



# **ADVISORY NOTES FOR LICENSED HOUSES IN MULTIPLE OCCUPATION**

**THESE NOTES SHOULD BE  
READ IN CONJUNCTION  
WITH YOUR HMO LICENCE  
ISSUED BY LEEDS CITY  
COUNCIL**

**PRIVATE SECTOR HOUSING**

**HOUSING LEEDS**

## FOREWORD

These advisory notes are provided as a guide to works needed to comply with the conditions of the HMO licence issued by Leeds City Council (referred to as “the council” throughout this document) in accordance with Part 2 of the Housing Act 2004. They offer advice and guidance on the interpretation of national minimum standards for amenities to be provided in HMO’s produced by the Government, and incorporate the national fire safety guidance produced by LACORS\*, (with clarification issued by LACORS in 2009), which was adopted by the council in March 2009\*\*. Revised in July 2019 by BS5839-6:2019\*\*\*

Section 67 of the Housing Act 2004 allows a local housing authority – in this case Leeds City Council – to attach conditions to an HMO licence, in addition to the specified mandatory conditions.

If you are unsure about the requirements of any of the advice set out in this document you should seek professional and/or legal advice. You may contact the HMO Team but you must remember that ultimately it is the responsibility of the Licence Holder or (if appropriate) a person on whom restrictions or obligations under a licence are imposed to ensure they comply with all the requirements of the licence. Failure to comply with any condition of an HMO licence is an offence which could result in a fine of any amount per offence.

### Reasonably suitable.

The Housing Act 2004 allows local authorities to refuse to grant a HMO Licence if it considers the property not to be reasonably suitable even if it does meet the prescribed standards for occupation by that number of persons (i.e. in terms of kitchens, bathrooms, fire safety precautions and mandatory minimum size of sleeping accommodation). It is becoming increasingly common for licences to be refused or restricted in numbers on the grounds of lack of space within communal areas such as living rooms, particularly where there are open plan living/kitchen/dining rooms or where rooms such as living rooms are converted into bedrooms. Care therefore needs to be taken when developing properties to ensure there is sufficient space within the communal areas for the proposed number of occupants to adequately cook, dine and relax. Licences may be refused or the numbers of permitted occupants reduced even if they have been issued historically.

This document may be periodically revised so please make sure that you have the current edition. This can be done by either contacting the Housing Regulation Team at the council on the details above, or by visiting the council’s website, [www.leeds.gov.uk/hmo](http://www.leeds.gov.uk/hmo)

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\* Housing – Fire Safety, guidance on fire safety provisions for certain types of existing housing (July 2008), LACORS

\*\* Fire Safety Principles for Residential Accommodation (March 2009), Leeds City Council

\*\*\*BS5839-6:2019 Fire Detection and Fire Alarm Systems for Buildings (Domestic).

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## SECTION 1: GENERAL LICENCE CONDITIONS

### 1.1 **General**

You should comply with the requirements of any relevant regulations, for example such as the Management of Houses in Multiple Occupation (England) Regulations 2006 (SI 2006 No. 372). The licence holder or manager should not solely rely upon the occupiers reporting defects and problems at the property. This is particularly important in relation to facilities provided for safety purposes including maintenance of fire doors and alarms. A plan of routine inspections should be developed which would highlight maintenance issues. The licence holder or manager must however comply with any relevant housing legislation in gaining access to the property. Information on these regulations and the council's minimum standards can be obtained at [www.leeds.gov.uk](http://www.leeds.gov.uk) or by telephoning the HMO Team on 0113 3784698 or by seeking your own independent legal/professional advice.

You must advise the HMO Team of any change in circumstances, such as change of address, change in management details, etc. as this may require a need to vary the licence. The council may, with or without consent of the licence holder, vary the terms of the licence or even revoke the licence as well as take other legal proceedings for non compliance.

You must provide access to your property in accordance with the terms of Section 239 of the Housing Act 2004 for the purposes of survey and inspection under Parts 1 - 4.

The occupiers of the property must be provided with a copy of the statement of terms under which they occupy the property, for their personal retention. This can be a written tenancy agreement.

The licence holder or (if appropriate) a person on whom restrictions or obligations under a licence is responsible for ensuring that the terms of the licence are adhered to and may have the licence varied, revoked and/or be prosecuted for non compliance. Such action may affect the 'fit and proper person' status of a licence holder and hence any future licence applications.

Under the terms of the licence you will note that you are required to provide various facilities to comply with the relevant licence conditions. If you have already complied fully with the licence conditions you will not need to take any further action. However, it is your responsibility to ensure that you fully comply with the licence conditions as failure to do so could lead to prosecution. You should seek your own independent legal advice if you are unsure.

### 1.2 **Training Courses**

In addition to introducing mandatory licensing of certain HMO's, the Housing Act 2004 also introduced significant changes to the way that the private rented sector is regulated by local authorities. As a result of this, and having considered the range of landlords in Leeds together with their varying portfolio size and level of experience, the council has attached a condition to the HMO licence that requires the licence holder (and if applicable the HMO Manager) to attend an approved training course within 6 months from the date of commencement of the licence.

In partnership with the National Residential Landlords Association ("NRLA"), a course has been approved that is based on a manual produced jointly by IDEA and Accreditation Network UK ("ANUK"). It is a one day course run by the RLA on a not-for-profit basis, and covers the essential elements of managing a tenancy and matters relating to health and safety (Part 1 of the Housing Act 2004, Housing Conditions). Upon completion, all attendees receive a certificate to confirm their satisfactory attendance. Note that members of the NRLA and Leeds Rental Standard receive a discount on the course fee. Here is a link to the NRLA website [https://www.rla.org.uk/landlord/courses/landlord\\_hmo\\_licence\\_training\\_course\\_leeds.shtml](https://www.rla.org.uk/landlord/courses/landlord_hmo_licence_training_course_leeds.shtml)

If you have already attended the "HMO Licensing-Professional Development Course for Landlords" (run exclusively in Leeds) and you can provide evidence of your attendance, it is not the intention of the council to ask licence holders to attend a further course during the period of this licence. Where appropriate, you will be asked to provide evidence of your attendance and it is your responsibility to ensure you have kept your certificate to demonstrate this.

### 1.3 **Anti-Social Behaviour**

Anti-social behaviour (ASB) means conduct on the part of the occupiers of, or visitors to residential premises which causes or is likely to cause nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises or which involves, or is likely to involve, the use of such premises for illegal purposes.

Licence holders are required to take all reasonable and practicable steps to prevent or reduce antisocial behaviour by persons occupying or visiting the house, including, but not exclusively

- to put in place a written procedure that indicates how complaints relating to antisocial behaviour will be dealt with. A copy of the procedure shall be supplied to the occupiers upon the commencement of their tenancy and to the council on demand
- to keep a written record of complaints received relating to antisocial behaviour. The record shall include details of the complaint together with the action taken to resolve the matter and shall be retained for the term of this licence including reminding tenants of their responsibility towards others and the standards of behaviour expected from them.
- where antisocial behaviour is sustained, regular, or more than one occurrence (even if months apart), the licence holder shall take all reasonable and practicable steps to ensure it is effectively dealt with, up to and including eviction
- have a term in the written statement (i.e., tenancy agreement) prohibiting such conduct by the occupiers and visitors
- will be required to cooperate with any other bodies such as the Council or Police if they are taking steps to address the matter

## SECTION 2: FIRE SAFETY REQUIREMENTS

### 2.1 TYPES OF AUTOMATIC FIRE DETECTION SYSTEMS

#### 2.1.1 Automatic Fire Detection (“AFD”) Systems

The presence of a suitable, properly installed and maintained fire detection and warning system will alert occupiers to the presence of a fire in its early stages and it will enable them to evacuate the house to a place of safety before escape routes become blocked by smoke or directly affected by fire. An AFD should therefore be designed to wake people who are sleeping and to alert them as to the presence of a developing fire in areas such as a risk rooms, lobbies, store rooms or cellars, before the fire affects the escape route

#### **Type and Grade**

AFDs are described by *type* and *grade*. **Type** refers to the parts of a property that the AFD covers, as described in the table below.

AFD Type	Coverage
LD1	a system installed throughout the premises, incorporating detectors in all circulation areas that form part of the escape routes from the premises, and in all rooms and areas, other than those with negligible sources of ignition, such as toilets, bathrooms and shower rooms;
LD2	a system incorporating detectors in all circulation areas that form part of the escape routes from the premises, and in all specified rooms or areas that present a high fire risk to occupants, including any kitchen and the principal habitable room
LD3	a system incorporating detectors in all circulation areas that form part of the escape routes from the premises.

- **Grade A:** AFDs (or monitored fire alarm systems) comprise a series of electrically operated smoke and/or heat detectors which are linked to a control panel that is normally located in the ground floor hallway of a property. The panel should comply with BS EN 54-2: + A1: and the wiring, siting and type of detectors and sounders with BS 5839: part1. BS 5839 is the British Standard that covers the design, installation and maintenance of fire alarm systems and AFDs should be fitted in accordance with it. Grade A AFDs are appropriate for higher risk HMOs as the control panel constantly monitors the detectors and sounders to ensure that they are functioning properly. If a fault occurs then the control panel indicates this;
- **Grade C:** A system of fire detectors and alarm sounders (which may be combined in the form of smoke alarms) connected to a common power supply, comprising the normal mains and a standby supply, with

central control equipment.

- **Grade D1:** A system of one or more mains-powered detectors, each with a tamper-proof standby supply consisting of a battery or batteries
- **Grade D2:** A system of one or more mains-powered detectors, each with an integral standby supply consisting of a user-replaceable battery or batteries.
- **Grade F1:** A system of one or more battery-powered detectors powered by a tamper-proof primary battery or batteries
- **Grade F2:** A system of one or more battery-powered detectors powered by a user-replaceable primary battery or batteries.

### Detectors

Smoke/heat detectors should be mains wired and inter-linked so that when one detector is activated all alarms sound. In addition each detector unit should have an integral sounder and battery standby supply. As a minimum they should comply with BS 5446-2 and BS EN 14604. In order to avoid false alarms heat detectors should be fitted in rooms where cooking facilities are provided. In other places where detectors are required they must be smoke detectors. Detectors are not normally required in bathrooms or WCs. However, if there is a risk of a fire starting in a bathroom or WC compartment, (i.e. if there is a source of ignition such as a wall mounted electric radiant fire) then a heat detector should be fitted. Note that electrically operated showers are not regarded as a source of ignition.

With regard to their sounding, the number of detectors fitted in a property and their siting should be such that, when *all doors are closed*, a sound level of 75 dB(A) minimum is achieved at the bed head. In all other accessible parts of the dwelling a sound level of not less than 65 dB(A) should be achieved.

### Testing and Maintenance

In accordance with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, landlords have a duty to ensure that smoke alarms are in proper working order at the start of each new tenancy.

All grades of system need to be tested periodically to ensure that there has not been any major failure. Fire detectors should also be cleaned periodically in accordance with the manufacturer's instructions.

The guidance of the manufacturer on the method by which the detector/alarm can be tested effectively should be followed. It is essential that fire alarm systems are subject to periodic inspection, so that unrevealed faults can be identified, and to enable preventive measures to be taken to ensure the continued reliability of the system.

Some routine testing does not require any specialist knowledge, and can normally be carried out, quite easily, by the occupier of the premises, who will, however, need simple instructions in how to do so.

- Instructions to users should stress the importance of routine testing of the system. It is essential that the occupiers understand the operation of the system, the action to take in the event of a fire alarm signal, the means for avoidance of false alarms, the procedures for testing the system and the need for routine maintenance of the system.
- For linked fire alarms (either wired or radio-linked) the link(s) should be tested to confirm that the signal can be successfully transmitted between devices.

Where a Grade A system is provided, periodic inspection and servicing needs to be carried out every 6 months by a competent person with specialist knowledge of fire detection and fire alarm systems. This is normally by a fire alarm servicing company. On completion of the work, any outstanding defects should be reported, and an inspection and servicing certificate should be issued which should be retained by the landlord/agent to show regular servicing.

In addition, Grade A systems should be tested every week in accordance with the recommendations of BS 5839 1:2017. The result of the weekly test and the identity of the manual call point used should be recorded in the system logbook.

All systems, (other than Grade A systems), should be tested at least every month. In the case of smoke alarms, heat alarms and multi-sensor fire alarms, this test may be carried out by use of a test button on every alarm installed in the premises. If an alarm has no test button, assistance with testing should be sought from a competent person. Periodic tests by a competent person of the fire alarm system (whether or not there is a test button), provides assurance that the fire alarm system is adequately maintained in accordance with licence conditions and provides some due diligence in the event of a fire.

The internal batteries of all detectors should be replaced within each detector in accordance with manufacturer's recommendations or when a low battery warning has been generated, whichever is the soonest.

### **2.1.2 Manual Fire Alarms**

A manual fire alarm system consists of break glass points that are situated next to final exit doors and in larger multiple storey properties, on each landing. It allows the occupier of a property to raise the alarm in the event of a fire *prior* to the AFD being activated. These should be clearly audible in all parts of the building and should be provided to the satisfaction of the Fire Authority and in accordance with BS EN 54-11. These are required where a Grade A system is to be provided. If manual call points are provided they should be operated every week. A different manual call point should be used at the time of every weekly test, so that all manual call points in the building are tested in rotation over a prolonged period.

### **2.1.3 Smoke Alarms**

Unless an automatic fire alarm system is already installed, battery operated smoke alarms are required to be fitted to all rooms and in circulation areas along the route of escape in case of fire. This requirement is intended to provide a safety measure prior to the installation of an automatic fire detection system. If an automatic fire alarm system is already in place then battery operated smoke alarms are not required to be provided.

## **2.2 Protected Route of Escape in Case of Fire**

A protected route of escape provides a safe passage for all occupiers of a dwelling to evacuate the building in the event of a fire to a final place of safety. Typically this would incorporate the hallway, landings and stairways within a building.

### **2.2.1 General Requirements for Protected Routes of Escape**

Walls and ceilings on the route of escape should be of 30 minute fire resisting construction, and surface coverings should be of a nature that will not assist the spread of flame.

Walls and floors should be of sound, traditional construction. Walls should be of 30 minute fire resisting construction. Sound lath and plaster can be regarded as this, however, if the plaster is un-keyed or perished, then it should be renewed or over-boarded. Surface coverings to walls and ceilings should be of a nature that will not assist the spread of flame.

If plaster is un-keyed or perished then the defective area should be re-plastered or over-boarded with plasterboard 12.5mm. Design principles are that a fire should be contained within a room to protect the route of escape. The condition of walls within rooms abutting the route of escape must also be assessed.

In areas of high fire risk, 60 minutes fire protection may be required, such examples may include: walls, ceilings and doors separating commercial units from residential parts in mixed use buildings; separation from areas of high fire risk such as commercial kitchens, large boiler rooms or stores; basement areas or cellars without automatic fire detection.

Where locks are provided to doors which separate units of accommodation from the escape route, these must be capable of being opened from the inside without the use of a key. The final exit doors and any security grilles fitted to them or to means of escape windows, must also be fitted with a lock or mechanism that can be easily opened from the inside without the use of a key.

Gas/electricity meters located in cupboards that are large enough to be capable of storing potentially flammable materials and which are situated in the staircase enclosure should be encased with materials of 30 minute fire resistance. Storage cupboards situated in the staircase enclosure should be kept shut and lined with material to provide 30 minute fire resistance and provided with a 30 minute fire door.

The route of escape shall be kept clear and unobstructed at all times.

White goods such as washing machines, tumble dryers, fridges and freezers pose a risk of ignition and must not be installed along the route of escape.

### **2.2.2 Protected Route Requirements in Back to Back HMO's**

These are houses that back directly onto another at the party wall and have other properties at either side. Back to backs have only one route of escape out of the property which passes through a 'risk room' (a living room and/or a kitchen), thus creating a situation where all bedrooms in the property become 'inner rooms' (see 2.4.5 below).

As it is not possible to provide a full 30 minute fire protected route of escape to a final place of safety, an FD30S fire door requires fitting to the bottom of the ground to first floor staircase. Due to the size/dimensions of this doorway this may need to be a 30 minute fire door blank adapted/cut down to size if it is not practicable to install a standard FD30 S fire door/fire door set. Thirty minute fire separation between ground and first



floors is also required (walls, ceilings and floors) of sound, traditional construction would be deemed to provide 30 minute protection. A 30 minute fire protected route should then be provided at first and second floor, leading to a suitable escape window at first floor level (see section 2.2.5 on escape window requirements). Where the ground floor kitchen and living room are not open plan, a FD30 fire door between the kitchen and the living room is required.

Where the requirements for an escape window cannot be met at first floor level, one of the alternative measures must be taken:

- i. construct a 30 minute protected route of escape through the house to the final exit door (which must lead to a final place of safety), or
- ii. providing 60 minute fire separation between the ground and first floor levels, along with arrangements for calling the fire and rescue service (such as a fire alarm linked to the fire brigade or to a monitoring agency), or
- iii. installing a domestic water suppression system.

In some back-to-back properties (i.e. larger double fronted types), the staircase can come down to a hallway at the front of the property leading directly to the final exit door without passing through any risk rooms. In these instances the general requirements for protected routes (2.2.1) should be followed.

### **2.2.3 Fire Doors**

Doors to 'risk rooms' opening onto the route of escape should be 30 minute fire doors fitted with 3 hinges. Fire doors are specified by the integrity performance time of the door set, being a frame and door manufactured to be fitted together. For example an *FD30* is a 30 minute fire door where the door or frame is fitted with an intumescent strip. A letter 'S' after the figure denotes a requirement for cold smoke seals to be fitted *in addition* to the intumescent strips e.g. *FD30S*. Any gaps between the door casing and the structure to which it is fixed, should be filled with non-combustible material. All fire doors should be installed and maintained in accordance with BS 8214:1990. Ordinarily, fire doors would not need to be provided to bedrooms, bathrooms and WC's located on the route of escape. This should only be considered where there is a specific risk involved, for example; where risk assessment deems the occupation of the bedroom to be a 'risk room' or where a gas boiler is provided in the bathroom.

Doors without smoke seals are usually fitted where there is an AFD with LD2 and LD3 coverage, whereas doors with smoke seals are fitted where there is an AFD with LD1 coverage.

It is recommended that existing doors and frames are replaced with a new door set rather than being upgraded. However, where door frames are square and in sound condition they may be capable of being upgraded. Doors should not be upgraded unless they are of special architectural merit such as those used in listed buildings. Professional advice can be obtained from TRADA or English Heritage for technical advice on upgrading doors that have been subject to fire tests.

Self-closing devices must be fitted to all entrance doors to flats and bedsit rooms complying with BS EN 1154. They must also be fitted to fire doors on risk rooms in shared houses of 3 or more storeys.

### **Risk Room**

A risk room is a room with a function, where its use or contents present a risk of a fire occurring and developing. Typically this would be a kitchen, shared living room or bedsit room. However on risk assessment it could also include bedrooms due to their location, vulnerability of the tenant or any other factors which would increase the risk of fire. It excludes bathrooms and WC's containing no fire risk.

### **2.2.4 Escape Windows**

Escape windows will only be considered satisfactory if they meet the following criteria –

- They have an unobstructed openable area that is at least 0.33m<sup>2</sup>; neither the height nor the width must be less than 450mm (please note that 450mm x 450mm would not provide the minimum requirement of 0.33m<sup>2</sup> of unobstructed openable area).
- The bottom of the openable area should not be more than 1100mm above the floor.
- All new windows when fitted must comply with the above as they are building regulation requirements. Where an existing conversion does not comply with the building regulations, then the Housing Regulation Team should be contacted so that other options can be considered.
- They should serve rooms whose floor level is no more than 4.5m from the ground;
- For shared and single household properties, entry to the room containing the escape window must be able to be gained without the use of a key;
- The ground below the escape window is level and free from obstructions and other encumbrances, such

as basement light wells and railings;

- They are openable from the inside without the use of a removable key, and
- They lead to a place of safety, clear of the building.
- Occupiers should be able-bodied individuals who can be reasonably expected to exit via the window unaided.

If these requirements cannot be met, the use of the escape window should not be accepted and an alternative approved solution should be adopted.

## 2.3 Fire Safety Requirements for Basements

Consideration needs to be given to the fire risk presented to the occupiers of any storey below the main entry/exit level of the house. Such storeys may include true basements or lower ground floors where the main house entry level is raised above ground and accessed by steps.

### 2.3.1 Habitable Basements

Thirty minute fire separation between the basement and ground floor, including the staircase soffit and spandrel, with a self-closing FD30S door fitted at the head of the basement stairs. *Note for low risk shared HMOs of no more than two storeys (above ground level) the existing construction such as lath and plaster or plasterboard can be accepted provided it is sound and in traditional materials. For these properties also existing doors to all risk rooms can be accepted where they are solid, in a sound condition and self-closing. Lightweight doors and doors with very thin panels should be avoided.* In very large occupied basements, two FD30S doors (one at the top and one at the bottom of the basement staircase) are required. This is to ensure that occupiers do not have to escape through a trapped layer of smoke and heat. In all habitable basements the route of escape from a basement habitable room should not pass through a risk room in the basement such as a living room or kitchen. Ideally a separate exit to an ultimate place of safety is required at basement level. However, where this is not possible escape windows should be provided to all habitable rooms in the basement (see section 2.2.5 on escape window requirements). If a separate exit or escape windows cannot be provided then a 30 minute protected route of escape from the basement to ground floor level must be provided. The requirement for an AFD with LD2 coverage applies to habitable basements.

### 2.3.2 Unoccupied Basements/Cellars

Unoccupied basements and cellars are often used for storage and usually contain gas and electric meters and electrical wiring. As a result fire can spread quickly and attack the underside of the ground floor, thus compromising the escape route at ground floor level. Thirty minute fire separation between the basement and the ground floor escape route is required, including the staircase soffit and spandrel, with a self-closing FD30S door fitted at the head of the basement stairs. Note for low risk shared HMOs of no more than two storeys (above ground level), where the basement is well maintained, the existing construction such as lath and plaster or plasterboard can be accepted provided it is sound and conventional. Also with such properties an existing door at the head of the basement stairs can be accepted provided it is solid, in a sound condition and self-closing. Lightweight doors or those with very thin panels should be avoided. There should be AFD coverage in unoccupied basement/cellar areas. It should be of the same level as that installed in the remainder of the house. Large multi-roomed cellars may require a number of detectors as appropriate. As a minimum they should be an interlinked (to the main house system) hard wired smoke alarm with integral battery backup in the circulation area.

## 2.4 General Fire Safety Requirements

### 2.4.1 Fire Fighting Equipment

Fire blankets and simple fire extinguishers can be useful in restricting the development and spread of small fires in their early stages. However, unless the fire is very small, occupants should be advised to evacuate the building to a place of safety and call the fire and rescue service.

#### **Fire Extinguishers**

LACORS recommend that simple multi-purpose extinguishers are provided on each floor in the common parts of HMOs and buildings containing flats. However, the potential for extinguishers to be discharged through horseplay or malice in certain types of HMO's may negate this requirement. Where extinguishers are installed they should comply with BS EN 3-7+ A1 and be maintained in accordance with BS 5306-3:. Suitable instructions should be given to tenants on their correct use at the start of the tenancy.

## **Fire Blankets**

A fire blanket is required in the kitchen of a licensed HMO. They must be capable of dealing with small fires such as cooking fires or fires involving clothing, and they should comply with BS 7944. They should be wall mounted (approximately 1.5m high) and situated sufficient distance from a cooking facility(ies) so that the blanket can be safely removed from its housing in the event of a fire. Note that they should be closer to the room exit than the cooking facility itself.

### **2.4.2 Emergency Lighting**

Factors to consider in any assessment of the need for emergency lighting include the size and layout of the property; the length/complexity of the escape route; the presence or absence of natural or borrowed light in the escape route and the vulnerability of the occupiers of the property.

Emergency lighting should automatically illuminate when there is complete failure of the power supply to the artificial lighting or localised failure within the lighting circuit. It should illuminate an escape route to enable people to exit to a place of safety. It should also highlight any hazards such as stairs and changes in direction, and should enable easy identification of any manual fire alarm call points and fire fighting equipment along the route of escape. Importantly the system should be designed to comply with BS 5266-1, BS EN 50172 and BS 5266-8.

If fitted, lights should be mounted approximately two metres above floor level (when measured to the underside of the luminaire) and in the following positions –

- Near any intersections of corridors;
- Above final exit doors;
- Near each change of direction (other than on a stairway);
- Near each manual fire alarm call point, and
- Near fire fighting equipment.

As with AFDs, emergency lighting systems should be routinely inspected and tested.

### **2.4.3 Visual & Operational Checks of the Electrical Installation**

A routine visual and operational check of the electrical installation is very simple and requires no specialist knowledge. On the following website you can find a standard checklist to work through. <http://www.homesafetyguidance.co.uk/downloads/visual-electrical-checklist.pdf> You must do this a minimum of once a year which may be synchronised with tenancy change-over. The council will ask you to supply this checklist as evidence of compliance.

### **2.4.4 Inner Rooms**

An inner room is a sleeping room where the only escape route is through high-risk room such as a kitchen or living room. Inner rooms present a risk to the occupier should a fire start unnoticed in an outer or access room. An inner room situation may be accepted where the inner room is a living room, bathroom, kitchen or WC. However, where the inner room is a bedroom, then the following must be considered in order to remove the high risk factor associated with this type of arrangement:

- Redesigning the house/flat/bedsit by providing lobbies and corridors so that a traditional route of escape is created within the unit, or
- Where possible removing the structure between the inner and outer room, thereby creating one larger room.

Where the above have been considered and the inner room layout is still unavoidable, the following measures may be acceptable:

- The provision of an alternative exit from the inner room directly onto the route of escape; OR
- The provision of an escape window from the inner room which will allow for rescue by the fire and rescue service (see the section 2.2.5 on escape windows); AND
- The provision of an FD30S door between the inner and outer room, AND
- The provision of an adequate AFD in the inner and outer room which should be of the same grade as that in the remainder of the building or flat.

In addition, the following requirements *must* be met for the arrangement to be acceptable –

- The outer room must be under the same control as the inner room;
- Nobody should have to pass through more than one outer room to make their escape, and
- The outer room should not be a high risk room. Where this is impracticable, an exit via a door or escape window may be an acceptable arrangement.

### **2.4.5 Mixed Commercial and Domestic Properties**

Where commercial accommodation is located in close proximity to residential uses, such as flats above shops, any fire in the commercial area can quickly spread into the neighbouring residential use. This is particularly so

at night when a fire may not be noticed until it is well developed. A risk assessment will determine the level of risk but it is considered high risk where there is accommodation above a pub, hot food take-away or restaurant. Generally 60 minutes fire separation is required between the uses. In lower risk commercial properties, the fire separation can be reduced to 30 minutes where an AFD is installed in the commercial unit and it is linked to the residential use. In higher risk premises, 60 minutes fire separation *and* an AFD will be required. Consultation with WYFRA should take place on mixed use buildings.

## SECTION 3: AMENITY AND HEATING REQUIREMENTS

### 3.1 Personal Washing, Bathing and Sanitary Facilities

A bathroom\* and a separate toilet must be provided for every five persons sharing. However a toilet located within an additional bathroom is satisfactory as a 'separate toilet' provided that the arrangements are in accordance with those described in the following table.

#### 3.1.1 Bathroom Amenity Provision Standards

Number of persons sharing	1 Bathroom with toilet	1 Bathroom + 1 separate toilet	2 Bathrooms with toilets	2 Bathrooms with toilets and a separate toilets or a third bathroom	3 Bathrooms With toilets
3 or 4	✓	✓ (see note1)	✓	✓ (see note 1)	✓
5	X	✓ (see note 1+2)	✓	✓ (see note 1)	✓
6	X	X	✓	✓ (see note 1)	✓
7	X	X	✓	✓ (see note 1)	✓
8	X	X	✓	✓ (see note 1)	✓
9	X	X	X	✓ (see note 1)	✓
10	X	X	X	✓ (see note 1)	✓
11+	X	X	X	X	✓

**Amenity level provision for Category A (bedsit accommodation)(see also note 3) and Category B (shared houses) in Licensable Houses in Multiple Occupation (HMOs) – (revised August 2007)**

✓ means achieves agreed standards

X means does not meet agreed standards

\* The term "bathroom" normally means a bathroom containing a bath and/or shower and a wash hand basin, but also includes a shower compartment.

#### Note

Where a separate toilet is provided, the room should contain a wash hand basin with hot and cold running water (or a continuous supply of adequately heated water) and an impervious splash-back, preferably tiles. The wash hand basin should be properly connected to waste drainage. Only in *exceptional* circumstances will the requirement for washing facilities be relaxed. Alternative forms of personal hygiene will be considered in such situations. Any relaxation must be agreed in writing with the HMO Team.

Where personal washing/bathing facilities are available exclusive to a unit of accommodation either within that unit of accommodation or separate but exclusive, the person(s) having exclusive use of these facilities will be discounted from the calculation for communal amenity requirements.

#### 3.1.2 General Requirements

Bathrooms and toilet facilities should be sited in proper separately formed rooms of adequate size, design and layout for the intended purpose. The compartments should be suitably located, within one floor distance from

the intended user. Outside toilets are not acceptable. The rooms should be of a hygienic design and construction, with surface finishes that are durable, easy to clean and maintain. Bathrooms and toilet facilities must be suitably and adequately heated; lit with artificial lighting as a minimum, and ventilated. A wash hand basin with constant hot and cold running water (or a continuous supply of adequately heated water) must be provided within all water closet compartments. In *exceptional* circumstances this requirement may be relaxed, see note 1 above.

### 3.1.3 Fit for Purpose

All sinks, baths, showers, wash hand basins and hand rinse basins should be provided with suitable impervious splashbacks, preferably tiles, and should be provided with an adequate supply of hot and cold running water (or a continuous supply of adequately heated water). They should be properly connected to waste drainage, capable of safely carrying waste water out of the dwelling and into the mains drainage system. Toilets should be connected to a proper working flushing cistern, provided with a constant adequate supply of water and they shall be properly connected to a drain capable of safely carrying waste out of the dwelling and into the mains drainage system. Wash hand basins provided in bathrooms and/or units of living accommodation (such as in Category A HMOs) should be of an adequate size for normal personal hygiene purposes, including personal washing, the cleaning of teeth and shaving.

Surface finishes should be durable, smooth, easy to clean and maintain, and corners and junctions should be sealed and covered to avoid dirt traps.

The recommended minimum specifications for washing/bathing facilities are as follows:

Facility	Size	Material
Baths	Minimum 1500mm length	Grade thickness 5.0mm acrylic
Showers	Minimum 700 x 700mm	Grade thickness 5.0mm acrylic
Wash Hand Basins	Minimum 495 x 360mm	Vitreous Ceramic
Hand Rinse Basins	Minimum 355 x 255mm	Vitreous Ceramic or Stainless Steel

Creda Corvettes and similar 'fill and heat' units are not considered suitable. Individual electrical installations over amenities should achieve the following minimum requirements:

Facility	Heat-up Time	Temperature Capability	Capacity/Loading
Sinks	8mins	140°F (60°C)	10 litres/3KW
Wash Hand Basins	8mins	110°F (43°C)	7 litres/3KW
Hand Rinse Basins	Instantaneous	110°F (43°C)	Instantaneous/3KW
Showers	Instantaneous	Thermostatic Control (max 49°C)	Instantaneous/7KW

The recommended design criteria for stored hot water systems (i.e. cylinder + immersion heater) are as follows:

Storage Capacity	Temperature	Recovery Rate
Approximately 30 litres per person using the facilities supplied	140°F (60°C)	1-4 hours (average 2.5)

In a communal bathroom with 5-6 persons sharing, a cylinder of 150 litres capacity would normally suffice, with a 3KW immersion heater which would reheat the water within the above specified recovery rate. You should refer to the technical specifications supplied with your system if you are unsure as to whether or not the heating system in your HMO meets these requirements.

## 3.2 Kitchen Facilities

### 3.2.1 General Requirements

The design of kitchens in HMO's should allow for the safe and hygienic preparation and cooking of food, so as to promote safe food practice and thus minimise the risk of food poisoning. Where kitchen facilities are shared they should be no more than one floor distance from the intended user. If dining/lounge facilities are provided on

the same floor, or not more than one floor distance from the kitchen and the user, then this does not apply. Where additional sinks are required, a dish washing machine is acceptable as an additional facility.

Creda Corvettes and similar 'fill and heat' units at a sink are not considered suitable.

Microwave ovens may be appropriate as a supplementary cooking facility. They could be considered acceptable in combination with other facilities agreed by the council.

### 3.2.2 Fit for Purpose

Equipment provided, as identified in the following 3 tables, is required to be fit for purpose. Surface finishes should be durable, smooth, easy to clean and maintain, and corners and junctions should be sealed and covered to avoid dirt traps. Surfaces immediately adjacent to cookers, sinks, drainers and worktops should have an impervious finish, and the joints between any sink, drainer or worktop and the adjacent wall should be sealed and watertight.

### 3.2.3 Individual Kitchen Provision Requirements for Category A HMOs

Where a unit of living accommodation contains kitchen facilities in a separate room for the exclusive use of the individual household they must be adequately sized and at least 5.5m<sup>2</sup>, and shall be equipped with the following or equivalent facilities as shown in the table below.

FACILITY	QUANTITY
A <b>cooker</b> comprising of two rings or hot plates, an oven and grill with appropriate connections for fuel would normally be acceptable. Microwave ovens may be appropriate as a supplementary cooking facility or could be considered acceptable in combination with other facilities agreed by Leeds City Council.	To be provided
A <b>sink with drainer</b> (minimum single 1000mm x 500mm – base unit style of readily cleanable construction) with adequate constant supply of running cold and hot water and adequate drainage, complete with impervious splash-back.	To be provided
4 <b>electrical sockets</b> (2 doubles), additional sockets are required for dedicated appliances, i.e. a cooker, refrigerator and washer. Sockets to be suitably located in respect of the location of appliances.	To be provided
<b>Worktop</b> that should be smooth and impervious to allow for ease of cleaning and to be maintained in a hygienic condition.	Approximately 0.5m <sup>2</sup> to a maximum requirement of 2m <sup>2</sup>
<b>Food storage</b> that should enable cooked and uncooked food to be kept separate to prevent cross contamination. Surface finishes should be smooth and impervious to allow for ease of cleaning and to be maintained in a hygienic condition.	Approximately 0.4m <sup>3</sup> of a combination of dry, refrigerated & frozen food storage.
<b>Suitable extractor fan</b>	Recommended where appropriate
<b>Fire blanket</b> to be supplied but not to be sited immediately adjacent to or over a cooker	To be provided
<b>Storage space for crockery &amp; kitchen utensils</b>	Adequate cupboard and/or drawer space

### 3.2.4 Shared Kitchen Provision Requirements for Category A HMOs

The size of a shared kitchen should allow for approximately 3m<sup>2</sup> per user, and shall be equipped with the following or equivalent facilities as shown in the table below.

FACILITY	QUANTITY
A <b>cooker</b> comprising of four rings or hot plates, an oven and grill with appropriate connections for fuel would normally be acceptable. Microwave ovens may be appropriate as a supplementary cooking facility or could be considered acceptable in combination with other facilities agreed by Leeds City Council.	1 per 3 occupiers*
A <b>sink with drainer</b> (minimum single 1000mm x 500mm – base unit style of readily cleanable construction) with adequate constant supply of running cold and hot water and adequate drainage, complete with impervious splash-back.	1 per 3 occupiers*
Adequate number of suitably located <b>electrical power points</b> (adjacent to worktop) in respect to the location and expected use of appliances.	4 sockets (2 doubles) plus an additional double socket for each additional household sharing the kitchen up to a maximum requirement of an additional 4 double sockets. Additional dedicated sockets are needed for a cooker, refrigerator and washer.
<b>Worktops</b> that should be smooth and impervious to allow for ease of cleaning and to be maintained in a hygienic condition.	Approximately 0.5m <sup>2</sup> per user to a maximum requirement of 2m <sup>2</sup>
<b>Food storage</b> that should enable cooked and uncooked food to be kept separate to prevent cross contamination. Surface finishes should be smooth and impervious to allow for ease of cleaning and to be maintained in a hygienic condition.	Approximately 0.4m <sup>3</sup> of a combination of dry, refrigerated & frozen food storage per user, which should be able to be secured/locked for the exclusive use of each user.
<b>Suitable extractor fan</b>	To be provided
<b>Fire blanket</b> to be supplied but not to be sited immediately adjacent to or over a cooker	To be provided
<b>Storage space for crockery &amp; kitchen utensils</b>	Adequate cupboard and/or drawer space

\* '1 per 3 occupiers' means that cookers must be provided in the following ratios:

1-3 occupiers provide one cooker

4-6 occupiers provide 2 cookers

7-9 occupiers provide 3 cookers

### 3.2.5 Shared Kitchen Provision Requirements for Category B HMOs

The size of a shared kitchen should allow for approximately 7m<sup>2</sup> for up to 6 persons with 2.5m<sup>2</sup> per additional user up to a maximum requirement of 12m<sup>2</sup>, and shall be equipped with the following or equivalent facilities as shown in the table below.

FACILITY	QUANTITY
A <b>cooker</b> comprising of four rings or hot plates, an oven and grill with appropriate connections for fuel would normally be acceptable. Microwave ovens may be appropriate as a supplementary cooking facility or could be considered acceptable in combination with other facilities agreed by Leeds City Council.	1 per 6 occupiers*, then additional cooking facilities to be provided for every 3 occupiers sharing thereafter.
A <b>sink with drainer</b> (minimum single 1000mm x 500mm – base unit style of readily cleanable construction) with adequate constant supply of running cold and hot water and adequate drainage, complete with impervious splash-back.	1 per 6 occupiers*, then additional dishwashing facilities to be provided for every 3 occupiers sharing thereafter.
Adequate number of suitably located <b>electrical power points</b> (adjacent to worktop) in respect to the location and expected use of appliances.	6 sockets (3 doubles) plus an additional double socket for each additional person sharing the kitchen up to a maximum requirement of an additional 4

	double sockets. Additional dedicated sockets are needed for a cooker, refrigerator and washer.
<b>Worktops</b> that should be smooth and impervious to allow for ease of cleaning and to be maintained in a hygienic condition.	Approximately 0.5m <sup>2</sup> per user to a maximum requirement of 2m <sup>2</sup>
<b>Food storage</b> that should enable cooked and uncooked food to be kept separate to prevent cross contamination. Surface finishes should be smooth and impervious to allow for ease of cleaning and to be maintained in a hygienic condition.	Approximately 0.4m <sup>3</sup> of a combination of dry, refrigerated & frozen food storage per user
<b>Suitable extractor fan</b>	To be provided
<b>Fire blanket</b> to be supplied but not to be sited immediately adjacent to or over a cooker	To be provided
<b>Storage space for crockery &amp; kitchen utensils</b>	Adequate cupboard and/or drawer space

\* '1 per 6 occupiers' means that cookers/sink drainers must be provided in the following ratios:

1-6 occupiers provide one cooker/sink drainer

7-12 occupiers provide 2 cookers/sink drainers

### 3.3 Heating Provision

#### 3.3.1 General Requirements

A heating system should be appropriate to the design, layout and construction of a property, capable of efficiently heating the whole of a dwelling, of adequate capacity to maintain internal temperatures of 18°C in habitable rooms; bathrooms; halls and passages, when the outside temperature is -1°C.

Any heating system should be safely and properly installed and maintained, fully temperature controllable by the occupiers of an HMO, both within their unit of accommodation and within the communal day spaces and circulation areas. Where space heating is controlled centrally the system should be operated in a manner that ensures that the tenants are not exposed to cold indoor temperatures. In such circumstances the occupiers should be provided with controls to allow them to regulate the temperature within their unit of accommodation.

#### 3.3.2 Examples of Primary Heating Systems and Appliances

The systems and appliances listed below are examples of acceptable means of primary heating, thus they satisfy the requirements of the licence condition relating to space heating -

- gas, oil or solid fuel-fired central heating that is programmable and that has thermostatically controlled radiator valves and, where appropriate, room thermostats. Note that where a new gas fired central heating system is installed, or where an existing gas boiler is replaced, the boiler should be of a condensing type (in compliance with Part L1 of the Building Regulations). All works must be carried out in accordance with the Building Regulations and, where appropriate, gas safety regulations;
- warm air central heating with air flow control;
- thermostatically controlled fixed electric panels (oil-filled and convector type) on standard tariff, together with appropriate insulation (see 3.3.3 below);
- slim-line electric storage heaters with off-peak tariff, together with appropriate insulation (see 3.3.3 below) and
- room-sealed, balanced flue wall-mounted gas heaters.

Radiant gas and electric fires are not suitable for primary space heating, however they can be used to provide supplementary heating.

Portable heaters fuelled by paraffin, oil and liquefied petroleum gas (LPG) are not acceptable in any circumstances, whether they are provided by a landlord/licence holder, or an occupier. This is due to the increased risk of fire and their use being associated with condensation and carbon monoxide.

If there is any doubt as to the suitability of a heating system, advice should be sought from the HMO Team *prior* to undertaking any works.

#### 3.3.3 Insulation

If a primary heating system is to be installed, or an existing system upgraded, then it is essential that consideration is also given (and works carried out as and where necessary) to the thermal insulation of a



property. In particular the following areas should be considered -

- Hot water cylinders (if present). A cylinder should have an insulated jacket that satisfies the 2.5kw/24hr heat loss requirement of BS 5615;
- The thickness of any loft insulation. Lofts should be insulated to a recommended thickness of 270mm. If the existing insulation is less than 100mm then it should be topped up;
- Cavity walls. Un-insulated cavity walls should be insulated to satisfy BS 8208;
- Insulation to the eaves void, particularly if the primary heating in the property is fuelled by standard tariff electric. Insulation should be provided to the eaves void floor and partition wall.
- Suspended timber ground floors. Insulation should be considered in cases where there is standard tariff electric heating and where the joists can be easily accessed from an unoccupied cellar below.
- Some external walls and the underside of sloping roof areas may need to be insulated where the primary heating in the property is fuelled by standard tariff electric and there are high levels of heat loss from the building fabric (such as a detached, semi or end through terrace).

You should contact the HMO Team for advice and/or obtain independent professional advice *prior* to undertaking any insulation works. In addition, Building Control Services at Leeds City Council should also be contacted as building regulation approval may be required for certain insulation works.

### **3.3.4 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

Since 1 April 2018, landlords of relevant domestic private rented properties must not grant a tenancy to new or existing tenants if their property has an EPC rating of F or G.

From 1 April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating F or G (as shown on a valid EPC for the property)

## **SECTION 4: EXTENSION OF MANDATORY LICENSING 2018**

With effect from 1st October 2018, 'The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018', replaces 2006 Order.

### **4.1 Storeys**

The reference to storeys has now been removed from the definition of licensable HMOs. In effect mandatory licensing now applies to HMOs consisting of any number of storeys if there are 5 or more persons residing there and the HMO licensing criteria is fulfilled.

A mandatory restriction is now placed on SLEEPING room sizes the following changes have occurred to the HMO Licence conditions such that the licence holder must ensure that:

- the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
- the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
- the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
- any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
- where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only:
  - sleeping accommodation not to be used as such by more than the maximum number of persons aged over 10 years specified in the licence;
- where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
- where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.

The licence holder is required to notify the authority of any rooms within the HMO less than 4.64m<sup>2</sup>. Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.

The references to mandatory minimum room sizes apply to rooms used ONLY as bedrooms and should not be considered to be an ideal. In practice, rooms of the mandatory minimum can be insufficient to accommodate a double bed along with other items of bedroom furniture. As such they may be unsatisfactory to occupiers who would normally expect to study or reside in their room for longer periods of time than usual.

Please see the link to the Council's guidance on Crowding and Space for further information:

[Crowding and space guidance \(leeds.gov.uk\)](https://www.leeds.gov.uk/crowding-and-space-guidance)

### 4.3 Household Waste

A HMO licence must now include conditions requiring the licence holder to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.

Landlords need to ensure that licenced properties have suitable and sufficient provision for the storage and collection of waste arising from the household occupying the property, including the correct type and number of waste bins

To ensure that all waste collected from the premises complies with the council's Waste Policy for the collection of waste from domestic premises.

Details of the council's scheme can be found at <https://www.leeds.gov.uk/residents/bins-and-recycling/check-your-bin-day> and <https://www.leeds.gov.uk/residents/bins-and-recycling/your-bins>

### 4.4 Fire safety

In properties of up to two storeys, there is no requirement for a full 30 minute protected route of escape but the escape route should have sound conventional construction, not passing through risk rooms and travel distance should not be excessive. There is no requirement for fire doors but sound well-constructed and close fitting conventional doors are required. Alternatively suitable escape windows can be provided from bedrooms and living rooms. Where construction standards are poor on the route of escape, travel distances are long or other high risk factors are present, a 30 minute route of escape may be required.

Where there's a mixture of licensed & non-licensed units over a number of floors - an example might be maisonettes or flats within a bigger terraced property - there is a requirement for 'self-contained' detection in the licensed unit to alert occupiers of a fire incident. There is also a requirement that an interlinked system be provided to ALL the units of accommodation (whether these require to be licensed or not) within the building AND the communal route of escape onto which the occupants of both licensed and non-licensed units would access their flats/units. There is also a requirement for a protected route of escape which will mean providing fire doors to ALL the entrance doors of flats opening onto the route of escape whether these flats require a licence or not. The conditions covering the hallways, landings and staircases outside of the licensed flat/unit will be similar to the Category A standard and will be specified in your licence. The principle of detection throughout the building and on the route of escape will ensure that all occupiers are alerted of a fire incident and not just those within the licensed flat/unit. There will be a small number of cases where the licence holder does not own the building and therefore has no jurisdiction over the general route of escape. You should inform the council if this is the case through the appeals procedure specified on the draft licence.

### 4.5 Transitional arrangements.

Both the Prescribed Description Order 2018 and the Mandatory Conditions Regulations 2018 make transitional provision to allow local authorities and landlords time to comply with the new rules and enable the smooth transition to the new regime: Properties currently licensed under Part 2 (mandatory or additional licensing):

The existing licence is valid and its conditions will apply until the date the licence expires.

- The extended mandatory licensing conditions (minimum sleeping room sizes and waste disposal requirements) will apply from the renewal of the existing licence.
- Existing licence is passported and has effect as if issued under Part 2. Its current Part 3 conditions will apply until the date the licence expires.
- On renewal of the licence the property will now be subject to conditions under Part 2 mandatory licensing.

- The extended mandatory licensing conditions (minimum sleeping room sizes and waste disposal requirements) will also apply from the renewal of the existing licence. If at the time the licence is renewed and the licence holder is not compliant with a condition related to sleeping room size the local housing authority must provide notification specifying the condition or conditions and a period of up to 18 months within which the licence holder must become compliant –

More detail is included in guidance provided by CLG available by searching 'HMOs and residential property licensing reform guidance' or copy the following into your web browser:

<https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities>