

Standards and Guidance for Houses and Flats in Selective Licensing streets

The licence will have a number of conditions relating to the occupation, use and management of the property (s.90 Housing Act 2004). The licence conditions do not relate specifically to the condition and content of the property, but the council may inspect the property to assess its condition in relation to hazardous housing conditions under Part 1 Housing Act 2004. The council expects landlords to comply with the standards detailed in this document, together with licence conditions, and (where applicable) statutory obligations as follows. Find out if your property is on a street requiring a selective licence see www.lbhf.gov.uk/selectivelicensing.

1 Occupation and Use

The premises must not be overcrowded according to Housing Act 1985, as follows ¹:

The room standard (section 325 Housing Act 1985)

The premises is overcrowded by law if:

- 2 people aged 10 or over of a different sex have to sleep in the same room, because there is no other room in the property usable for sleeping which is not already occupied

The space standard (section 326 Housing Act 1985)

The number of persons residing in the premises shall not exceed, the lower number from the two tables below.

¹ Notes – for the purposes of statutory overcrowding calculations:

- *A room which is less than 4.6 square metres cannot be counted as a room that can be slept in*
- *Bedrooms, living rooms, dining rooms and studies can be counted as rooms that can be slept in, but not kitchens or bathrooms*
- *If the kitchen is combined with a living room, in order to be counted as a room which qualifies for occupation by one person the living area must be at least 6.5 square metres when the kitchen area (at least 4 square metres) and any necessary partitioning to section off the kitchen is deducted. In other words, the combined kitchen and living area must be at least 10.5 square metres, not including any partitioning, and it must not be necessary to pass through the kitchen to reach the living area*

Space standard: Number of rooms (see note above for definition of “room”)

Number of rooms	Maximum number of occupiers allowed in the property
1	2
2	3
3	5
4	7.5
5	10

Note: anyone aged 10 or over counts as 1 person; children aged 1 to 9 count as 0.5; children under 1 year old are not counted

Space standard: Floor space of each room (see notes for definition of “room”)

Floor space of rooms usable for sleeping in square metres	Number of rooms A	Maximum number of occupiers allowed per room B	A x B
Less than 4.6		0	
4.6 - 6.4		0.5	
6.5 - 8.3		1	
8.4 - 10.1		1.5	
10.2 or more		2	
		Total maximum number of occupiers (Total of A x B)	

Note: anyone aged 10 or over counts as 1 person; children aged 1 to 9 count as 0.5; children under 1 year old are not counted

The Bedroom Standard

This is not a legal definition of overcrowding or a measure of statutory overcrowding. However, the Council may use the bedroom standard when assessing whether a property is overcrowded according to the Housing Health and Safety Rating System.

The LACORS Allocations Code of Guidance recommends that the following 'bedroom standard' is adopted as a minimum measure of overcrowding, ie a one bedroom for:

- each adult couple
- any other adult aged 21 or over
- two adolescents of the same sex aged 10 to 20 (*for the purposes of selective licensing the bedroom must be at least 10.2 square metres for two adolescents sharing*)
- two children regardless of sex under the age of 10 (*for the purposes of selective licensing the bedroom must be at least 4.6 square metres for a single child and at least 6.5 square metres for two children sharing*)

2 Property Management

The property must be reasonably suitable for occupation. As per Landlord and Tenant Act 1985 section 11 (“Landlord Repairing Obligations”) as amended by the [Homes \(Fitness for Human Habitation\) Act 2018](#), the landlord must keep in repair and proper working order:

- the structure and exterior (including drains, gutters and external pipes)
- the installations for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and toilets)
- the installations for space heating and heating water

and ensure that there are no deficiencies at the start of a tenancy which would make the premises not reasonably suitable for occupation in that condition, and if any deficiencies arise during the period of a tenancy remedial action must be taken by the landlord as soon as is practicable.

The relevant deficiencies are outlined in section 10 Landlord and Tenant Act 1985:

- the building has been neglected and is in a bad condition
- the building is unstable
- a serious problem with damp
- unsafe layout
- not enough natural light
- not enough ventilation
- a problem with the supply of hot and cold water
- problems with the drainage or the lavatories
- difficult to prepare and cook food or wash up
- any significant housing hazard set out in the [Housing Health and Safety Rating System](#)

A “significant housing hazard” might include, but not necessarily be limited to:

Inadequate facilities for

- personal hygiene (baths, showers, toilets etc)
- food storage and preparation (See Appendix 1 for minimum kitchen amenities)
- domestic hygiene, such as damaged or unsuitable worktops, flooring which cannot easily be kept clean
- heating the internal air temperature (central heating, fixed gas fires or mains wired fixed electric heaters should be capable of maintaining an average minimum temperature 18°C when the outside air temperature is below 5°C)

Presence of and exposure of occupiers to pollutants such as carbon monoxide, asbestos or lead.

Inadequate security so to expose occupiers to unacceptable risk of entry by intruders.

Risk (due to disrepair or inadequate design) of falls either from tripping hazards, falls between levels (for example from windows or balconies), falls in bathrooms or on stairs (either internal or external).

Risk from fire, electric shock, gas explosion, scalds or burns, falling elements (such as ceiling collapse, unsecure fixtures and fittings, or lack of building structural integrity).

Supplies

The Licence Holder shall ensure that the supply of water, gas or electricity is not unreasonably interrupted.

Gas Safety and Supply

The Licence Holder shall ensure that all gas installations comply with the [Gas Safety \(Installation and Use\) Regulations 1998](#) and that every 12 months arrangements are made for gas installations, appliances, and flues to be inspected by a Gas Safe Registered engineer/installer, for a Gas Safety Record to be completed and that any remedial works be carried out in a reasonable time frame.

Electrical Safety and Supply

The Licence Holder shall ensure that electrical safety standards are met during any period when the residential premises are occupied and that a valid Electrical Installation Condition Report (by a qualified person) that is not more than 5 years old is in place during the licence period and at the start of each tenancy, showing the electrical installation condition to be “satisfactory” and that any Category C1 deficiencies are repaired immediately and C2 deficiencies are repaired as quickly as possible²

Fire Safety

The Licence Holder shall ensure that a smoke alarm is installed and kept in proper working order on each storey of the house on which there is a room used wholly or partly as living accommodation.

The most appropriate type of automatic fire detection system for the premises is that recommended in the LACORS guidance, [“Housing-Fire Safety; Guidance on fire safety provisions for certain types of existing housing”](#).

Furnishings

The Licence Holder shall ensure that any furniture and soft furnishings provided in the accommodation comply with the [Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#) (as amended).

² [The Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)

Carbon Monoxide

The Licence Holder shall ensure that a carbon monoxide alarm is installed and kept in proper working order in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance, and it is strongly recommended in any room containing a gas combustion appliance (such as a gas boiler or gas fire).

Waste Management Arrangements

The Licence Holder shall ensure that

- suitable arrangements are put in place for adequate storage and disposal of refuse produced by the occupiers of the property including sufficient and suitable refuse bins
- tenants are made aware of refuse collection days and times

The Licence Holder must ensure that any garden, yard, alleyway or forecourt associated with the property is kept clear of litter, refuse, builders debris or any unwanted items, such as discarded furniture and household appliances.

Pest Control

If the Licence Holder becomes aware of a pest infestation he shall take steps to eradicate it by implementing a treatment programme.

Managing Anti-Social Behaviour

The Licence Holder shall ensure that any anti-social behaviour committed by residents or their visitors, to anyone residing in or visiting the property is dealt with appropriately and effectively, in particular by investigating complaints made by occupiers

General

The government guide [“how to let”](#) explains the responsibilities, legal requirements and best practice for letting a property in the private rented sector. Licence Holders are encouraged to read the guide to make sure they understand their obligations.

In order to comply with legal requirements and therefore be deemed to be a fit and proper person to be a Licence Holder, the landlord must (among other things):

- a. Supply to the occupiers of the house a written statement of the terms on which they occupy it ³
- b. Supply the tenant with a written statement of the landlord's name and address if the tenant makes a written request ⁴

³ [Housing Act 2004 Schedule 4 para 1](#)

⁴ [Landlord and Tenant Act 1085 s.1](#)

- c. Where the Licence Holder demands a deposit he/she must provide the tenant/occupier with a statement of the terms of the tenancy deposit, which must be paid into one of the designated [tenancy deposit protection schemes](#)
- d. Refrain from demanding a deposit higher than the cap set in the [Tenant Fees Act 2019](#)
- e. Where the Licence Holder is a property manager or letting agent, join a [property redress scheme](#)
- f. Refrain from engaging or encouraging another to engage in harassment of tenants or unlawful eviction, within the meaning of the [Protection from Eviction Act 1977](#)
- g. Refrain from [committed any offence](#) involving
 - a. fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c. 42) (offences attracting notification requirements);
 - b. unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or
 - c. contravention any provision of the law relating to housing or of landlord and tenant law.
- h. Refrain from charging any unlawful fees within the terms of the [Tenant Fees Act 2019](#)
- i. Have regard to the requirement in the [Energy Efficiency Regulations 2015](#) which requires any dwelling let to tenants to have an EPC rating of E or higher, unless an exemption has been obtained by the landlord. Details how to register an exemption can be found [here](#).
- j. Where the dwelling is newly built or part of a recent conversion, the necessary planning consents and compliance with Building Regulations must be in place.

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Enquiries: phs@lbhf.gov.uk

Appendix 1

Minimum requirements for kitchen facilities

Kitchen facility	Standard	Minimum size
Cooker	One cooker	Minimum of 4 burners, oven and grill. A microwave may be substituted for up to 2 burners. Cookers must not be sited adjacent to exit doors. Splashback or lift-up cover provided.
Sink	Set on a base unit. Provided with a constant and adequate supply of hot and cold water and properly connected to the drainage system. A tiled splashback shall be provided to the <u>drainer</u> Made of an impervious material. 300mm height.	Sink minimum size 600mm x 500mm
Worktop	A tiled splashback shall be provided	500mm x 500mm worktop must be provided adjacent to the cooker 300mm height
Storage cupboards	One cupboard - the cupboard below the sink cannot be used for food storage.	Minimum capacity 0.3 cubic metres
Fridge	<u>1 refrigerator</u>	75 litres
Electrical sockets	4 x 13 amp sockets provided within the food preparation area, at least 2 shall be above worktop level.	The sockets should be spaced as evenly as possible around the kitchen and suitable for use with electrical appliances on the kitchen worktop

