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AMENITY STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION

A Professional Practice Note by the Institution of Environmental Health Officers

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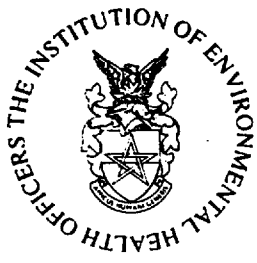

THE INSTITUTION OF ENVIRONMENTAL HEALTH OFFICERS

Founded in 1883, the Institution of Environmental Health Officers (IEHO) is a professional body, dedicated to the promotion of environmental health and to encouraging the highest possible standards in the training and the work of environmental health officers.

The Institution has approximately 8,500 members, most of whom work for local authorities in England, Wales and Northern Ireland. Apart from providing services and information to its members, the Institution also advises government departments on environmental health and is consulted by them on any proposed legislation relevant to the work of environmental health officers, and the environmental field in general.

The Institution received a Royal Charter in 1984.

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FOREWORD

Among the fundamental beliefs of the Institution is that every household should have access to a house of a size, type and standard and in a location suitable to its needs. Occupiers of Houses in Multiple Occupation tend to have the least ability to choose their housing and it is all the more important, consequently, that the standard of it is not left to chance. Local authorities, through their EHOs, have the key role in improving and maintaining standards and in the hope of helping them to do that, while there are of course other aspects to the IEHO's housing policy (including some particularly relevant to HMOs), this document concentrates on the topic of amenity standards.

SECTION I - POLICY

1.00 INTRODUCTION

The Institution last published guidance on amenity standards for Houses in Multiple Occupation (HMOs) in 1986. Now, in 1994, it is timely to revise that guidance. This is so not only because of the passage of time but also because there have been a number of changes in the law and guidance has been produced from other sources both official and otherwise, in the meantime.

1.01 In particular, the Housing Act 1985 has been amended, Circulars 5/90 (on the changes introduced by the Local Government and Housing Act 1989), 6/90 (on unfitness generally) and 12/92 (Guidance on Standards of Fitness under S.352 of the Houisng Act 1985) have been published, the "Blue Book" for means of escape has come and gone, and the Government has produced its own document on the management of HMO strategies (Circular 12/93) which touches, among other things, on grants for HMO improvements. The Registered Homes (Amendment) Act has also recently come into force and the repeal of that part of the 1985 Act relating to Common Lodging Houses is imminent. In the light of some of this, the form of this Professional Practice Note varies from that of the Note which it supersedes.

1.02 Notwithstanding, HMOs are rightly still the focus of considerable concern from EHOs and others concerned with housing. While much has been done and continues to be done to improve the living conditions of those who occupy some of the worst housing, much still remains to be done. The housing stock grows older. It deteriorates with time and houses once improved deteriorate again if not maintained under the wear and tear of many, often transient, occupiers. Local authorities are torn by competing demands, conflicts over enforcement and mandatory grants, and stretched resources yet HMOs must remain a priority.

1.03 HMOs come in all shapes and sizes and there is perhaps no such thing as a typical HMO. For the purposes of this Note however, they are considered in a number of groups (see para. 1.06 below), having regard to various common characteristics.

It is important to remember, however, that the standards suggested for each group are simply that - suggestions. They are illustrative, not prescriptive and are not intended to be adopted or applied rigidly.

While, naturally, the Institution hopes its suggestions will find favour with local authorities and give rise in time to a national "standard", it is for local authorities, through their EHOs to set local standards and while maintaining the spirit of them, apply their discretion in every case. They should feel free to do so, and indeed be both empowered and encouraged to do so, bearing in mind guidance from any approved source, according to the circumstances, and in particular the risks, of each case. Regard must, of course, also be had to the characteristics of the local housing stock.

1.05 To assist in this, this document, unlike its predecessor, contains some advice on risk assessment but one risk (in another sense) of this approach, is inconsistency. Something different from the justifiable variation which will result from the separate consideration of every house, inconsistency can nevertheless be minimised by remembering the underlying principles, by thorough training and by good communication.

1.06 **CATEGORIES**

The categories referred to in paragraph 1.03 above are given below. Note that they vary slightly from those offered in the preceding Practice Note on this subject.

Category A	Houses occupied as individual rooms where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of all others.
Category B	Houses occupied on a shared basis. These would normally be occupied by members of a defined social group eg students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.
Category B	Houses with some degree of shared facilities, occupied by people whose occupation is ancillary to their employment or

education and is made available through their employer or in connection with a recognised educational establishment.

Category D — Houses generally referred to as "hostels", "guesthouses" and "bed-and-breakfast hotels" or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by local authorities to house homeless families pending permanent placement and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis, and hotels housing a mixture of homeless households and visitors.

Category E — Houses which require registration under the Registered Homes Act 1984 as amended, providing board and personal care for persons in need by reason of old age, disability, past or present drug or alcohol dependence or past or present mental disorder.

Category F — Most houses or other buildings which by erection or conversion comprise dwellings which are self-contained, all such dwellings comprising accommodation to which access is had via a single "front door" from any common area. Such dwellings would normally contain all the standard amenities but where any might not - and be in an "unimproved" state - there would nevertheless be no sharing of amenities with the occupiers of neighbouring dwellings.

1.07 It is obviously quite impossible to anticipate every variation on the HMO theme and as before, it must be appreciated that the lines between the categories are to a degree arbitrary; not all houses may fall readily into one category or another. Some further, local, categorisation may be necessary to reflect unusual modes of occupation but it is felt that "core" standards based on the categories above should be capable of being developed from the models offered.

More advice on compiling and applying local standards is to be found in DoE Circular 12/93.

1.08 FUTURE DEVELOPMENTS

In the guidance which follows there is reference under each category to means of escape in case of fire. While in the light, presently, of DoE Circular 12/92 it has not been thought necessary to repeat the advice on this topic which appeared in our previous Practice Note, the responsibility for means of escape in case of fire in HMO is under review. Depending on the Government's response to consultations now underway, it is possible that Fire Authorities may replace Local Authorities and what little is written in this document may become redundant.

The Government is known, at the same time, to be contemplating changing the present definition of houses in multiple occupation, probably to exclude self-contained flats, along the lines of the definition which exists for grants purposes. Such a change, if it comes about, is not imminent but is likely to have a significant effect on local authorities' approach to the problems of HMO.

1.09 ACCESSIBLE HOUSING

As we live our lives, at different stages and for different reasons, a surprisingly high proportion of us may find simply getting around our homes a problem. Sometimes it may just be inconvenient but at other times it may be almost impossible. Whether that is a consequence of age, or temporary illness or injury, of more lasting disability, of pregnancy or of any other factor, millions of us would benefit at some time from more accessible housing. When it is considered how many generations of people the average house has to accommodate during its life, building-in greater accessibility wherever possible at the stage of construction or major rehabilitation starts to make a lot of sense, particularly when the high cost of later adaptation is taken into account.

1.10 The purpose of "accessible housing", a concept which has evolved from what was once called mobility housing, is to allow most people - including wheelchair users - to gain unassisted access to the entrance level of their house or flat and to move freely around on that level, enjoying as far as possible unaided use of a kitchen, washing facilities and a WC there. Giving people this kind of independence is often not difficult, requiring more thought than anything else, and results in

housing which is hardly distinguishable from what we produce, by and large, at the moment. Level or gently sloping access to the front door, a car parking space close-by, level thresholds, adequate door widths and circulation spaces both within rooms (allowing doors to be opened fully) and in hallways - none of these features is usually difficult to provide nor particularly expensive but put together they can make the difference between a person being able to remain in his or her home and having to move into other accommodation or into care.

1.11 In time, and in line with moves towards providing more care in the community, the Building Regulations may be changed to make all housing more accessible. Until then, and acknowledging that it is more a matter for persuasion than for the use of enforcement powers, the Institution recommends its members to promote the ideas of accessible housing in appropriate circumstances and where they reasonably can.

SECTION II - STANDARDS

2.00 Where dimensions and areas are specified below they shall, unless the context requires otherwise, be regarded as *recommended minima*. Irrespective of such recommendations however, consideration should be given to the shape and usable living space of any room in determining whether and by how many people it is suitable for occupation. This is a matter, of course, of functionality; whether given its shape and size the particular room is reasonably capable in fact of performing the role assigned to it for the number of persons who need to use it. It is difficult without becoming over-prescriptive to give more explicit guidance on this.

Standards throughout should be applied irrespective of the ages of the occupants.

2.01 CATEGORY A HOUSES

Houses occupied as individual rooms, where there is some exclusive occupation (usually bedroom/living room) and some sharing of amenities (bathroom and/or toilet and/or kitchen). Each occupant lives otherwise independently of others.

.1 Space Standards

One person units of accommodation

(i) One room units — $13m^2$ including kitchen facilities
$10m^2$ where provided with a separate shared kitchen

(ii) Two or more roomed units:

Each living room/kitchen	$11m^2$
Each living room	$9m^2$
Each bedroom	$6.5m^2$

Two or more person units of accommodation

(ii) One room units: not normally suitable for persons who are not

married couples or co-habitees. In other cases for two persons only, not less than $15m^2$.

(ii) Two or more roomed units:

Each living room/kitchen	$15m^2$
Each living room	$12m^2$
Each living/bedroom	$14m^2$
Each bedroom	$10m^2$

Separate kitchens, whether shared or used exclusively in connection with a particular single tenancy shall be of sufficient size for their purpose. Where kitchen facilities are provided within other rooms, as a guide, a minimum additional floor area of 3.7 m^2 should be required.

The obligate sharing of rooms by persons of the opposite sex over the age of 12 and who do not live as partners shall not be permitted.

No staircase or landing nor any room which has been appointed as a kitchen or bathroom shall be deemed suitable for sleeping accommodation.

.2 **Stability**

The house and every part of it shall be structurally stable.

.3 **Repair**

The house shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated.

.4 **Dampness**

The house shall be free from dampness prejudicial to the health of the occupants.

.5 Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows and/or door(s), the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, in addition to the requirement in the first paragraph, have sufficient natural lighting for their purpose.

All staircases, landings, passages, kitchens, bathrooms and water closets are to be provided, where practicable, with a window. Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. All lighting to common parts to be provided, maintained and paid for by the landlord or their agent. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

.6 VENTILATION

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room, measured on a plane 1.5m above the floor. Any floor area above which the ceiling height is less than 1.53 metres shall additionally be disregarded.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

All kitchens, bathrooms and water closet compartments shall be ventilated directly to the external air, either by a window the openable area of which shall be equivalent to at least 1/20th of the floor area of the room or by suitably sited mechanical ventilation providing a minimum of three air changes per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun. For

kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance.

Suitable and sufficient permanent means of ventilation shall be provided in all kitchens, dining/kitchens, bathrooms, water closet compartments and other rooms containing cooking or washing facilities.

.7 Space Heating

The principal living room of each occupancy shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade. This provision should be efficient, safely designed and be so sited and guarded as to minimise the risks to health and safety.

All such appliances shall be maintained annually by a competent person.

All additional living rooms shall be provided with suitable number of sockets which could reasonably be dedicated for a fixed heating appliance. Such sockets shall not be positioned on the same wall. Alternatively a suitable supply pipe for gas shall be provided, where it is possible to properly site a gas appliance in the room.

.8 Water Supply

Each separate occupancy should be provided with an adequate supply of hot and cold running water suitable for drinking and food preparation purposes. Cold water should normally be supplied from the rising main.

The supply is to be sited over a sink or wash-basin.

A turn off valve should be provided in the rising main for each letting.

Any down service pipe from any water storage tank in an upper storey or roofspace should be provided with an accessible stopcock.

The water supply shall be protected where necessary from frost damage.

.9 Facilities for the Storage, Preparation and Cooking of Food and the Disposal of Waste Water

(a) Each occupancy shall have a separate kitchen not more than one floor distant from the living accommodation. Where in the case of any occupancy this is not practicable, that occupancy shall have its own kitchen facilities within the unit of accommodation. In cases of rooms let to more than one person this will be the minimum standard.

The facilities shall comprise:

Cooking	a gas or electric cooker with a minimum of two burners/hobs (four burners/hobs if provided for more than one person), an oven and grill. Alternatively a microwave oven may be substituted for one or two of the burners/hobs respectively.
Storage	a gas or electric refrigerator of minimum capacity $0.15m^3$ plus a storage cupboard of minimum capacity $0.16m^3$.
Preparation	a worktop or table of smooth and impervious material of minimum size 500 x 1000 mm. Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.
Sink	a metal or ceramic sink and drainer in good condition and of minimum dimensions 500 x 600 mm set on a stable base with a constant supply of hot and (potable) cold water. Where practicable,

a two course tiled splashback shall be provided. The sink shall be connected to the drainage system via a suitable trap.

A wash-hand basin shall not be used in place of a sink.

(b) In the case of single occupiers and where the Local Authority is satisfied that the provision of kitchen facilities for exclusive use is not practicable or appropriate, facilities may be provided on a ratio of one set of each three occupancies and not more than one floor distant from any individual letting.

Such kitchens shall meet the following minimum standard:-

(i) There shall be no more than two sets of facilities in any one room.

(ii) be provided with a cooker with four burners, oven and grill for each group of five or any lesser number thereafter.

(iii) be provided with a readily cleansable sink of minimum dimensions 500 mm x 600 mm set on a base unit with a constant supply of hot and cold water and a draining board. A two course tiled splash back shall be provided. The sink shall be connected to the drainage systems by a suitable trap. The provision of sinks shall be on the ratio of one for each group of five or any lesser number thereafter.

(iv) be provided with four 13 amp electric power outlets at a convenient height and safe position.

(v) be provided with an impervious work surface of minimum dimensions 500mm x 1000mm.

In addition a refrigerator of minimum capacity $0.15m^3$ and storage cupboard of minimum capacity of 0.16 cubic metres shall be provided within each occupancy. Shared fridges in communal kitchens are not favoured because of the risk of poor storage practice and the resulting contamination of food.

.10 Drainage and Sanitary Conveniences

One water closet shall be provided and maintained for every five persons or lesser

number. Every such water closet shall be in a separate room within the building and where shared by two or more households, be entered from a common passageway or hallway and shall not be more than one floor distant from any individual letting. Each WC compartment shall also be provided with a suitable wash hand basin supplied with both constant hot and cold water.

External WCs shall be ignored. Fifty per cent of WCs shall be provided in separate compartments except that where a sole WC is provided and maintained for not more than three persons it may be within a bathroom. The walls and floor of any WC should be reasonably smooth and non-absorbent and capable of being readily cleansed.

The house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

.11 Personal Washing Facilities

Each separate occupancy shall be provided with a wash-hand basin together with constant supplies of hot and cold running water sited within the unit of accommodation. A two course tiled splashback to the wash-hand basin is to be provided.

If a sink is provided in a single bedsit room a separate wash-hand basin will not be required.

Each occupancy shall be provided where practicable with a bath or shower in a separate room. Otherwise, a readily accessible bath, of minimum dimensions 1700mm x 760mm, in a bathroom, or a shower of minimum dimensions 800mm x 800mm in a suitable shower room together with adequate drying and changing space where practicable shall be provided not more than one floor distant from any user on a ratio of one bath or shower to five persons. A two course tiled splashback to the bath is to be provided. The bath/shower room shall be accessible at all times. Any shower cubicles provided should have fully tiled walls or be complete self standing cubicles. The hot and cold water supplies shall be adequate, constant and available at all times.

Amenities intended to be shared by two or more households are to be accessible from a common area.

The walls and floor of any bathroom or shower room should be reasonably smooth and non absorbent and capable of being readily cleansed.

.12 Means of Escape and Other Fire Precautions

The property shall be provided with an adequate means of escape from fire, together with other fire precautions including so far as necessary a detection and a warning system to the satisfaction of the local authority.

.13 Management

A proper standard of management should be observed in the house in particular to ensure the repair, maintenance, cleansing and good order of -

all means of water supply and drainage in the house;
all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions;
kitchens, bathrooms and WCs in common use;
sinks and wash basins in common use;
common staircases, corridors and passage ways, and
outbuildings, yards and gardens in common use

and to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions.

2.02 CATEGORY B HOUSES

Houses occupied on a shared basis. These would normally be occupied by members of a defined social group, eg. students or a group of young single adults. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a communal living space.

The anticipated duration of the occupancy will often be finite and occupiers may spend periods of it (eg vacations) away. Numbers of occupiers above about 6 are probably more suggestive of Category A accommodation. This standard is not intended to apply to purpose-built student accommodation.

.1 Space Standards

One Person Units of Accommodation

Each bedroom/study:	$10m^2$ except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be $6.5m^2$.

Two Person Units of Accommodation

Each bedroom/study:	$15m^2$ except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be $11m^2$.

Common Rooms

(i) Kitchens shall be of suitable size. The following is a guide:

Used by 1-3 persons	$5m^2$.
Used by 4 persons	$6m^2$.
Used by 5 persons	$7m^2$.
Used by 6 persons	$9m^2$.

Note: the above are minimum space standards based on optimum shape and layout. In practice, it may be necessary to have a larger space standard to ensure that there is sufficient space to fit in all the facilities required and provide a circulation area which permits safe use of the kitchen for the number of users.

(ii) Dining/kitchens

Used by 1-3 persons	$10m^2$.
Used by 4-6 persons	$11.5m^2$.

(iii) Living Rooms and Dining Rooms

Used by 1-3 persons	$8.5m^2$.
Used by 4-6 persons	$11m^2$.

.2 **Stability**

The house and every part of it shall be structurally stable.

.3 **Repair**

The house shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated.

.4 **Dampness**

The house shall be free from dampness prejudicial to the health of the occupants.

.5 **Natural and Artificial Lighting**

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows, and/or door(s) the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, in addition to the requirement

in the first paragraph, have sufficient natural lighting for their purpose.

All staircases, landings, passages, kitchens, bathrooms and water closets are to be provided, where practicable, with a window. Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

.6 Ventilation

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three quarters of the area of the room, measured on a plane 1.5m above the floor. Any floor area above which the ceiling height is less than 1.53m shall additionally be disregarded.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

All kitchens, bathrooms and water closet compartments shall be ventilated directly to the external air, either by a window the openable area of which shall be equivalent to at least 1/20th of the floor area of the room or by suitably sited mechanical ventilation providing a minimum of three air changes per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance.

Suitable and sufficient permanent means of ventilation shall be provided in all kitchens, dining/kitchens, bathrooms, water closet compartments and other rooms containing cooking or washing facilities.

.7 **Space Heating**

All habitable rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade. This provision should be efficient, safely designed and be so sited and guarded as to minimise the risks to health and safety.

All such appliances shall be maintained annually by a competent person.

.8 **Water Supply**

Each shared kitchen should be provided with an adequate supply of hot and cold running water suitable for drinking and food preparation purposes. Cold water should normally be supplied from the rising main.

The supply is to be sited over a sink.

A turn-off valve should be provided for each branch in the rising main.

Any down service pipe from any water storage tank in an upper storey or roofspace should be provided with an accessible stopcock.

The water supply shall be protected where necessary from frost damage.

.9 **Facilities for the Storage, Preparation and Cooking of Food and the Disposal of Waste Water**

Each occupancy shall have constant access to a shared kitchen no more than one floor distant from the large majority of users and, in any event, no more than two floor distant from any user. Where in the case of any occupany this is not

practicable, that occupancy shall have its own kitchen facilities within the unit of accommodation. Dining facilities for shared kitchen users shall be provided within a dining/kitchen or in a separate dining room adjacent to the kitchen.

No kitchen shall be required to be used by more than five persons.

The facilities shall comprise:

Cooking — a gas or electric cooker with a minimum of four burners/hobs an oven and a grill. Alternatively a microwave oven may be substituted for one or two of the burners/hobs respectively.

Storage — each separate occupancy shall be provided with dry goods storage space and refrigerator space either within the kitchen, or in an adjacent and readily accessible position. The scale of such provision shall be a minimum of $0.08m^3$ dry goods storage space and $0.075m^3$ refrigerator space per occupancy, although occupancies comprising of more than one individual will require some additional space.

The space in a sink unit below the sink will not be accepted for the above purposes.

Preparation — a worktop or table of smooth and impervious material of minimum size 500 x 1500 mm.

Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.

Sink — a metal or ceramic sink and drainer in good condition and of minimum dimensions 500 x 600 mm set on a stable base with a constant supply of hot and (portable) cold water. Where practicable a two-course tiled splashback shall be provided. The sink(s) shall be connected to the drainage system via a suitable trap.

A wash-hand basin shall not be used in place of a sink.

Adequate provision for the storage of kitchen utensils shall be

provided in the kitchen, in addition to the space provided for food storage.

.10 Drainage and sanitary conveniences

One water closet shall be provided and maintained for every five persons or lesser number. Every such water closet shall be in a separate room within the building and where shared by two or more households, be entered from a common passageway or hallway and shall not be more than one floor distant from any individual letting. Each WC compartment shall also be provided with a suitable wash hand basin supplied with both constant hot and cold water.

External WCs shall be ignored. Fifty per cent of WCs shall be provided in separate compartments except that where a sole WC is provided and maintained for not more than three persons it may be within a bathroom.

The house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

.11 Personal Washing Facilities

Preferably, each bedroom/study should be provided with a suitable wash hand basin together with its own supplies of hot and cold running water. Where this is not practicable, and the room is on the same floor as a bathroom, provision of a wash basin within the bathroom shall be accepted provided it need not be shared by more than three persons.

If a sink is provided in a single bedroom/study a separate wash-hand basin will not be required.

Alternatively, a readily accessible bath of minimum dimensions 1700 mm x 760 mm in a bathroom, or a shower of minimum dimensions 800 mm x 800 mm in a suitable shower room together with adequate drying and changing space where practicable shall be provided not more than one floor distant from any user on a ratio of one bath or shower to five persons. A two-course tiled splashback to the bath is to be provided. The bath/shower room shall be accessible at all times. Any shower cubicle provided should have fully tiled walls or be complete self-standing cubicles.

The hot and cold water supplies shall be adequate, constant, and available at all times.

Amenities intended to be shared by two or more households are to be accessible from a common area.

The walls and floor of any bathroom or shower room should be reasonably smooth and non-absorbent and capable of being readily cleansed.

.12 Means of Escape and other Fire Precautions

The property shall be provided with an adequate means of escape from fire, together with other fire precautions including so far as necessary a detection and a warning system to the satisfaction of the local authority.

.13 Management

A proper standard of management should be observed in the house in particular to ensure the repair, maintenance, cleansing and good order of -

all means of water supply and drainage in the house;
all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions;
kitchens, bathrooms and WCs in common use;
sinks and wash basins in common use;
common staircases, corridors and passage ways, and
outbuildings, yards and gardens in common use

and to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions.

2.03 CATEGORY C HOUSES

Houses with some degree of shared facilities, occupied by people whose accommodation is ancillary to their employment or education and is made available through their employer or in connection with a recognised educational establishment.

Occupancy has more permanence than Category B accommodation. This category exhibits an increasing diversity of housing and may call for a commensurate flexibility in standards : in particular, occupiers of some such accommodation may work in shifts and at least where these are fixed, some account may be taken of consequently lower "real time" occupancy levels in setting scales for some amenities.

.1 Space Standards

All bedrooms to be as follows:-

1 person	$6.5m^2$
2 person	$11m^2$

More space may be required where a bedroom is used as a study too or where there is no common room in addition.

No bedroom shall be used by more than two persons irrespective of its total floor area.

.2 Stability

The house and every part of it shall be structurally stable.

.3 Repair

The house shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated.

.4 Dampness

The house shall be free from dampness prejudicial to the health of the occupants.

.5 Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting provided via a clear glazed window or windows and/or door(s), the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, in addition to the requirement in the first paragraph, have sufficient natural lighting for their purpose.

All staircases, landings, passages, kitchens, bathrooms and water closets are to be provided, where practicable, with a window. Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms staircases, landings, passages, kitchens, bathrooms and water closets. All lighting to common parts to be provided, maintained and paid for by the landlord or their agent. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

.6 Ventilation

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room measured on a plane 1.5m above the floor. Any floor area above which the ceiling height is less than 1.5m shall additionally be disregarded.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

All kitchens, bathrooms and water closet compartments shall be ventilated directly

to the external air, either by a window the openable area of which shall be equivalent to at least 1/20th of the floor area of the room or by suitably sited mechanical ventilation providing a minimum of three air changes per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and had a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent means of ventilation shall be provided in all kitchens, dining/kitchens, bathrooms, water closet compartments and other rooms containing cooking or washing facilities.

.7 Space Heating

All habitable rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade. This provision should be efficient, safely designed and be so sited and guarded as to minimise the risks to health and safety.

All such appliances shall be maintained annually by a competent person.

.8 Water Supply

Each bedroom should be provided with an adequate supply of cold running water suitable for drinking purposes. This should normally be from the rising main. Where this is not practicable, such supply may be provided at a tap on each floor but not in a bathroom or water closet.

The supply is to be sited over a sink or wash-hand basin.

A turn-off valve should be provided for each branch in the rising main.

Any down service pipe from any water storage tank in an upper storey or roofspace should be provided when an accessible stopcock.

The water supply shall be protected where necessary from frost damage.

.9 Facilities for the storage, Preparation and Cooking of Food and the Disposal of Waste Water

a) Self Catering Facilities

Shared kitchens should be provided on the same floor as the accommodation provided for those people sharing them.

The scale of provision of cooking facilities should depend on the number of people likely to use the facilities at any one time rather than on the total number of occupants, bearing in mind that the intensity of use may vary according to the time of day, the day of the week and whether or not any meals are provided for the occupants either on site or elsewhere.

The facilities shall comprise:

Cooking — a gas or electric cooker with a minimum of two burners/hobs (four burners/hobs if provided for more than one person), an oven and a grill. Alternatively a microwave oven may be substituted for one or two of the burners/hobs respectively.

Storage — each separate occupancy shall be provided with dry goods storage space and a refrigerator either (the former lockable) within a kitchen or within the unit of accommodation. The scale of such provision shall be a minimum of $0.16m^3$ dry goods storage space and a gas or electric refrigerator of minimum capacity $0.15m^3$.

The space in a sink unit below the sink not will be accepted for the above purposes.

Preparation each occupancy shall be provided with a worktop or table of smooth and impervious material of minimum size 500 mm x 500 mm.

In shared kitchens the size shall be a minimum of 500 mm x 1000 mm.

Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.

Sink a metal or ceramic sink and drainer in good condition and of minimum dimensions 500 x 600 mm set on a stable base with a constant supply of hot and (potable) cold water. Where practicable, a two course tiled splashback shall be provided. The sink shall be connected to the drainage system via a suitable trap.

A wash-hand basin shall not be used in place of a sink.

(b) Premises Providing Meals

Where any meals are provided, facilities for the preparation, cooking and serving of food shall comply with the Food Safety Act. Kitchen facilities for the preparation and cooking of food for residents as part of the service provided by the establishment shall not be allowed to be used by residents.

Where not all meals are provided communally, separate provision for residents to prepare and cook their own light meals shall be provided within the accommodation. The scale of provision shall, as above, be determined with reference to the maximum number of persons likely to use the facilities at any one time.

Kitchen facilities for the purpose above shall be available for use 24 hours a day and the cost of running the appliances will be included in the residential charge.

Such additional facilities will not be required in circumstances where it can be shown to the satisfaction of the Council, either by virtue of the scale of the provision of meals or because of the manner in

which the premises are occupied, that such provision would be excessive. In these cases a lesser standard may be applied.

.10 Drainage and Sanitary Conveniences

One or more water closet compartments shall be provided on every floor where bedroom accommodation is located. Every water closet shall be sited in a room other than a bathroom or shower room, accessible without the need to pass through other accommodation.

Provision shall be on the following scale:-

1 - 5 persons	1 water closet
6 - 10 persons	2 water closets
11 - 15 persons	3 water closets

Additional water closet accommodation to the satisfaction of the Council shall also be required to be provided on floors used for communal purposes.

A wash-hand basin shall be provided in each separate water closet together with its own supplies of hot and cold running water. The hot and cold water supplies shall be included in the rental or charge for the accommodation and available at all times.

The house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

.11 Personal Washing Facilities

Each bedroom shall be provided with a suitable wash-hand basin together with its own supplies of hot and cold running water.

Where an en-suite bathroom is available, such wash hand basins may be provided in that bathroom.

A readily accessible bathroom or a shower room shall be provided on every floor where bedroom accommodation is located without having to pass through other accommodation. The bath/shower shall be sited in a proper room and shall be

provided in the following ratios for each occupied floor:-

1 - 5 persons	1 bathroom or shower room
6 - 10 persons	2 bathrooms or shower rooms
11 - 15 persons	3 bathrooms or shower rooms

The hot and cold water supplies shall be available at all times.

.12 Means of Escape and Other Fire Precautions

The property shall be provided with an adequate means of escape from fire, together with other fire precautions including so far as necessary, a detection and a warning system to the satisfaction of the local authority.

.13 Management

A proper standard of management should be observed in the house in particular to ensure the repair, maintenance, cleansing and good order of -

all means of water supply and drainage in the house;
all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions;
kitchens, bathrooms and WCs in common use;
sinks and wash basins in common use;
common staircases, corridors and passage ways, and
outbuildings, yards and gardens in common use

and to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions.

2.04 CATEGORY D HOUSES

Houses generally referred to as "hostels", "guesthouses" and "bed-and-breakfast hotels" or the like. These will provide accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area. This category would include establishments used by local authorities to house homeless families pending permanent placement and similar establishments which provide accommodation for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis, and hotels housing a mixture of homeless households and visitors.

This category encompasses a great variety of premises and particular flexibility may be called-for in the application of any standards.

The standards suggested for this category have been drafted on the basis that occupiers' stay in such accommodation is either of temporary or longer duration. Should the preponderance of use in an area to be different, for example, such accommodation being more readily described as for single people or for families, some adjustment of the standards may be required.

.1 Space Standards

General needs accommodation

In no case shall a room be occupied by more than five persons being of the same family and rooms shall not be shared unless the individuals concerned consent to share the room. In any event, no persons over the age of 12 years and of opposite sexes shall be required to sleep in the same room unless they are co-habitees.

Bedrooms

(i) Where cooking facilities are provided in a separate room/kitchen:-

1 person	$6.5m^2$
2 persons	$10m^2$
3 persons	$15m^2$

4 persons	$19.5m^2$
5 persons	$24m^2$

(ii) Where cooking facilities are provided within the room:-

1 person	$10m^2$
2 persons	$14m^2$
3 persons	$18.5m^2$
4 persons	$23m^2$
5 persons	$28m^2$

Common Rooms

The area (or aggregate areas, if more than one is provided) shall be calculated on the basis of $1m^2$ per person. This shall include one area of at least $15m^2$.

Long Stay Hostels

The type of accommodation envisaged here will generally be quite small, often warden-assisted and perhaps intended for people with disabilities or for rehabilitation purposes.

In no case should a bedroom be occupied by more than two persons and rooms shall not be shared unless the individuals concerned consent to share. In any event, no persons above the age of 12 and of opposite sexes shall be required to sleep in the same room unless they are co-habitees.

Bedrooms

1 person	$6.5m^2$
2 persons	$11m^2$

Common Rooms

The area (or aggregate area if more than one is provided) shall be calculated on the basis of $2m^2$ per person. This shall include one area of at least $15m^2$.

Night Shelters etc

The type of accommodation envisaged here encompasses what are currently called Common Lodging Houses, the specific controls over which, to be found in Part XII of the Housing Act 1985, are due soon to be repealed. Such buildings may be very large but are characterised by nightly fluctuating populations occupying dormitory style sleeping areas. They may be open permanently or only seasonally.

Sleeping Areas

1 person $6.5m^2$

2 persons $11m^2$

and for each person, a further $3.7m^2$ exclusive of any area devoted to storage.

This standard shall not be relaxed where bunk beds are in use and bunk beds shall not be used in any event where the floor to ceiling height does not exceed 3.00m.

Sleeping accommodation for men and for women shall be separate.

Common Rooms

The area (or aggregate areas, if more than one is provided) shall be calculated on the basis of $1m^2$ per person. This shall include one area of at least $15m^2$.

.2 **Stability**

The house and every part of it shall be structurally stable.

.3 **Repair**

The house shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated.

.4 Dampness

The house shall be free from dampness prejudicial to the health of the occupants.

.5 Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting provided via a clear glazed window or windows and/or door(s) the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, in addition to the requirement in the first paragraph, have sufficient natural lighting for their purpose.

All staircases, landings, passages, kitchens, bathrooms and water closets are to be provided, where practicable, with a window. Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. All lighting to common parts to be provided, maintained and paid for by the landlord or their agent. Lighting to staircases, landings and passages may be controlled by time switches or other devices having a similar effect.

.6 Ventilation

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room, measured on a plane 1.5m above the floor. Any floor area above which the ceiling height is less than 1.53m shall additionally be disregarded.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

All kitchens, bathrooms and water closet compartments shall be ventilated directly to the external air, either by a window the openable area of which shall be

equivalent to at least 1/20th of the floor area of the room or by suitably sited mechanical ventilation providing a minimum of three air changes per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance.

Suitable and sufficient permanent means of ventilation shall be provided in all kitchens, dining/kitchens, bathrooms, water closet compartments and other rooms containing cooking or washing facilities.

.7 Space Heating

All habitable rooms, bath and shower rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade. This provision should be efficient, safely designed and be so sited and guarded as to minimise the risks to health and safety.

All such appliances shall be maintained annually by a competent person.

.8 Water Supply

Each bedroom should be provided with an adequate supply of cold running water suitable for drinking purposes. This should normally be from the rising main. Where this is not practicable, such supply may be provided at a tap on each floor but not in a bathroom or water closet. Any water point not suitable for these purposes shall be conspicuously marked "Not for Drinking".

The supply is to be sited over a sink or wash-hand basin.

A turn-off valve should be provided for each branch in the rising main.

Any down service pipe from any water storage tank in an upper storey or roofspace should be provided with an accessible stopcock.

The water supply shall be protected where necessary from frost damage.

.9 Facilities for the Storage, Preparation and Cooking of Food and the Disposal of Waste Water

The presence in any house of significant cooking etc facilities for the exclusive use of individual households will be persuasive of a style of occupation to which the standards of Category A might more appropriately be applied. For safety and other reasons, preference in genuine Category D houses should be for communal facilities on a suitable scale. That scale will be influenced by the total number of persons (including children) for whom cooking etc is carried out.

a) Self-catering facilities

General Needs Accommodation

Each occupancy shall have the use of a shared kitchen not more than one floor distant from any room(s) occupied by the person(s) for whom it is provided.

If this is not practicable, then in smaller establishments of not more than four storeys and not more than 30 bed spaces, shared kitchens may be provided in an area of the premises more than one floor distant from some bedrooms provided that in such cases, a suitable dining room or rooms of adequate size shall be provided adjacent to the kitchen(s). In larger establishments, a maximum of 50% of shared kitchens may be more than one floor distant from the bedrooms, they are serving. Again a dining room or rooms must be provided in conjunction with these kitchens. Adequate numbers of chairs and tables shall be provided in dining rooms.

One set of facilities shall be provided in a kitchen for every five persons. No more than two sets of facilities shall be provided in the same kitchen.

The facilities shall comprise:

Cooking a gas or electric cooker with a minimum of two burners/hobs (four burners/hobs if provided for more than one person), an oven and a grill. Alternatively a microwave oven may be substituted for one or two of the burners/hobs respectively.

Storage each separate occupancy shall be provided with dry goods storage space and a refrigerator (the former lockable) within the unit of accommodation. The scale of such provision shall be a minimum of $0.16m^3$ dry goods storage space and a gas or electric refrigerator of minimum capacity $0.15m^3$.

The space in a sink unit below the sink will not be accepted for the above purposes.

Preparation each occupancy shall be provided with a worktop or table of smooth and impervious material of minimum size 500 mm x 500 mm.

In shared kitchens the size shall be a minimum of 500 mm x 1000 mm.

Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.

Sink a metal or ceramic sink and drainer in good condition and of minimum dimensions 500 x 600 mm set on a stable base with a constant supply of hot and (potable) cold water. Where practicable a two-course tiled splashback shall be provided. Sinks shall be connected to the drainage system via a suitable trap.

Kitchens should be of such a size and layout that they can practicably and safely be used by the number of persons for whom they are provided and they shall be available for use 24 hours per day.

Long Stay Hostels

Each occupancy shall have the use of a shared kitchen not more than two floors distant from any room(s) occupied by the person(s) for whom it is provided. A suitable dining room of adequate size shall be provided adjacent to each kitchen.

Adequate numbers of chairs and tables shall be provided in dining rooms.

One set of facilities shall be provided in a kitchen for every five persons. No more than two sets of facilities shall be provided in the same kitchen.

The facilities shall comprise:

Cooking — a gas or electric cooker with a minimum of two burners/hobs (four burners/hobs if provided for more than one person) an oven and a grill. Alternatively a microwave oven may be substituted for one or two of the burners/hobs respectively.

Storage — each separate occupancy shall be provided with dry goods storage space and a refrigerator either (the former lockable) within the kitchen or within the unit of accommodation. The scale of such provision shall be a minimum of $0.16m^3$ dry goods storage space and a gas or electric refrigerator of minimum capacity $0.15m^3$.

Preparation — each occupancy shall be provided with a worktop or table of smooth and impervious material of minimum size 500 mm x 500 mm.

In shared kitchens the size shall be a minimum of 500 mm x 1000 mm.

Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position.

Sink — a metal or ceramic sink and drainer in good condition and of minimum dimensions 500 x 600 mm set on a stable base with a constant supply of hot and (potable) cold water. Where practicable a two-course tiled splashback shall be provided. Sinks shall be connected to the drainage system via a suitable trap.

Kitchens should be of such a size and layout that they can practicably and safely be used by the number of persons for whom they are provided and they shall be available for use 24 hours per day.

b) Premises Providing Meals

Where any meals are provided, facilities for the preparation, cooking and serving of food shall comply with the Food Safety Act. Kitchen facilities for the preparation and cooking of food for residents as part of the service provided by the establishment shall not be allowed to be used by residents.

Where it can be shown to the satisfaction of the local authority that, either by virtue of the scale of the meals provided or of the manner in which the premises are occupied, provision of kitchen facilities as described above would be excessive, then a lesser standard may be applied.

.10 Drainage and Sanitary Conveniences

One water closet shall be provided for every five persons. That water closet must be accessible from a common area, within a reasonable distance from its users accommodation and in any event not more than one floor distant. External WCs shall be disregarded.

Where, by virtue of rules pertaining to occupants of e.g. night shelters, the use of sanitary facilities is likely to be particularly concentrated, a higher scale of provision should be considered.

Where practicable a water closet shall not be situated within a bathroom. At least 50% of the water closets shall be provided in separate compartments and in every case a minimum of one water closet shall be provided within a separate compartment.

In calculating the required number of water closets, persons having exclusive use of a water closet should be disregarded.

Water closets should be of suitable size and layout. They should not open directly on to the area of a kitchen where food is prepared. They shall have smooth, non-absorbent surfaces, which can be readily and easily cleaned and slip-resistant flooring.

A wash basin shall be provided in each separate water closet together with its own supplies of hot and cold running water.

The house shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

.11 Personal Washing Facilities

Each bedroom shall be provided with a wash-hand basin with its own continuous supplies of hot and cold running water and a tiled splashback. If there is an en-suite bathroom, the wash basin can be provided within that bathroom.

Where cooking facilities are provided within a bedroom then a wash-hand basin is not required if a sink is provided. A wash-hand basin will always be required where a letting is provided with an en-suite water closet.

A bath of minimum dimensions 1700 x 760 mm in a bathroom or a shower of minimum dimensions 800 x 800 mm in a suitable shower room together with adequate drying and changing space where practicable shall be provided within a reasonable distance and in any event not more than one floor distant from any user's accommodation on a ratio of one bath or shower to five persons. Not less than half of these facilities shall be baths.

In calculating the required number of baths/showers, those persons having exclusive use of a bath or shower should be disregarded.

Where, by virtue of rules pertaining to occupants of e.g. night shelters, the use of washing facilities is likely to be particularly concentrated, a higher scale of provision should be considered.

Where en-suite showers are provided to all or a majority of the bedrooms then a a minimum of one shared bath should be provided for every 20 persons, in addition.

Each bath and shower shall be provided with a constant supply of hot and cold running water, designed to ensure reasonable temperature control.

A tiled splashback shall be provided to all baths. Shower cubicles shall have fully tiled walls and be provided with a fully enclosing cubicle. Bathrooms and shower rooms shall have smooth, non-absorbent surfaces which can be readily and easily cleaned and slip-resistant flooring.

Shared facilities shall be accessible from a common area.

.12 Means of Escape and Other Fire Precautions

The property shall be provided with an adequate means of escape from fire, together with other fire precautions including so far as necessary, a detection and a warning system to the satisfaction of the local authority.

Premises deemed to be hotels or hostels within the meaning of the Fire Precautions Act may be subject to certification under that Act by the local fire authority.

.13 Management

A proper standard of management should be observed in the house in particular to ensure the repair, maintenance, cleansing and good order of -

all means of water supply and drainage in the house;
all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions;
kitchens, bathrooms and WCs in common use;
common staircases, corridors and passage ways, and
outbuildings, yards and gardens in common use

and to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear of obstructions.

2.05 CATEGORY E HOUSES

Houses which require registration under the Registered Homes Act 1984 as amended, providing both board and personal care for persons in need of it by reason of old age, disability, past or present drug or alcohol dependence or past or present mental disorder.

Registered (care) homes have increased considerably in number since the advent of "community care" policies. Many thousands of such premises now exist in both the public and increasingly the private sector. They are diverse in size and nature and cater for a wide range of clients, the common characteristic of whom is their need for personal care.

These premises are subject to inspection by Registration Authorities (ie Social Services Authorities) and to regulation according to the Registered Care Homes Regulations 1984. These specify standards which not only cover the physical environment pertinant to the care of the client (including standards for amenities) but requirements too for management systems including provisions for record-keeping, complaints procedures etc. Means of escape in case of fire are also dealt with by Registration Authorities after consultation with local fire authorities. Guidance on standards for these is published by the Home Office in the so-called "Green Guide".

Standards adopted by different Registration Authorities differ significantly, some being much more detailed and prescriptive than others. Though standards of inspection may vary similarly, the possibility of conflicts with the requirements and approaches of Registration Authorities leads the Institution currently not to suggest any amenity standard for registered homes. Instead, it recommends that, environmental health officers should work closely with Registration Authorities in drawing up appropriate local standards, and should make themselves readily available, all else being equal, as consultants to Registration Authorities which should retain the primary inspection responsibility. Where, for example through their roles in relation to food hygiene or health and safety at work, environmental health officers become aware of shortcomings of a housing nature in such premises they should bring those shortcomings to the attention of Registration Authorities before contemplating the use of any appropriate housing powers.

2.06 CATEGORY F HOUSES

Most houses or other buildings which by erection or conversion comprise dwellings which are self-contained, all such dwellings comprising accommodation to which access is had via a single "front door" from any common area. Such dwellings would normally contain all the standard amenities but where any might not - and be in an "unimproved" state - there would nevertheless be no sharing of amenities with the occupiers of neighbouring dwellings.

While the opportunity should be taken to encourage proper standards, particularly of space and layout, when such accommodation is being created, many existing houses in this category will be occupied by long-leaseholders and it is not intended that discretionary standards should be enforced against such people who have, in effect, chosen and paid for their own. The only exception to this, naturally, is in the case of means of escape when, as reflected in para .12 below, no occupier can be permitted to jeopardise the safety of his neighbours.

.1 Space Standards

While Part X of the Housing Act 1985 currently applies to individual self-contained flats as the statutory minimum standard, the following scale is nonetheless recommended:

Minimum floor areas for conversion of existing buildings into self-contained flats

One person, four roomed flat:

Bedroom	$7m^2$
Living room	$11.5m^2$
Kitchen	$5.5m^2$
Total habitable floor area	$24m^2$

One person flatlet with separate kitchen:

Bed/living room	$14m^2$
Kitchen	$5.5m^2$
Total habitable floor area	$19.5m^2$

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One person flatlet with separate bedroom:

Bedroom	$7m^2$
Kitchen/living room	$14.5m^2$
Total habitable floor area	$21.5m^2$

Two person, one bedroom flat:

Bedroom	$10.5m^2$
Living room	$13m^2$
Kitchen	$5.5m^2$
Total habitable floor area	$31.5m^2$

Minimum floor area for new-build self-contained flats

One person, four roomed flat:

Bedroom	$7m^2$
Living room	$11.5m^2$
Kitchen	$5.5m^2$
Total habitable floor space	$24m^2$

One person flatlet with separate kitchen:

Bed/living room	$14m^2$
Kitchen	$5m^2$
Total habitable floor space	$19m^2$

One person flatlet with separate bedroom:

Bedroom	$7m^2$
Kitchen/living room	$14m^2$
Total habitable floor area	$21m^2$

Two person, one bedroom flat:

Bedroom	$10.5m^2$

Living room	13m²
Kitchen	5m²
Total habitable floor space	28.5m²

Further space standards for conversion of existing building and for new build.

Three person, two bedroom flat:

Main bedroom (not more than 2 persons)	10.m²
Second bedroom (single person)	7m²
Living room	16m²
Kitchen	7m²
Total habitable floor area	40m²

Four person, three bedroom flat:

Main bedroom (not more than 2 persons)	10m²
Second and third bedroom (single person)	7m²
Living room	18m²
Kitchen	7m²
Total habitable floor area	49m²

For a two bedroom, four person flat the bedroom floor space must comply with the main bedroom criteria.

All bedrooms, living rooms and bathrooms are to be directly accessible from a common access lobby and not from another room.

Flats provided with more than one bedroom should provide bedrooms of minimum sizes in accordance with the relevant provisions above. In all cases "habitable floor area" is the useable floor area of any room used as a bedroom, living room, or kitchen. It does not include the area of any bathroom, staircase, passageway, landing or access lobby.

.2 **Stability**

The house and every part of it shall be structurally stable.

.3 Repair

The house shall be free from serious disrepair and otherwise be in a reasonable state of repair having regard to its age, character and the locality in which it is situated.

.4 Dampness

The house shall be free from dampness prejudicial to the health of the occupants.

.5 Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting, provided via a clearglazed window or windows, and/or door(s) the glazed area to be equivalent to at least one-tenth of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used for human habitation should, in addition to the requirement in the first paragraph, have sufficient natural lighting for their purpose.

All staircases, landings, passages, kitchens, bathrooms and water closets are to be provided, where practicable, with a window. Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electric lighting points are to be provided to all habitable rooms, staircases, landings, passages, kitchens, bathrooms and water closets. All lighting to common parts to be provided, maintained and paid for by the landlord or their agent. Lighting to staircases, landings and passage may be controlled by time switches or other devices having a similar effect.

.6 Ventilation

All habitable rooms, kitchens, bathrooms, and water closet compartments shall have a minimum floor to ceiling height of 2.14m, except in the case of existing attic rooms which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room, measured on a plane 1.5m above the floor. Any floor area above which the ceiling height is less than

than 1.53m shall additionally be disregarded.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area.

All kitchens, bathrooms and water closet compartments shall be ventilated directly to the external air, either by a window the openable area of which shall be equivalent to at least 1/20th of the floor area of the room or by suitably sited mechanical ventilation providing a minimum of three air changes per hour operated from the lighting circuit of the room and fitted with a 20 minute overrun. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent ventilation shall be provided and maintained in any room in which there is a gas heating appliance.

Suitable and sufficient permanent means of ventilation shall be provided in all kitchens, dining/kitchens, bathrooms, water closet compartments and other rooms containing cooking or washing facilities.

.7 Space Heating

All habitable rooms shall be provided with a fixed heating appliance capable of heating the room to a temperature of 18 degrees centigrade when the outside temperature is -1 degree centigrade. This provision should be efficient, safely designed and be so sited and guarded as to minimise the risks to health and safety.

All such appliances shall be maintained annually by a competent person.

.8 Water Supply

Each occupancy should be provided with an adequate supply of cold running water suitable for drinking and food preparation purposes. This should normally be from the rising main.

The supply is to be sited over the kitchen sink.

A turn-off valve should be provided on the mains supply to each occupancy.

Any down service pipe from any water storage tank in an upper storey or roof space should be provided with an accessible stopcock.

The water supply shall be protected where necessary from frost damage.

.9 Facilities for the Storage, Preparation and Cooking of Food and the Disposal of Waste Water

Each occupancy shall be provided with facilities comprising

Cooking	a gas or electric cooker with a minimum of two burners/hobs (four burners/hobs if provided for more than one person) an oven and a grill. Alternatively a microwave oven may be substituted for one or two of the burners/hobs respectively.
Storage	a gas or electric refrigerator of minimum capacity $0.15m^3$ plus a storage cupboard of minimum capacity of $0.16m^3$.
Preparation	a worktop or table of smooth and impervious material of minimum size 500 x 1000mm. Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and in a safe position.
Sink	a metal or ceramic sink and drainer in good condition and of minimum dimensions 500 x 600 mm set on a stable base with a constant supply of hot and cold water suitable for drinking and food

preparation purposes. Where practicable, a two course tiled splashback should be provided. The sink shall be connected to the drainage system in a suitable trap.

.10 Drainage and Sanitary Conveniences

One water closet should be provided and maintained for every five persons. Every such water closet shall be in a separate room and, except in respect of an "en-suite arrangement, shall not be entered from another room. An "en-suite" WC shall be acceptable as the sole provision for any accommodation only where that accommodation is of the "studio" variety.

Each WC should be provided with a suitable wash-hand basin, either within the compartment or in an adjacent bathroom/shower room.

The house shall be provided with an effective system, both above and below ground, for the drainage of foul, waste and surface water

.11 Personal Washing Facilities

Each occupancy shall be provided with a wash-hand basin in a bathroom/shower room together with a constant supply of hot and cold water. Where practicable, a two course tiled splashback should be provided. An "en-suite" wash-hand basin shall be acceptable as the sole provision for any accommodation only where that accommodation is of the "studio" variety.

Each occupancy shall be provided with a bath or shower in a separate room. Where practicable, a two course tiled splashback should be provided to the bath. Any shower cubicles provided should have fully tiled walls or be a complete self standing cubicle. An "en-suite" bath or shower shall be acceptable as the sole provision for any accommodation only where that accommodation is of the "studio" or one bedroom variety.

.12 Means of Escape and Other Fire Precautions

The property shall be provided with an adequate means of escape from fire, together with other fire precautions including so far as necessary, a detection and

a warning system to the satisfaction of the local authority.

Authorities are recommended to consider whether, having secured by enforcement if necessary the adequate protection of any common means of escape within such houses regardless of the tenure of individual flats, it is necessary to do more than to advise the occupiers of constituent dwellings (being persons with sufficient control over those dwellings) as to further measures which it might be desirable to take within those dwellings.

.13 Management

A proper standard of management should be observed in the house in particular to ensure the repair, maintenance, cleansing and good order of -

all means of water supply and drainage in the house;
all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions;
kitchens, bathrooms and WCs in common use;
sinks and wash basins in common use;
common staircases, corridors and passage ways, and
outbuildings, yards and gardens in common use

and to make satisfactory arrangements for the disposal of refuse and litter from the house and to ensure that all means of escape from fire are kept clear from obstructions.

SECTION III - RISK ASSESSMENT

3.00 INTRODUCTION

This section together with Appendix III sets out a basic framework for building a risk assessment system into HMO work. It is not an actual risk assessment package but sets out a number of principles which need to be considered when developing a risk assessment system. There are various commercial packages available but it must be remembered that very few local authorities will have the same HMO problems and a standard package may not be appropriate. Each local authority needs to look at its own local HMO situation and tailor a risk assessment system to meet its needs. One important point to bear in mind is that whatever system is adopted it should not be too complicated or bureaucratic.

3.01 THE NEED FOR RISK ASSESSMENT

Local authorities have limited staff and financial resources and HMO work is only one of many, often conflicting, demands that they have to deal with. Very few, if any, local authorities are able to fully inspect and bring up to standard all the HMOs in their area at any one time let alone to carry out re-inspections to ensure they are still up to standard. Applying some form of risk assessment to HMO work is one way to determine priorities for action and to ensure that the worst properties are dealt with first.

It is important to have in place a clear and balanced enforcement policy which is reflected by the risk assessment system. It must be remembered that the aim is to protect public health but authorities will want to avoid enforcement which puts an unnecessary burden on business. Risk assessment can also be used to ensure the right calibre of officer is assigned to a particular property. For example, high priority cases may only be assigned to senior officers or officers with a minimum experience of dealing with HMOs.

3.02 WHAT IS THE PROBLEM:

Before any form of risk assessment is introduced a local authority needs to know the scale of the HMO problem in its area. Certain local authorities will have smaller numbers of HMOs and there may be no need to use a risk assessment system to prioritise

inspections but even they should assess the risk to decide who inspects and what action needs to be taken. Even in larger authorities with dedicated HMO teams, local knowledge may override much need for a risk assessment system but the criteria for the decision to inspect one HMO in preference to another must be clear and objective to ensure consistency across a district.

There are various ways of identifying the number, type, size and condition of HMOs in an area as follows:-

House condition sample surveys

Specific HMO surveys (whole district or areas)

Census data

Existing local authority records

Local knowledge

Information from other departments/agencies

However, the accuracy of the information depends on which of the above methods is used. A physical survey is more accurate than a desktop exercise. Ideally a combination of the above should be used to get an accurate picture of the HMO problem. It is important to balance the need to obtain accurate data with the need to get on with the inspection programme. The property database and risk assessment scheme can always be revised in the light of new information about the HMO stock. In any case the scheme should be reviewed on a regular basis to ensure it is still appropriate.

3.03 THE ASSESSMENT OF RISK

This assessment can be applied BEFORE, DURING and AFTER an HMO inspection. Some local authorities may decide to risk-assess only before inspection and it is likely that very few will have a system for re-inspection (after). All local authorities should risk-assess during HMO inspections.

Appendix III proposes a methodology for HMO risk assessment.

SECTION IV - CONSULTATION

4.00 INTRODUCTION

When dealing with an HMO, it is most important for EHOs to consider the needs of the tenants, and not solely focus upon the building itself. The prime aim of the improvements is ultimately to make the building a safer and better quality home for its occupiers. A rigid interpretation of standards may fail in this aim.

4.01 INFORMATION

Circular 12/92 specifically provides for flexibility in implementing the standards. The following paragraphs recommend a number of practices that EHOs should be encouraged to adopt.

1. Inform tenants when an inspection is to be made of their accommodation (the landlord/lady should not be relied upon to give this information) and invite their attendance.

2. Explain the purpose of the visit/inspection to the tenants and provide literature concerning HMO standards and tenants rights.

3. Provide the tenants with contact names/telephone no.s of Environmental Health staff. This can be in the form of leaflets/letters for individual tenants and posters/notices (giving contact details) in communal areas.

4. Provide information for tenants concerning how they might be affected (e.g. the landlord/lady cannot automatically impose rent increases because works are carried out, or force the tenants to leave).

6. Keep tenants informed of the progress of the Notices.

7. Provide information to the tenants concerning the works in progress and what is likely to happen (e.g. so that tenants can consider their needs, such as securing their possessions).

8. Ensure that the landlord/lady is aware that the tenants have been given information about their rights and about any Notices served (e.g. to decrease the likelihood of the landlord/lady giving false information to tenants and to make the landlord/lady aware that the tenants have some support).

4.02 CONSULTATION

.1 Fire Safety

Significant numbers of people die each year in house fires in England and Wales. The risk of death or injury from fire in HMO's is several times greater that in single family dwellings. It is therefore inappropriate to allow fire precautions and fire safety issues to be open to negotiation.

.2 Amenities and Facilities

HMO officers should take into account tenants' views of their accommodation and allow for an element of choice by tenants. For example, where a kitchen or bathroom is being shared successfully, it may not be appropriate to insist on the provision of cooking or washing facilities in each tenancy if this is contrary to the tenants' expressed wishes.

.3 Repairs

Where repairs are required there may be some flexibility in terms of programming the works. For example, where tenants are intending to leave in the near future and also not wish to have their accommodation disturbed, it may be possible to allow the landlord/lady a longer completion time so that the works can be carried out once the current tenants have left and before new tenants move in.

It is also necessary to consult with tenants concerning their need for alternative temporary accommodation where this is essential in order for the works to be carried out.

If tenants are to remain in the property, they may need assistance in liaising with the landlord/lady concerning their safety and comfort and protection of their possessions.

Advice and support should be made available for tenants to ensure their rights are not infringed.

.4 **Overcrowding**

The legislation which concerns overcrowding allows for two options - for the Overcrowding Notice to apply to the existing situation, or in respect of new residents. The latter option should generally be pursued in order to lessen the possibilities of illegal eviction and homelessness. A Direction is only effected as tenants leave of their own accord.

When serving "Notices of Intent", in relation to overcrowding and Direction, clear written information should be provided for the landlord/lady and tenant/s. This information should explain that tenants are not expected to leave against their wishes and that the requirement can be complied with as tenants leave of their own accord. It should also include advice about Protection from Eviction legislation (tenants' rights and landlords'/ladies obligations).

4.03 CONTACT WITH TENANTS

In addition to the steps outlined under "Information" (above) it is recommended that the Environmental Health Officer/Technician should consider meeting with the tenants after an Inspection or visit and before the service of Notices. The purpose of this would be to explain and discuss the intended works and possible alternatives.

An alternative to meeting with all the tenants might be to liaise with one of the tenants in the property acting as a representative. It should be noted, however, that this may not always be appropriate, for example a tenant cannot be relied upon to share information or to seek others' views.

Tenants groups or associations exist in some areas and it is recommended that HMO staff develop working relationships with any such groups in their area.

4.04 POINTS TO NOTE

.1 There is often a high turnover of tenants in HMO's. Tenants present at the start

of an Inspection or the repairs process may leave and be replaced by other tenants who may not have been given any information. It is, therefore, important to maintain contact and to ensure that all tenants have access to information.

.2 Tenants of HMO's often are, or feel, vulnerable. Every effort should be made to ensure that tenants know where they can go for help. Information should be made available about Tenancy Relations Services, Housing Advice Centres, Law Centres or other similar organisations. Links should be maintained with organisations locally which support private tenants.

.3 The landlord/lady is responsible for ensuring that builders behave in a reasonable manner towards tenants in the property. Where the relationship between landlord/lady and tenants is poor, it may be necessary for staff to intervene to ensure that reasonable arrangements are made concerning access to the property, security, working at reasonable times and so on.

4.05 FEEDBACK

It is recommended that methods for obtaining feedback are developed. Tenants' views form part of the picture of whether policies, priorities and procedures are appropriate.

If HMO officers are trying to inform and consult with tenants, they need to know that the right type of information is provided and appropriate methods of consultation are
used.

If tenants are being harassed by their landlord/lady as a result of the requirement to carry out works, this may be an indication of the need for greater sensitivity in service provision and greater support for tenants.

If HMO officers are trying to improve standards in HMO's, they need to know whether tenants feel their accommodation has improved. This information may also influence how priorities are decided.

Straightforward questions can be asked in the form of a simple questionnaire or face to face contact. For example:

- Did you understand what was happening in your accommodation and why?

- Do you think that your accommodation is better now -

  a) YES - in what way?

  b) NO - why not, what should have been done?

- Did you have any problems with your landlord/lady? If so, please give details of what happened.

4.06 CONTACT WITH LANDLORDS

While the improvement of conditions in HMOs is principally for the benefit of tenants, consultation with landlords groups about standards and the reasons for them can often save misunderstanding and unnecessary bad feeling. Advantage may also come from explaining particular areas of policy, a Registration Scheme for example, to local landlords through seminars or perhaps via a newsletter.

SECTION V - MANAGEMENT

5.00 INTRODUCTION

Houses in multiple occupation are recognised as too often providing poor quality accommodation. This can be particularly pronounced within the common parts since these areas receive a great deal of use but individual occupants have no overall responsibility to keep them clean or maintain them in good order.

The manager of the house is ultimately responsible for maintaining standards within the building. Where the manager is not resident he or she must make suitable arrangements to ensure that conditions and facilities are kept in good order.

In order to fulfil their duties managers can either:-

(a) Undertake to regularly visit the property and personally or via a representative ensure standards are maintained and where necessary improved.

(b) Pass the responsibility to an identifiable occupant, usually in exchange for a lower rent.

(c) Pass the responsibility to all the occupants by writing conditions into the tenancy agreement. In such cases it is not uncommon for some cleaning materials to be provided.

In relation to (b) and (c) the manager's statutory obligations are not displaced and regular checks will still be necessary, by the manager to ensure conditions do not deteriorate.

Despite the manager's ultimate responsibilities to maintain standards it remains commonplace for HMO's to deteriorate. Local Authorities have, therefore, been empowered by the Housing (Management of Houses in Multiple Occupation) Regulations 1990 to control conditions within HMO's where the manager has failed in his/her duties.

5.01 THE HOUSING (MANAGEMENT OF HOUSES IN MULTIPLE OCCUPATION) REGULATIONS 1990

It is not the intention of the Institution to repeat the contents of these regulations verbatim. A summary of their contents is, however, provided for ease of reference.

THE MANAGER'S DUTIES

1. Facilities and Installations

The following facilities and installations must be maintained, clean and kept in good working order:

(a) The water supply, which also includes requirements that all tanks and cisterns for domestic use be effectively covered and that all water fittings must be protected from frost damage. (Reg 4(i)).

(b) The drainage and sanitation to the house (Reg 4(i)).

(c) The supply of and installations for gas and electricity throughout the house (Reg 7(i) and 8(i)).

(d) Lighting in common use or to common parts including a responsibility to ensure that lighting to the common areas is readily available at all reasonable times (Reg 7 (i) and 7(2)).

(e) Space heating and heating of hot water throughout the house (Reg 7(i) and 8(i)).

(f) Sanitary conveniences, baths, sinks, wash-basins, cooking facilities and food storage in common use (Reg 7(i)).

(g) All other facilities in any kitchen, bathroom, lavatory or wash room in common use.

(h) Outbuildings yards and gardens in common use.

2. Services

The following services must not be unreasonably interrupted:-

(a) Water Supply (Reg 4(2))
(b) Gas and Electricity (Reg 5)

3. Common Parts

(a) All parts of the house in common use must be maintained in repair (including decorative repair), clean and in good order (Reg 6(i)).

NB Repair means:- "a reasonable standard having regard to age, character, prospective life of the house and locality".

In addition:-

(i) Staircase, corridors, halls balconies and entrances including entrance doors, porches, and steps shall be kept reasonably free from obstruction. (Reg 6(2)).

(ii) All handrails and banisters shall be kept in good order and repair. Additional handrails and banisters necessary to ensure the safety of residents can be required (Reg 6(3)).

(iii) Stair - coverings, where provided, must be safe and fixed (Reg 6(3)).

(iv) All windows and other forms of ventilation shall be in good repair and proper working order (Reg 9(i)).

(v) Boundary walls, fences, and railings must be maintained so as not to present a danger to the residents (Reg 11(2)).

.4 Living Accommodation

The following requirements relate to the occupants accommodation.

(a) It must be clean at the beginning of each new occupancy.

(b) It must be in and be maintained in good repair. This does not include repairs arising out of damage caused deliberately by the residents (reg 8).

(c) All windows and other forms of ventilation must be in good repair and proper working order. This does not include repairs arising out of damage caused deliberately by an occupant (Reg 9(i)).

5. Means of Escape

(a) The means of escape in case of fire and fire precautions must be maintained in good order and repair and kept free from obstruction.

(b) Signs to indicate all the means of escape routes must be displayed in suitable positions and be clearly visible.

6. Refuse and Litter

a) Refuse and litter should not be allowed to accumulate on the premises except if properly stored pending disposal (reg 12).

(b) The manager must provide additional facilities having regard to the service provided by the Local Authority.

(d) Parts of the house not in use or subject to a Closing Order must be kept clean and free from litter and refuse. This includes a similar duty for staircases and passages leading to such areas.

7. General Safety of Residents

There is a general duty of care placed on the manager to ensure that reasonableprecautions are taken to protect occupants from injury arising from structural conditions (Reg 13).

In particular the manager must:-

(a) ensure that access to roofs or balconies where not safe is prevented or that these areas are made safe.

(b) take necessary steps to safeguard windows on staircases or landings with sills at or near floor level.

8. Information for Occupants

A suitable notice in a readily visible position shall be provided giving the following information:-

Name, address and telephone number of each manager of the house.

INFORMATION TO LOCAL AUTHORITY

Following written notice from the Local Housing Authority, the manager must provide the following information on the occupied parts of the house:-

(a) number of individuals and households accommodated.
(b) number of individuals in each household
(c) purpose for which each room is being use.

The Local Housing Authority may specify a reasonable time and reasonable format for the reply (Reg 15).

RESIDENTS DUTIES

Each resident shall:-

(a) avoid hindering or frustrating the manager carrying out their duties

(b) allow the manager reasonable access to carry out their duties

(c) provide information to the manager to fulfil their duty

(d) comply with reasonable arrangements for means of escape, fire precautions

or refuse disposal.

(e) avoid causing damage.

5.02 PROSECUTION

Under section 369(5) Housing Act 1985 it is an offence to KNOWINGLY contravene, or fail without reasonable excuse to comply with any of these Regulations, punishable on summary conviction to a fine not exceeding level 3.

It is probably reasonable to prosecute a manager under this section where the health and safety of the tenants is threatened, where harassment is involved or where there is flagrant non-compliance. For an authority to prosecute a manager under this section it is sufficient to show that there were relevant defects in the house and that the dependant failed to comply with the Regulations without reasonable excuse.

When the Regulations were produced there was a general recommendation made for Authorities to highlight their existence. Many authorities initially provided information through local press releases. Other Authorities wrote to known landlords. There are obvious limitations to both processes since landlords often live outside borough boundaries and owners of HMO's are continually changing.

An alternative mechanism is to send out a summarised version, in simple and clear language, with copies of other Notices. The reasoning behind this is that compliance with other statutory notices brings the property up to a certain level; thereafter it is the Management Regulations which maintain this standard. In addition it may be of use to provide Letting Agents with copies of the summary for their use either as managers of HMO's or for their clients.

5.03 NOTICES TO MAKE GOOD NEGLECT

In addition to prosecution, Local Authorities are empowered to serve notice, under S372 Housing Act 1985 to specify the works necessary to comply with the Regulations. Notices must be served on the person managing the house, defined at S398 .. as -

"(a) ( ) the person who, being an owner or lessee of the premises, receives,

directly or through an agent or trustee, rents or other payments from persons who are tenants of parts of the premises, or who are lodgers, and

(b) includes, where those rents or other payments are received through another person as agent or trustee, that other person."

If that person cannot be identified after reasonable enquiry the notice may be served on the "manager of the house", naming the house involved and delivering it to someone at the premises.

The Notice must be in the form laid down in the Housing (Prescribed Forms) (No2) Regulations 1990 form number 7.

The Notice must specify the regulations which have been contravened (Schedule 1) and the works required to meet the standard of the Management Regulations (Schedule 2).

The Notice must also specify a start date, the minimum time being 21 days and a date for completion. Both dates must be reasonable having regard to the level of works needed.

The Authority must inform all owners, lessees, statutory tenants and mortgagees of the fact that a Notice under this section has been served.

There is no requirement to inform Licensees or other parties. Since the Notices may require works to their accommodation it is probably good practice to send copies or summaries of Notices to licensees. There are occasions, however, when the numbers involved preclude this and in such cases it is recommended that copies of the Notice are posted at visible points within the property.

APPEALS

The person managing the property or owner, lessee, statutory tenant or mortgagee of the house may appeal to the County Court within 21 days or longer period at the discretion of the Local Authority. The grounds for appeal are:

(1) The condition of the house did not justify the works required in the Notice.

(2) There was some informatality, defect or error in the service of the Notice, although the Court may dismiss such an appeal if satisfied that the error was not a material one.

(3) That the Authority refused to allow alternative works or that the works required were unreasonably in character or extent or were unnecessary.

(4) That the start date was unreasonable.

(5) That the completion date was unreasonable.

(6) That some other party was responsible or will benefit from the works and ought to pay for the works. For this appeal to stand the appellant must serve a copy of the Notice of appeal on all the parties referred to. The Court may then make an order in respect of payment for the works as it sees fit.

OBSTRUCTION OF THE LANDLORD

Section 377(i) allows the person on whom the Notice is served to go to the County Court if a person having an estate or interest in the property refuses to give consent for the works to be carried out. The Court may then grant the necessary consent.

In addition if the owner or Local Authority is obstructed or prevented from carrying out the works then they can apply to the magistrates court or may make an order to require the person preventing works to allow access. Failure to comply with such an order is an offence liable on summary conviction to a fine not exceeding level 3.

If the Notice is not complied with then the Local Housing Authority may carry out works themselves. Non compliance means:-

(a) not carrying of the works within the allotted time or reasonable progress is not being made.

(b) not carrying out the works within the time allotted by the courts if the Notice is confirmed by the Courts on hearing of an appeal.

The Authority can reclaim all administrative costs incurred after service of the Notice even where the works were carried out by the manager or owner.

FAILURE TO COMPLY WITH NOTICE

As well as the power to do works in default the Authority can prosecute the person served with the Notice if they WILFULLY fail to comply with the terms of the Notice. The penalty on summary conviction is a fine not exceeding level 4.

The obligation to comply continues even after conviction. As such further failure to comply can result in further action in the courts, the penalty for which remains a fine on summary conviction not exceeding level 4.

5.04 SELF REGULATION/CERTIFICATION

A number of Authorities have developed packages for landlords which are sent out on a specific anniversary of the completion of works to bring an HMO up to standard.

The pack requests information as to current ownership, to maintain Local Authority databases, together with test certificates for the gas and electrical installations. Both of these tests require assessments by approved contractors and as such have an element of independence. The landlord is also required to provide information on the means of escape from fire and test certificates on fire detection systems. Once returned the packs are assessed and decisions to visit made. If all appears to be in order then there is no reason to inspect.

Failure to send back the forms results in inspection of the premises. Due to resources limits this may be after failure to return the forms on the second anniversary.

The advantage of the scheme is that well managed HMO's are not continually reinspected, whereas landlords of HMO's who do not complete the forms will be targetted for reinspection and requirements to bring properties up to standard.

It also encourages landlords to undertake annual assessments of the property, placing the duty firmly in their court, and ensures the safety of electrical, gas and fire precaution installations.

The advantage of the scheme is that well managed HMO's are not continually reinspected, whereas landlords of HMO's who do not complete the forms will be targetted for reinspection and requirements to bring properties up to standard.

It also encourages landlords to undertake annual assessments of the property, placing the duty firmly in their court, and ensures the safety of electrical, gas and fire precaution installations.

Authorities would be advised to audit the scheme by means of sample inspections of properties where the forms are received to prevent abuse of the schemes.

5.05 INFORMATION PACKS

Some authorities have developed comprehensive information packs for landlords explaining their duties and obligations under Housing Acts and Landlord and Tenant Acts. Many of these authorities have specific packs for different client groups, for example landlords of student accommodation which they provide directly to landlords or via student accommodation agencies letting agencies. The aim of the packs is to provide landlords with information in the hope that facilities and standards are maintained at a suitable level.

APPENDIX 1 - IDENTIFICATION OF HMOs

For the purposes of section 352 of the Housing Act 1985 as amended, "house in multiple occupation" is defined by section 345 as follows:-

"Meaning of "multiple occupation".

345. In this Part, "house in multiple occupation" means a house which is occupied by persons who do not form a single household.

(2) For the purposes of this section "house", in the expression "house in multiple occupation," includes any part of a building which-

(a) apart from this subsection would not be regarded as a house; and

(b) was originally constructed or subsequently adapted for occupation by a single household;

and any reference in this Part to a flat in multiple occupation is a reference to a part of a building which, whether by virtue of this subsection or without regard to it, constitutes a house in multiple occupation".

For the purposes of Part XI of the Housing Act 1985, "house" is further defined as follows:-

"Minor definitions

399. In this Part-

. . . . . .

"house" includes any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it."

The following factors are suggested as examples of matters to be considered when determining whether a house is occupied by persons who form a single household or not. They should be considered along with the explanations of the various categories of HMO

set out on pages 2 and 3 above. Such a list cannot be definitive or exhaustive and each case must, it there is any doubt, be considered on its peculiar facts.

Contractual arrangements:

* Does each occupier have a separate contractual relationship with the landlord?
* Has each occupier acquired the right to reside in the property by agreement with the landlord only; to whom does the occupier give Notice to Quit?
* On the vacation of any occupier, who finds/decides on a new occupier?
* Does the landlord bear the loss of rent during the period of any vacancy or is it spread between the remaining occupiers?
* Who has the responsibility for giving Notice to occupiers in breach of their agreements?
* Is the property managed by a resident landlord or head tenant as a business and. for profit?
* Do the occupants have exclusive possession of their own rooms?
* Are there simply too many people living in the premises for them to be described as a single household?

Permanency of residents:

* Do occupiers come and go at frequent, and in particular short, intervals or do they stay for long periods of time?
* In what sort of numbers do they come and go?

Domestic arrangements:

* Are there separate cooking facilities in each occupier's room, or on separate floors; do the occupiers cook and eat together when convenient?
* Are washing and sanitary facilities in occupiers, rooms/parts of the house or are they situated elsewhere, perhaps on different floors?
* Do the occupiers have their own cooking utensils, crockery etc. or do they share?
* Is payment made to one person who provides meals on business or board-and-lodging basis?
* Do the occupiers clean the common parts or is this service supposed to be undertaken by the landlord?

APPENDIX II - SOME ASPECTS OF LANDLORD & TENANT LAW

Environmental Health Officers dealing with HMOs must have some knowledge of landlord and tenant law, in particular that relating to security of tenure, disrepair and harassment. The following notes can provide an outline only and reference should be made to the standard texts and relevant statutes for further and more definitive information.

What type of tenancy

What rights residential occupiers have depends on what kind of tenancy they enjoy. Most private tenants whose tenancies began before 15 January 1989 and whose landlords do not live in the same house will be protected (and in many cases, statutory) tenants. Any tenancies remaining from that time where the landlord has always lived in the same house or where the tenant receives board or substantial services are known as restricted contracts.

Housing Act tenants

Private tenants whose tenancies began after that date, at least unless either an agreement was made for the tenancy before that date, or it is with the same landlord as they had before that date, will be either shorthold tenants or assured tenants. If the present tenancy is for a fixed period of at least six months and before the tenancy began a valid shorthold notice was given to the prospective tenant, it will probably be the former; if the tenancy is for an indefinite period or less than six months or no valid shorthold notice was served it will probably be the latter. Tenancies in the same house are sometimes referred to as "common law" tenancies ie. neither shorthold nor assured; those where landlord and tenant actually share accommodation, together with some arising from some unusual circumstances, are called "excluded" tenancies.

Tenants of local authorities are generally secure tenants and are not considered further here. Tenants of Housing Associations whose tenancies commenced before 15 January 1989 will also be secure tenants but those whose contracts date from a later time will probably be assured tenants. Rarely, protected shorthold tenants (not to be confused with either protected or shorthold tenants) may still be encountered as may service tenants and agricultural tenants. These are not considered further. Occupiers in some more unusual circumstances may still be, at law, licensees ie. occupying by personal right without any interest in the land. There are also, of course, long-leaseholders, often erroneously called owner-occupiers.

Security of tenure

The security of tenure of protected (and statutory) tenants is governed by the Rent Act 1977. In order to make a protected tenant leave, the landlord must first end the contractual tenancy by the expiry of a valid Notice to Quit. This is not necessary only where the tenancy was for a fixed term which has run out or if, following an application to the Rent Officer, a Notice of Increase of Rent was served by the landlord; in each event the effect is to convert the contractual tenancy into a statutory one. Thereafter, unless the tenant leaves voluntarily, a Possession Order is required. Such an Order will be granted only if the landlord can make out one or more of either the discretionary or mandatory grounds for possession set down in the Act and, in respect of the first category, can also show that it is reasonable for the tenant to have to go. Tenants with restricted contracts enjoy similar protection in respect of their contractual tenancies, and may be able to get the period of any Notice to Quit extended a little, but provided only that their landlords follow the correct procedure, they must be granted possession on application.

Security for Housing Act tenants

Security of tenure for shorthold tenants is similarly limited; unless a breach of the tenancy is sought to be relied on, no grounds for possession are required other than that the tenancy was a shorthold the term of which has expired. In such a case, the landlord must serve a Notice of Seeking Possession before applying for a Possession Order Landlords of assured tenants too must serve a Notice of Seeking Possession stating which of a number of specified grounds for possession they rely on. Depending on which ground it is, the period of the notice will vary between two weeks and two months. When that period has expired, they must apply to the Court for a Possession Order. Like those in respect of protected tenancies, the grounds for possession under an assured tenancy may be either discretionary or mandatory. Where they are discretionary eg that suitable alternative accommodation has been offered, a landlord must prove in addition that it would be reasonable for the tenant to have to leave. Possession once granted may be postponed for up to six weeks in cases of exceptional hardship. Common law tenants - those whose tenancies began after 14 January 1989 or, if before then, who have since agreed to a revised rent, and whose landlord has shared the house throughout as his principal home - will, like tenants with restricted contracts be entitled first-of-all to a Notice to Quit, determining the tenancy. Once that notice has expired, a Possession Order is required but will be granted subject only to the formalities being observed correctly.

Excluded tenants, principally those actually sharing some living accommodation with their

landlords are entitled only to notice: there is no requirement for a Possession Order though landlords are well-advised nonetheless to apply for them. Licensees are entitled at least to reasonable notice and those who are not "excluded" will have the small additional protection of possession proceedings. Possession Orders will always be granted, however. Where now, because of the grounds relied on by landlords, tenants might be expected to have no defence to claims for possession, an expedited "paper" possession procedure exists whereby a formal appearance at Court is avoided unless the tenant takes steps to defend the claim.

Long-leaseholders

As might be expected, long-leaseholders - generally tenants at a premium for a term originally exceeding 21 years - have the greatest security as against their landlords. Their leases may, however, where they so provide, become forfeit for a breach of a term eg failure to pay ("ground") rent. Notice (usually) of the breach, court proceedings and a Possession Order are required to make a long-leaseholder leave and he may be entitled to "relief" ie for the breach to be discounted where it can be rectified. On the expiry of a long lease, if he has grounds eg that suitable alternative accommodation is available to the tenant, the landlord may seek to resume possession of the dwelling. Alternatively he may propose that a statutory tenancy should arise (or, from 15 January 1999, an assured tenancy). Recent legislation means in addition that many long-leaseholders of both flats and houses may have a right to renew or extend their leases.

Repairs

Most tenants enjoy the same position in respect of disrepair. That is that by virtue of the Landlord and Tenant Act 1985, it will be implied into most tenancies for a term of less than seven years that the landlord is responsible for repairing the structure and exterior of the building including its drains, gutters etc, and for maintaining its installations for the supply of services, for sanitation and for space and water heating. Any agreement to the contrary will be, without the sanction of the Court, void. A similar responsibility arises in respect of the essential means of access to a dwelling. Tenants of furnished premises will, in addition, have it implied that their dwellings shall be fit (in the common law sense) at the commencement of their tenancy and licensees, in the (usual) absence of any express term, will be assumed to have no significant repairing obligations. All classes of tenants are generally liable for internal decorations and must use the premises in a "tenant-like manner". Long-leaseholders can compel their freeholders to perform repairing covenants but will invariably be liable for a proportion, determined by their leases, of the reasonable

costs of any repairs and maintenance carried out. They have a measure of protection against unexpected large bills by virtue of consultation etc provisions in the Landlord and Tenant Acts.

No general duty of care exists of landlords towards their tenants but the Occupiers Liability Acts will apply in respect of parts remaining under the landlord's control as will the Defective Premises Act 1972 in respect of works being done to, or the provision of, a dwelling or of relevant defects arising within it. Persistent failure to repair may be a ground justifying the appointment of a manager or, in extreme circumstances the compulsory transfer under the 1987 Landlord and Tenant Act of a house to a person nominated by the tenants. Where it is necessary for a tenant to vacate his dwelling to facilitate works of repair to be done, he may recover his costs of removal etc only if he can show the landlord to be in breach of his repairing obligations.

Harassment and Illegal Eviction

The Protection from Eviction Act 1977 provides that it is a criminal offence for any person to deprive or attempt to deprive a residential occupier of his accommodation or any part of it unless he believes and has reasonable cause to believe that the occupier has ceased to reside there. It is, further, an offence for any person without reasonable grounds to do acts likely to interfere with the peace and comfort of a residential occupier or to persistently withhold or withdraw services with intent to cause the occupier to give up his occupation of the premises or any part of them or to refrain from exercising any right or pursuing any remedy in respect of them. It is an offence for a landlord or his agent to do such acts etc lacking intent but where he knows or has reasonable cause to believe that his conduct will cause the residential occupier to leave or to give up any rights etc. Residential occupiers include all those classes of occupier who can be evicted only with the benefit of a Possession Order. Occupiers not falling within the definition include squatters and excluded tenants whose contracts have expired or been determined.

Remedies

The remedies for harassment and illegal eviction include injunctive relief and damages, one basis for the calculation of which is given in section 28 of the Housing Act 1988. Acts of harassment may, according to the circumstances, constitute offences under a variety of statutes. Anyone who uses or threatens to use violence to gain entry to premises knowing that that they are occupied by someone opposed to that entry may commit an offence contrary to the Criminal Law Act 1977.

APPENDIX III - RISK ASSESSMENT : METHODOLOGY

Risk Assessment before Inspection

A local authority will have to decide on its balance of pro-active and reactive work. This will very much depend on the number of complaints received about conditions in HMOs and the resources available to deal with these complaints. It is much easier to apply risk assessment to pro-active work to prioritise the order in which properties are inspected.

It is up to each local authority to decide on the criteria to be used and on the weighting to be applied to each criterion so that HMOs can be grouped into categories for inspection such as; URGENT, HIGH RISK, MEDIUM RISK and LOW RISK. The usual method is to apply points to each criterion and to add these up to give a total risk score. The higher the score, the greater the priority for inspection. See table 1 for an example of a risk assessment system. It is only an example and a local authority may choose to only use a couple of the criteria or use completely different ones. Although "means of escape" is the most important criterion, a risk assessment scheme should not be based on it alone as HMOs with satisfactory means of escape but in serious disrepair, or with severe overcrowding could be dismissed as not having priority. A risk assessment system can, therefore, be "loaded" to reflect local priorities and problems.

Whatever criteria are used, the risk assessment scheme should result in priority being given to HMOs three storeys or more and over 500 sq m, bed-and-breakfast hotels/hostels and larger HMOs lacking fire precautions and in poor repair. The whole aim is to help deal with the WORST FIRST.

On the reactive side it is possible to have a risk assessment scheme to prioritise the response to complaints. However, this is very dependent on the skills of the staff taking complaints to ask probing questions that will enable an assessment to be made without first visiting the property. This assessment can also be used to decide on the level of officer to be assigned that complaint. If risk assessment is used to prioritise complaints the local authority will have to ensure its policy for responding to complaints reflects this. It may be necessary to get (committee) approval to delay the response to low priority complaints or not to deal with certain very low risk complaints. See table 2 for an example of the type of questions that could be asked and the associated scoring system.

The risk assessment system adopted will put HMOs in order of priority for inspection. It is then necessary to assign a time period for each group of HMOs to be inspected ie all

HIGH RISK HMOs to be fully inspected within one year. The time periods chosen will depend on available staff resources. As the resources change so the time periods will have to be adjusted.

Risk Assessment During Inspection

As stated earlier it is important that the opportunity for the assessment of risk is taken during inspection. In this way unecessary enforcement is avoided. Staff should be encouraged to be flexible and use their professional judgement. When carrying out an inspection the physical condition of the building, the condition of any existing fire precautions, the standard of management and the wishes of the tenants should all be taken into account. An HMO that does not meet the latest requirements may be in a safe condition and it might be better to pass it in its existing condition rather than rigidly applying revised standards with the risk of the landlord deciding to close the property.

Another area where greater flexibility can be exercised is in the time allowed for completion of necessary works. If a landlord wants to do the work but is having financial difficulties it may be possible to agree an extended programme of works. It is far better to achieve a safe HMO over a longer time period rather than risk the displacement of the tenants and possible loss of a property from the private rented sector. Proper risk assessment will suggest whether additional time might be allowed and to what elements of an improvement package while ensuring that the most urgent work gets done first and to relevant statutory timescales.

Risk Assessment After Inspection

Once an HMO is up to standard it needs to be periodically re-inspected to ensure it is maintained in a safe and sound condition. A risk assessment system can be used to plan the frequency of these re-inspections. The criteria used to assess the property will be very similar to those used before inspection.However, this assessment is applied once the property is up to standard and so the emphasis is on the type and size of the HMO, the number of tenants, the owner's record of compliance with any notices and the confidence in the management of the HMO. See example in table 3.

As before this assessment will give the HMO a total score which will equate to a date for re-inspection. The higher the score, the sooner the re-inspection. The time intervals chosen must reflect the resources available to carry out these re-inspections. To reduce the burden

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a local authority could choose to only re-inspect HMOs with a score above a certain level. The introduction of a landlord self-certification scheme would also help to reduce the need to re-inspect.

Conclusion

All local authorities should adopt a risk assessment system to tackle the HMO problem. Whether devised on a points score, local knowledge or both, it is essential that the system is computer-based for speed of use and ease of update. The system should be reviewed annually and adjusted to reflect available resources.

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CRITERION	SCORE
Category	A = 20 B = 10 C = 30 D = 40
Size of HMO	Each Storey = 10
Means of Escape/ Fire Precautions	None = 80 Partial = 40 Complies = 0
Repair/Fitness	Unfit 30 Substantial disrepair = 10 Fit = 0
Overcrowding	Overcrowded = 20
Amenities	Complies = 0 Partial = 10 None = 20
Landlord	Good = 0 Bad = 20

Table 1. Example of a Risk Assessment System

Risk is represented by features of the house which reflect hazards, weighted numerically according to the relative consequences of those hazards emerging. Thus the risk rating of a hostel with no means of escape is higher than that of a shared house which is simply overcrowded.

The points score chosen can be tested against known good and bad properties of different sizes/tenure to check that known worst properties do indeed come out with sufficient priority.

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QUESTION	ANSWER	SCORE	GO TO
1. How many households are there in the property?	2 3 to 5 5+	1 3 5	q.2 q.2 q.2
2. Do you have to share a toilet, bathroom or kitchen?	No Yes	0 1	q.3 q.4
3. Are there any fire doors, smoke alarms etc. in the house?	Yes No	0 2	q.5 q.5
4. What is the state of repair?	Good	0	-
	Minor disrepair	1	-
	Medium disrepair	3	3
	Major disrepair	5	-
	Urgent item	20	-
	Total Score		

Table 2. Possible Questions to Aid Reactive Risk Assessment.

There are examples of key questions and their weightings which might be asked of complainants in person to help prioritise speed of response.

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CRITERION	SCORE
Category	A = 20 B = 10 C = 30 D = 40
Size of HMO	Each Storey = 10
Number of Occupiers	Each Occupier = 10
Overcrowding	Overcrowded = 20
Compliance with Notices	By Owner (prompt) = 0 By Owner (slow) = 10 Defaulted = 30
Confidence in Management	Good = 0 Indifferent = 10 Poor = 30
Prosecutions	Each prosecution = 10

Table 3. Example of Post-improvement Risk Assessment System.

As in table 1, continuing risk is represented by criteria which reflect hazards, weighted according to relative importance.

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OTHER TITLES

Other titles in the Institution's current range of publications include:

* Residential Moorings on Inland Waterways (Non-tidal).
* The Law of Statutory Nuisance: Part 1, Premises.
* The Assessment of Recreational Water Quality (Fresh and Sea Water).
* Transportation: the Route to Health.
* Drinking Water (Public Supplies).
* Contaminated Land - Professional Guidance.
* Civil Protection - Policy and Professional Guidance.
* Electric Passenger Lifts - a Manual for Local Authority Inspectors.
* The Licensing of Permanent Residential Home Sites.

All are available via the Publications Officer, Chadwick Court, 15 Hatfields, London, SE1 8DJ. Tel: 071 928 6006 for current price etc.

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FORM FOR PROPOSAL OF AMENDMENT TO PROFESSIONAL PRACTICE NOTES

To suggest any amendment to this Professional Practice Note, please photocopy or remove and complete this form, attach all relevant documents, and send to-

The Assistant Secretary (Housing and Environmental Protection)
IEHO, 15 Hatfields, London, SE1 8DJ

All proposals will be fully considered, and, if accepted, will be included in any future edition of the Practice Notes.

Name . . . . . .

Organisation/authority . . . . . .

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Telephone . . . . . .

Proposal to amend Paragraph No. . . . . .

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Please indicate whether amendments to text/additional material

Suggested amendment/addition -
(please set out clearly the amendment or addition, or attach typed copy. Please give outline of background/reason for the proposed amendment/addition. If a result of legal action, please attach relevant papers and judgements.)