cooking and food preparation facilities are usually provided within the individual units of accommodation but some occupants may share a communal kitchen. There is usually no communal living room and each occupant lives otherwise independently of all others.

Basic amenities means:

- A toilet,
- Personal washing facilities, or
- Cooking facilities

3. Controls relevant to all Private Rented Housing

Housing Health and Safety Rating System (HHSRS)

The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS) which provides a risk based methodology for assessing hazards in dwelling houses. The assessment considers the type of hazard, severity, potential of harm etc. The HHSRS is not a standard but a system to enable the hazards to be identified and the risks minimised or removed.

Manchester City Council expects any private rented dwelling house, including HMOs, to be free from hazards. Upon receipt of a complaint, or upon the authority's own initiative, the council will carry out an HHSRS risk assessment at a dwelling house and may choose to employ enforcement powers to remedy any hazards where the landlord is not co-operative or remedies are not forthcoming.

The HHSRS consists of 29 hazards:

1. Damp and mould growth
2. Excess Cold
3. Excess Heat
4. Asbestos and Manufacture Mineral Fibers – MMF
5. Biocides
6. Carbon monoxide and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds
11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise
15. Domestic hygiene, pests and refuse
16. Food Safety
17. Personal hygiene, sanitation and drainage
18. Water supply for domestic purposes
19. Falls associated with baths etc
20. Falls on the level
21. Falls associated with stairs and steps
22. Falls between levels

- 23. Electrical hazards
- 24. Fire
- 25. Hot surfaces and materials
- 26. Collision and entrapment
- 27. Explosions
- 28. Ergonomics
- 29. Structural collapse and falling elements

The government has published [guidance on HHSRS](#)

Gas Safety

Landlords of all private rented properties must ensure annual gas safety checks are carried out by a Gas Safe registered contractor. Any works carried out must comply with the Gas Safety [installation & use] regulations 1998

Electrical Safety

Landlords of all private rented properties must ensure 5 yearly inspections of the electrical installations are carried out. Any works carried out must comply with IEE (Institute of Electrical Engineers) Wiring Regulations

Planning Permission/ Building Regulations Approval

Some works to HMO's will require planning permission and/or building regulations approval including: change of use to become an HMO, installation of plumbing and electrical works, thermal insulation, and structural alterations.

Meeting building regulation standards does not imply that the house meets HMO standards and will be free from HHSRS hazards.

The Council has an [Article 4 Direction](#) in place. This means that in Manchester you need planning permission to change the use of your property to an HMO.

For further information contact planning@manchester.gov.uk and/or building.control@manchester.gov.uk

Legionnaires' Disease

All landlords providing rented accommodation have responsibilities to ensure that the risks regarding legionella are properly controlled. The Health and Safety Executive (HSE) enforce landlord obligations for [Legionnaires' Disease](#).

Furniture Safety

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

Energy Performance

From April 2018, landlords of privately rented domestic and non-domestic property in England or Wales must ensure that their properties reach at least an Energy

Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. The requirement will be extended to existing tenants from 1 April 2020.

Tenancy Management

The City Council takes a serious view of illegal tenancy management practices, for example illegal eviction, harassment and the disconnection of Electricity, Gas or Water services. The Council will investigate and take action where an offence has been committed under any appropriate legislation (e.g. breaches of Management Regulations, Protection from Eviction Act 1977 etc.).

Refuse

- Sufficient refuse and recycling receptacles must be provided for tenants use
- An external hard standing area with suitable and convenient access for use by tenants for storage of receptacles.
- Area should be kept clean
- All refuse should be removed from the property
- Tenants to be made aware of refuse and recycling collection systems, including advising tenants that receptacles should be returned to the boundary of the property on collection day

Households with 6 or more people are entitled to an additional general refuse bin. Additional recycling containers can be requested and provided according to need.

For further information email contact@manchester.gov.uk or visit the council's website: www.manchester.gov.uk/info/200084/bins_rubbish_and_recycling

Antisocial Behaviour

Antisocial behaviour covers a wide range of problems and includes any behaviour that is capable of causing nuisance or annoyance to an individual(s) or the wider community. This type of behaviour can include:

- Harassment and intimidating behaviour
- Hate crime, for example racist or homophobic abuse
- Behaviour that creates alarm and fear
- Noisy neighbours and loud parties
- Problems associated with people supplying, dealing or using drugs
- People acting in a manner which is likely to cause distress or nuisance to others, due to the consumption of alcohol
- Vandalism, graffiti and other deliberate damage to property
- Rubbish or litter lying around, abandoned cars

Anti-social behaviour may or may not constitute criminal activity. The key determinant in deciding whether particular behaviour is anti-social will be the impact of the behaviour on others.

Landlords have a duty to take reasonable steps to ensure that tenants and their visitors are not causing problems within the boundaries of the property through anti-social behaviour.

The Council where appropriate will support landlords who are working towards tackling any issues of anti-social behaviour and take action against landlords who fail to engage or breach licence conditions.

4. Standards Applicable to All HMOs

Natural and artificial lighting

All habitable rooms should have an adequate level of natural light, provided via a clear glazed window or windows. (It is advisable that the glazed area is to be equivalent to at least one-tenth 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 circulation areas within the property should have provision for electric lighting and should be controlled from suitable located switch points. Lighting on stairs should be capable of being switched on and off from both upstairs and downstairs. HMO's with complex/lengthy escape routes may also require emergency lighting, dependent on the individual fire risk assessment.

Ventilation

All habitable rooms require adequate ventilation either directly to external air by a window, with an openable area equivalent to at least 1/20th floor area of room.

Or If there is no natural ventilation in kitchens, bathrooms, WC mechanical ventilation must be provided to allow an adequate number of air changes per hour

Habitable rooms need suitable and adequate floor to ceiling height to allow proper circulation of air.

Space heating

Premises and each unit of accommodation must be provided with an adequate fixed heating system capable of maintaining reasonable temperature in all parts of premises. Heating appliances dependent upon liquid fuel or liquid fuel gas under pressure are not acceptable.

Energy Efficiency

Properties should be adequately insulated. Heating and ventilation should be controllable by the tenants. Consideration should be given to the potential of 'fuel poverty' for tenants. Energy efficiency should also be considered when carrying out works to the property to ensure that legal obligations regarding energy performance are met

Security

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

External entrance doors to communal area must be self closing.

Security devices/ locks must not hinder means of escape in case of fire.

Water supply

An adequate supply of hot and cold water on demand under adequate mains pressure must be available. Cold drinking water must be available from the kitchen sink.

Bathrooms and sanitary conveniences

Baths, showers, wash hand basins must be located within reasonably sized compartments and constructed to maintain privacy. All bathrooms and toilets must be suitably located in or in relation to the living accommodation in the HMO. Toilets must have a wash hand basin within the same compartment.

“Suitably located bathrooms” means that they are not more than two floors distant in relation to the sleeping accommodation

“Suitably located water-closet (WC)” facilities shall be not more than one floor distant from living and sleeping accommodation

Self-catering kitchen facilities

To include suitable and sufficient:

- Sink and draining board with hot /cold water
- Storage for food, kitchen utensils and crockery
- Refrigerator and freezer of adequate capacity (may be combined)
- Work top area impervious for food preparation
- Proper cooking appliance with rings/grill/oven
- Appliances dependent on liquid fuel or liquefied gas under pressure not acceptable
- Storage for internal waste and recycling where there are communal street bins.-

“Suitable and sufficient facilities and adequate capacity” means suitable for the number of occupants having regard to the amenities set out in section 5.

Room divisions

Room divisions must provide adequate sound insulation. For example, compliance with the relevant Building Regulations. Each letting where divided in to separate lettings must have a separate supply gas/electricity.

5. Amenity and Space Standards

Room sizes must comply with the standards set out below. The calculation of room size only takes into consideration the part of the room where the ceiling height is greater than 1.5m, however assumes the majority of the room to be of a reasonable height and free of potential injurious obstructions (i.e. HHSRS hazard 'collision and entrapment').

Measurement of the Area of a room

- Vertical height by reason sloping roof/ceiling less than 1.5m (5 feet) not included
- Include bay windows, fixed cupboards
- Exclude projecting chimney breast
- Include projected skirting
- Exclude where space immediately behind the door is no wider than the door itself

Each person in addition to their individual rooms shall have access to; a kitchen, communal space (living/dining room)

Kitchen and dining rooms must be located on the same level

Where the landlord provides a catering service, through a communal kitchen, a separate dining space must be provided

Self contained flats

Each aspect for a self contained flat shall be based on HHSRS and the officers' judgement.

Shared Houses

The following are the national minimum bedroom sizes for HMOs where separate living space is provided:

Bedrooms	
1 Person aged under 10 years	4.64 m ²
1 Person aged over 10 years	6.51 m ²
2 persons aged over 10 years	10.22m ²

(NB.The above standards do not apply to a HMO which is managed by a charity registered under the Charities Act 2011, and which is a night shelter, or consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.)

Bedrooms that have the living space combined within the room must be a minimum standard of 10m² for a person aged over 10 years and 6.51m² for a person aged under 10 years.

Where bedrooms fall below 10m², the extra living space required must be found within a communal room within the dwelling.

Kitchens	
2 to 4 Persons	5.5 m ²
5 to 10 Persons	Additional 1.4m ² per person to a maximum of 10 persons

Other kitchen sizes may be acceptable if the authority can be satisfied that the size, design and layout still allow the occupants to prepare, cook and serve food in a safe and hygienic manner.

Dining Room	
2 to 5 Persons	9m ²
Area for each additional person	+1.86m ²

The above standards apply to existing HMOs; all new build accommodation will need to refer to Manchester City Councils Planning and Building Control departments for approval.

Washing facilities

There must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing for the number of persons sharing those facilities

Amenity Provision

Amenity ratio will be **1:5**, however for every 5th person the WC must be separate from the bath or shower room. Separate WC must have a Wash Hand Basin with appropriate splash back contained within the unit.

Where there are 4 or less occupants sharing, there must be at least one bathroom with a bath/shower and a toilet with WHB.

See table below:

Facilities per person sharing	Shower or Bath	WHB & WC	WHB & WC must be separate from the existing bath or shower room
5	1		1
6-9	2	2	
10	2	1	1
11-14	3	3	
15	3	2	1
16-19	4	4	
20	4	3	1

Please note the table above is not exhaustive and alternative layouts will be considered where the local authority is satisfied that the arrangements are appropriate for the accommodations use.

All bathrooms and toilets must be suitably located in or in relation to the living accommodation in the HMO and of an adequate size and layout.

“Suitably located bathrooms” means that they are not more than two floors distant in relation to the sleeping accommodation

“Suitably located water-closet (WC)” facilities shall be not more than one floor distant from living and sleeping accommodation

The following requirements also apply:

- All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water
- All bathrooms must be suitably and adequately heated and ventilated
- All toilets and wash hand basins must be fit for purpose
- Baths and showers must have appropriate splashback
- Showers must have impervious surround – either a cubicle or tiled walls and a screen
- The walls and floor covering of any bathroom or shower room must be non-absorbent and capable of being readily cleansed.
- A suitable lock must be provided to all bath/shower rooms and WC
- WC’s must have a WHB contained within the same unit
- All baths, showers, WC and WHB should be properly connected to a soil drainage system

Kitchens

There must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food in a safe and hygienic manner.

The kitchen must be equipped with the following equipment, which must be fit for purpose and supplied in a sufficient quantity for the number of those sharing the facilities:

- Cookers with 4 rings, an oven and a grill shall normally be provided at a ratio of one per 5 persons sharing the kitchen.
- Sinks with draining boards – Sinks shall normally be at the ratio of one sink for 5 persons.
- Each sink supplied must have an adequate constant supply of cold and hot water.
- Worktops must be suitable and sufficient with impervious surface for food preparation. Suitable for the number of persons sharing the facilities
- Suitable storage for food, kitchen utensils and crockery must be provided, suitable for the number of persons sharing the facilities
- A refrigerator and freezer of adequate capacity (which may be combined when the freezer compartment is of adequate capacity), suitable for the number of persons sharing the facilities
- All kitchens shall be provided with a non-asbestos fire blanket adjacent to the nearest exit door to the cooker, at a convenient height.
- There must be appropriate refuse disposal and recycling facilities; and appropriate extractor fans, fire blankets and fire doors
- Kitchens shall be fitted with an appropriate extractor fan. This shall be capable of achieving 6 air changes per hour

- All kitchens are to have suitable and sufficient 13 amp electric power socket outlets, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities

Minimum Amenity Provisions

Proposed Facilities per person sharing	Kitchen Sink	Cooker	Fridge
1-5	1 kitchen sink	1 (4 ringed cooker, as a minimum)	1 fridge with adequate freezer space
6-8	1 sink and an additional dishwasher, or double bowled sink and single drainer *	1 (4 ringed cooker) & 1 additional combi microwave, or an extra hob Or a large range cooker with more than 4 rings, with 2 oven compartments*	1 Fridge & a separate freezer *
9 - 10	2 kitchen sinks	2 (4 ringed cookers)	2 Fridges & a separate freezer *
10 - 14	2 sinks and an additional dishwasher, or 2 double bowled sinks with drainer *	2 (4 ringed cookers) & 1 additional combi microwave, or an extra hob	2 Fridges & 2 separate freezers*
15	3 Kitchen sinks	3 (4 ringed cookers)	3 Fridges & 3 separate freezers

Cupboards and worktops should be suitable for the number of occupants.

Bedsits

Adequate kitchen facilities must be provided to allow the storage, preparation and cooking of food in a safe and hygienic manner to the following minimum standard:

- Two rings/hot plates together with a minimum of 1 cu. ft. (28 litres) oven and a grill. For occupancies of two persons, the minimum requirement is three rings/hot plates together with a full sized oven and grill. For occupancies of three or more persons a full size cooker is required. Cookers shall be positioned at a location and height to allow safe use
- A sink with an adequate supply of cold and constant hot water;
- A suitable work surface a minimum 0.5m deep and a length of 0.5m plus 0.5m per person using the facility shall be provided. An appropriate table in the kitchen area of suitable size and type may be considered an acceptable alternative for half of the requirement
- Sufficient electrical sockets; a minimum of 3 single socket outlets shall be located above the work surface for the use of portable appliances in addition to any sockets for appliances required by these standards, situated in convenient positions for the user
- Cupboards for the storage of kitchen utensils, crockery and food shall be required a minimum of one 500mm wide base unit or wall cupboard per person. The space

located below the sink should not be treated as a food cupboard for the purpose of this standard

- A refrigerator. Fridge space shall be a minimum 1 cu. ft. (28 litres) of space per person plus a freezer compartment. The fridge shall be capable of maintaining an internal temperature of 5^oc

The standards referred to above regarding appliances do not apply where:

- the landlord is not contractually bound to provide such appliances or equipment;
- the occupier of accommodation is entitled to remove such appliances or equipment from the HMO; or
- the appliances or equipment are otherwise outside the control of the landlord

Combined Rooms (Bedsits)		
Bedroom/Living room	One Person	10.22 m ²
	Two Persons	14.86 m ²
Living Room/ Kitchen	One Person	11.15 m ²
	Two Persons	14.86 m ²
Bedroom/Living Room/ Kitchen	One Person	13.00 m ²
	Two Persons	24.15 m ²

Hostels and Bed and Breakfast Establishments

Kitchen facilities used by the management to provide meals for residents must comply with the Food Safety Act and are to be separate from the self-catering facilities.

The sharing of bedrooms is not permitted unless:

- Occupants are married, or living together as if married.
- They are parent and child (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).

Note: There may be exceptions to the above sharing rule in bona fide hostels and similar establishments. Advice should be sought from the City Council in these cases and any exceptions to the above sharing rule must be formally agreed.

- Suitable office accommodation for the staff is to be provided according to the needs of the establishment.

-In the event of living accommodation being provided for staff, the accommodation must afford all amenities necessary to ensure reasonable comfort.

-Adequate staff supervision is to be provided according to the needs of the establishment. Where necessary the council may require the continuous presence of a member of staff 24 hours per day.

Where reasonably practicable there must be a wash hand basin (WHB) with appropriate splash back in each unit of accommodation

Where the landlord provides a catering service the facilities must comply with the Food Hygiene (England) Regulations 2006. In addition, some self-catering facilities will need to be provided and the level of facilities required will be determined on a case-by-case basis, taking into account the level of provision by the landlord. We will provide advice on request.

If you wish to deviate from any of the above standards you must discuss this with the Council. Manchester City Council encourages quality accommodation and adopts a flexible approach to discussions with landlords. 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

6. Means of Escape in case of Fire/ Fire Standards

The government has published [guidance](#) on fire safety provisions for certain types of existing housing produced by the Local Authorities Coordinators of Regulatory Services (LACORS).

The Council primarily enforce fire safety issues using the Housing Health and Safety Rating System (HHSRS), which requires officers to assess the level of risk at residential premises. Manchester City Council will follow the LACORS guidance wherever possible, and works closely with Greater Manchester Fire and Rescue Service

Certain requirements may be in excess of what is needed following a fire risk assessment and, in some cases, additional fire provisions may be needed, any deviation from the LACORS guidance should be discussed and agreed with the Council in the first instance.

Landlords of Houses in Multiple Occupation (HMO) must ensure that a fire risk assessment is made of the common areas, by a competent person. This is a legal requirement, enforced by the Fire Authority, under the [Regulatory Reform \(Fire Safety\) Order 2005](#).

Please note: The case studies in Part D of the LACORS guidance are based on a number of assumptions and should not be interpreted as a standard that must be followed in every premises that match the basic descriptions given. In practice there are relatively few premises that will match these case studies exactly. The guidance must be read in full.

7. Certification

Landlords of HMOs must ensure they obtain and keep records of any relevant certification to be available on demand in particular for gas, electrical safety and fire safety.

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 a recognised standard, such as the current edition of the IEE (Institute of Electrical Engineers) Wiring Regulations and certification should be provided as prescribed under Appendix 6 of BS 7671:1992 (as amended) to confirm that the whole installation is to a safe and satisfactory standard. The installation must be retested and certified, as described every five years, or following any alterations or extensions to the system.

All work to the electrical installation must be carried out and certified by a NICEIC (National Inspection Council for Electrical Installation Contracting) member or approved body or competent person. All electrical work must be carried out in accordance with Part P of the Building Regulations.

Fire Safety

All detectors must be tested at least once a year in accordance with BS 5839-1 to ensure that they respond to smoke. The test is usually carried out by a competent person under a maintenance contract and should be recorded in the log book, with a periodic inspection and test certificate issued.

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

Any emergency escape lighting present must be serviced and maintained in accordance with BS 5266-8: 2004 (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.

Carbon monoxide detectors must be provided in any room containing a solid fuel burning combustion appliance, and must be kept in proper working order.

8. Enforcement

The Standards set out in this document are based on differing legislation each of which has its own enforcement criteria set out in law. All enforcement action will be carried out in line with the Council's Corporate Enforcement Policy.

The Council may serve a range of notices in respect of private rented properties. These include notices requiring the execution of works to remove safety hazards, notices requiring steps to be taken to reduce the level of occupancy and notices to remedy neglect of management. The Council also has powers to take over poorly managed properties. These powers operate independently of any licensing scheme.

You are advised to establish lawful use of your premises under planning legislation. It is also advisable to contact the Council's Planning and Building Control departments for advice.

There are many private rented properties throughout the city which do not fall within any licensing requirements at the present time; for instance non HMO private rented properties or HMOs having less than five occupants and not falling within a selective licensing designation. In these cases it is considered important that appropriate standards of amenity provision, fire precautions and room size should be achieved wherever possible.

Part 1 of the Act brings in a method of assessing housing conditions known as the Housing Health and Safety Rating System (HHSRS) plus associated enforcement powers to deal with any hazards identified. For further details about the HHSRS (See Section 3 of HMO Guidance and Amenity Standards document). Furthermore, part 4 of the Act contains provisions for dealing with overcrowding in HMOs.

By application of these powers similar overall standards may be achieved as those required for licensable properties. Landlords and managers of non-licensable properties should consider the advice given in this document together with HMO Guidance and Amenity Standards document in order to lessen the possibility of any enforcement action being taken under these other provisions of the Act.

Non-licensable HMO's must also comply with The Management of Houses in Multiple Occupation (England) Regulations 2006 which sets out duties of managers and occupiers for all HMO's (other than certain blocks of flats described in section 257 of the Housing Act 2004 ("the Act")).

More detail on enforcement action in respect of licensable HMO's can be found within the PRS licensing policy.

Related Policies Include: the Councils [Civil Penalty Policy](#), [Energy Efficiency](#),
With policies yet to be approved for Electrical Safety, and Rent Repayment Orders