

# **Renfrewshire Council**

**Licensing of Houses in  
Multiple Occupation Scheme  
Under the Civic Government  
(Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation)  
Order 2000**

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Renfrewshire Council in exercise of the powers conferred upon it by the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 hereby amends its previous scheme by the creation of the following scheme:

## Interpretation

1. In this scheme, unless the context otherwise requires:

"The 1982 Act" means the Civic Government (Scotland) Act 1982

"The 1991 Order" means the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 1991

"The 2000 Order" means the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000

"House" includes (subject to paragraph (2) and (4) below) any part of a building, being a part which is occupied as a separate dwelling, and in particular, includes a flat

"Family" includes –

a) those persons who are married to each other or live together as a couple whether or not of the same or of a different sex; and

b) those persons of whom one of them is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other, and, for the purposes of sub-paragraph (a) above –

i) a relationship by marriage shall be treated as a relationship by blood

ii) a relationship of half-blood shall be treated as a relationship of the whole blood

iii) the step-child of a person shall be treated as his or her child.

"Houses in multiple occupation" (hereinafter referred to as "HMO") means a house occupied during any period mentioned in Article 5 of the 2000 Order by more qualifying persons than the number specified in that article in relation to that period, being persons who are not all members either of the same family or of one or other of two families;

"Licensing Authority" is Renfrewshire Council (hereinafter referred to as "the Council");

"Owner" means a person having a heritable interest in a house which is capable of being recorded in the General Register of Sasines or registered in the Land Register (established by Section 1 of the Land Registration (Scotland) Act 1979 and "owned and "ownership" shall be interpreted accordingly);

"Qualifying Persons" means (subject to paragraph (3) below) a person whose only or principal residence is the house in multiple occupation;

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"Self Governing School" has the same meaning as in Section 1 (3) of the Self Governing Schools etc (Scotland) Act 1989;

"Women's Refuge" means a house managed by a voluntary organisation and used wholly or principally for the temporary accommodation of persons who have left their home as a result of

- a) physical violence or mental abuse or
- b) threats of such violence or abuse, from persons to whom they are or were married or with whom they are or were co-habiting

**2. Any house:**

a) Which is or requires to be registered –

- i) as a nursing home under the Nursing Homes Registration (Scotland) Act 1938
- ii) as a residential establishment under Section 62 of the Social Work (Scotland) Act 1968; or
- iii) as a private hospital under the Mental Health (Scotland) Act 1984:

b) Which is occupied primarily for the purpose for the provision of school students of residential accommodation by an education authority, the board of management of a self governing school or the managers of a grant aided or independent school (or by any other person in pursuance of such arrangements made by an education authority or any such board of management or managers)

c) Which is occupied by a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering:

d) Which is occupied only -

- i) by qualifying persons, each of whom has a heritable right of ownership at the house; or
- ii) by a person who is a member of the same family as such a qualifying person; or

e) In respect of which a control under Section 178 of the Housing (Scotland) Act 1987 is in force,

shall not be regarded as a house for the purposes of this scheme.

**3. For the purposes of the definition of "qualifying person" in paragraph (1) above –**

a) a person undertaking a full time course of further or higher education who resides, during term time, in a house shall, during the period of that person's residence, be regarded as residing there as his only or principal residence:

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and

b) a patient in a hospital from which National Health Service goods and services are provided under the National Health Service (Scotland) Act 1978 shall be disregarded for the purpose of calculating the number of persons who occupy a house as their only or principal residence:

4. For the purposes of this scheme, houses comprised within a building which, although otherwise separate, share use of –

a) a sanitary convenience; or

b) personal washing facilities; or

c) cooking facilities;

shall be taken to form part of a single house;

## **Activity for which a Licence is Required**

A licence is required if a person giving permission for a house to be occupied is the owner of that house and the house is a house in multiple occupation.

## **Size of House in Multiple Occupation**

The number of qualifying persons, for the purpose of the definition of a house in multiple occupation is as follows:-

- a) In the period beginning 1 October 2000 and ending 30 September 2001, five;
- b) In the period beginning 1 October 2001 and ending 30 September, 2002, four;
- c) In the period beginning 1 October 2002 and ending 30 September, 2003, three;
- d) In the period beginning 1 October 2003, two.

## **Applications for Grant or Renewal of Licence**

The application must be made in writing. Detailed contents are as set out in Schedule 1, paragraph 1 to the Civic Government (Scotland) Act 1982 as annexed in Schedule 1 of this Scheme.

## **Time Limits**

Applications shall be considered by the Council within three months. A final decision shall be reached within twelve months unless this period is extended by a Sheriff. If

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a final decision is not reached within this time limit, then the Licence will be granted or renewed for a 12 month period.

## **Consideration of Application, including Objections and Representations**

The Council shall make such reasonable enquiries as it thinks fit and consider relevant objections and representations before making a final decision on the licence application, after giving the applicant at least seven days notice of objections and representations.

## **Notification of Applications and Decisions**

Notice of applications for the licensing of premises will be sent by the Council to the Chief Constable and the Fire Authority, and displayed at the premises for 21 days. The Council will keep a public register of licence applications and decisions on them. The applicant, Chief Constable, objectors and the Fire Authority will be notified of the decision on licensing within seven days. Applications for Women's' Refuges will not be publicly notified, except by letter by the Council to the neighbours.

## **Decisions on Applications**

The Council shall grant, renew or refuse a licence as it thinks fit. The Council must refuse an application where, in their opinion, a person involved directly or indirectly in the management of the premises is not a fit or proper person, or the premises are not suitable or convenient for the proposed activity in specified requests. Where an application is refused, the Council cannot consider a fresh application until after a period of one year has elapsed unless there has been a material change of circumstances.

## **Conditions**

The Council may attach conditions to any licence issued as it thinks fit. Such conditions may include, but are not limited to, the benchmark standards and tenancy management issues annexed at Schedule 2 to this scheme. In addition, all relevant planning permissions and building warrant approvals must have been obtained by the applicant prior to the grant of any licence.

## **Delegation**

Licences may be granted under delegated authority by the Head of Legal Services where no objection or representation has been lodged. Otherwise, applications will be submitted to the Regulatory Functions Board for consideration.

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## **Rights of Entry and Inspection**

Authorised officers of Renfrewshire Council, the Fire Authority or the Chief Constable have rights of entry and inspection of premises. Prior to the grant of any licence, visits shall be carried out as necessary and for the avoidance of duplication, may include group visits by the Council, the Fire Authority and the Police. Where entry for inspection is refused or where the applicant fails to keep appointment on three occasions then the application shall be deemed to be withdrawn. Further to the grant of a licence inspections will take place as required and in particular, further to any complaint being received from neighbours. Unlicensed premises can be entered and searched under warrant if there are reasonable grounds for suspecting activities require a licence.

## **Housing Standards**

Newly built HMOs must meet the technical standards applied to all new buildings of the relevant Group. Existing HMOs must meet current standards at the relevant time which may include but are not limited to the standards annexed at Schedule 2 of this scheme.

## **Tenancy Management Standards**

The owner of the HMO shall be responsible in respect of the legal rights of the tenants to operate lawfully at all times and to manage the property with due care for the welfare of tenants and the interests of neighbours. The owner shall have a written Tenancy Agreement with the tenant which requires to meet the approval of the Council. The Council will provide a draft Tenancy Agreement for use by operators. The contents of the draft Council Tenancy Agreement will be in accord with the Scottish Executive guidance on this matter and among the conditions included will be the following:

- a) general responsibilities placed upon the operator
- b) maintenance and upkeep of any installation such as water heating, sanitation and supply of gas etc
- c) insurance cover, and
- d) policy procedure in relation to anti-social behaviour.

## **Trading Standards**

All appliances, furniture and general goods provided to the occupier shall comply with the requirements of the Consumer Protection Act, 1987 and all the Regulations made thereunder (including the General Product Safety Regulations, 1994)

## **Material Changes**

Licence holders must obtain the prior consent of the Council before making any material changes to the premises.

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## Renewal of Licences

Licence holders must obtain Certificates of Compliance from competent and qualified individuals as required certifying that the necessary standards are being maintained and that no material changes have been made without the Council's prior consent. The Council shall have the right to inspect premises as required. Safety Certificates require to be submitted with all applications for renewal of a licence.

## Variation or Suspension of Licence

The Council may vary or suspend a licence as it thinks fit, giving at least seven days notice to the applicant, Chief constable and Fire Authority. The licence holder must be afforded an opportunity to be heard on the proposed decision and should be notified of the decision, in writing, within seven days. The Council has the power to suspend the licence for premises, whether upon a complaint made to them or not, in the following circumstances:

- 1) Where the licenceholder or a person involved in the management of the premise is in the Council's view no longer a fit and proper person
- 2) The licensing activity is causing or is likely to cause undue public nuisance or a threat to public order or safety or a licence condition is broken.

Prior to suspension, the licence holder, any complainant, the Chief Constable and the Fire Authority shall be given an opportunity to be heard, having received 21 days notice of the hearing in writing.

## Duration of the Licence

The Council will grant a licence for a three year period or such shorter period as it thinks fit.

## Fees

The Council will charge fees for licence applications, consideration of material changes of circumstances and issue of duplicate licences or certified true copies. The fees chargeable for applications and renewals are therefore as follows:

Standard Fee	-	£861
Discounted Fee	-	40% discount for similar properties - £517

The fee structure will provide for a standard fee for all individually licensed premises. In addition however, a discounted rate will be applied where in the opinion of the Council's officers an owner has an identical property or properties to his/her first licensed property. The fees charged for these subsequent properties will be at 60% of the standard fee.

All fees shall be reviewed by the Council, annually and as necessary.

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## **Reasons for Decision and Appeal to Sheriff**

On request, the Council shall give reasons for any licensing decision in writing, within 10 days of the request if the request is made within 28 days of the decision by the relevant person. "Relevant person" includes the licence holder, Chief Constable, Fire Authority and objectors or complainants. An appeal against the licensing decision can be made to the Sheriff by Summary Application.

## **Offences**

In addition to the offences and penalties specified in Section 7 of the 1982 Act, the maximum fine for operating an HMO without a licence is level 5 (£5,000.00) on the standard scale.

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## **Schedule 1 - Applications for the Grant or Renewal of Licences**

1. An application to a licensing authority for the grant or renewal of licence shall be:
  - a) made in writing in such form as may be determined by the licensing authority
  - b) signed by the applicant or his agent; and
  - c) accompanied by such fee as the authority may charge in terms of legislation.
2. An application under sub-paragraph (1) above shall specify:
  - a) the kind of licence in respect of which the application is made
  - b) where the applicant is a natural person, his full name and address and, where the applicant himself is not to be carrying on the day to day management of the activity in relation to which the application is made, the full name and address of any employee or agent who is
  - c) where the application is made by or on behalf of a person other than a natural person,
    - i) the full name of the organisation
    - ii) the address of its registered or principal office
    - iii) the names and private addresses of its directors, partners or other persons responsible for its management; and
    - iv) the full name and address of any employee or agent who is to carry on the day to day management of the activity in relation to which the application is made
  - d) the address of the premises, if any, in or from which and the area in which the activity is to be carried on; and
  - e) such other information as the authority may reasonably require.
3. Where the application relates to a licence for an activity which is wholly or mainly to be carried on in premises, it shall contain one or other of the following declarations by the applicant, that is to say, a declaration that he is complying with the requirements to display a notice at or near the premises so that it can be conveniently read by the public for a period of 21 days beginning with the date on which the application was submitted to the licensing authority, or a declaration by him that he is unable to do so because he does not have such rights of access or other rights in respect of the premises as would enable him to do so, but that he has taken such reasonable steps as are open to him (specifying them) to acquire those rights and has been unable to acquire them.

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## **Schedule 2 - Benchmark Standards and Tenancy Management Issues**

Newly built HMOs must meet the technical standards applied to all new buildings of the relevant purpose group. The same applies to conversions, alterations and where there is a change of use.

Existing HMOs will require to meet current standards at the relevant time which may include but are not limited to the benchmark standards below which will be used in the inspection of HMOs which are not newly built. Some of these benchmark standards have been extracted from technical standards which apply to newly built HMOs. Others are based on existing practice in areas where discretionary licensing has been in operation.

### **1. Space Standards**

The Council shall ensure that properties are not overcrowded. The definition of overcrowding is as set out in Part VII of the Housing (Scotland) Act 1987 and any amendments thereto.

Normally sleeping accommodation will be in the form of single or double bedrooms. Details are given in Annex A, which also provides for circumstances where this is not the case.

Every bedroom or living room must be capable of accommodating at least

- a) a bed; and
- b) a wardrobe (except where a built in wardrobe of equal size is provided);and
- c) a chest of drawers, together with their associated activity spaces of the dimensions shown in Annex B.

### **2. Kitchens**

#### **2.1 Facilities**

There must be:

- i) Sinks – one for every six people. Sinks to have integral drainers.
- ii) Fridges – one for every six people.
- iii) Adequate food storage for the number of occupants to be provided (lockable where requested by occupant(s)).
- iv) Adequate impervious work surface to be provided.
- v) Where 'meals' provided (e.g. part board) facilities to be available for making light snacks/hot drinks/access to drinking water.
- vi) Cookers – one for every six people. Cookers to have four hot plates, oven and grill.

#### **2.2 Activity Spaces**

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Cookers must be provided with the associated activity space of the dimensions shown in Annex C.

### **3. Sanitary Facilities**

#### **3.1 Sanitary facilities**

There must be:

- a) one WC for every five persons. (These must be located so that if they are not on same level as the bedroom it is no further than the next floor up or down.)
- b) one bath or shower for every six people.

All persons living in the premises are to be included e.g. owner or manager where no separate exclusive facilities are provided.

#### **3.2 Wash hand basins in water closet compartments**

Every water closet compartment must have a washbasin within the water closet compartment itself, or within an adjacent space providing the sole means of access to the water closet compartment. The water closet pan and washbasin must also be separated by a door from any room or space used wholly or partly for the preparation or consumption of food.

#### **3.3 Water supply**

Hot and cold supplies must be suitable and sufficient for purposes.

#### **3.4 Drainage**

A building must be provided with a safe and hygienic drainage system in compliance with the relevant British or European Standards.

#### **3.1 Location**

Every bedroom must be located so that it is not necessary to pass through any other room, e.g. another bedroom, lounge, kitchen, store in order to reach a bathroom, water closet compartment, or circulation space.

### **4. Space Heating**

#### **4.1 Provision**

Each bedroom and living room must have a fixed space heating appliance or a central heating system, which may include any system of warm air or underfloor heating, capable of maintaining a temperature of 18 degree centigrade when the outside temperature is minus 1 degree centigrade.

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#### 4.2 Liquid petroleum gas (LPG)

LPG type room heaters are prohibited.

#### 4.3 Solid fuel

- 43a) A solid fuel appliance used in space heating must be approved by the licensing authority.
- 43b) Annual inspection/cleaning of chimneys/flues must be carried out and a certificate stating that the system is functioning properly provided.
- 43c) A solid fuel appliance must have a permanent supply of air either direct to the open air or to an adjoining space (including a sub-floor space) that is itself permanently ventilated direct to the open air. Air supply provided as follows will satisfy the requirement.
- 43d) Traditional open flued fire: 50% of the cross-sectional area of the throat:  
or
- 43e) Any other solid fuel appliance: a permanent air entry opening or openings with a total free area of 550mm<sup>2</sup> for each kW of combustion appliance rated output over 5 kW.

#### 4.4 Oil fired

- 44a) An oil-fired appliance, other than a room-sealed appliance, must have a permanent supply of air for combustion either direct to the open air or to an adjoining space (including a sub-floor space) which is itself permanently ventilated direct to the open air. Compliance with Section 4 of BS 5410: Part 1:1997 will satisfy this requirement.
- 44b) An oil-fired appliance installed in a confined space must have a permanent supply of air for cooling in addition to air for combustion, either direct to the open air or to an adjoining space (including a sub-floor space). Compliance with Clause 4.4.3 of BS 5410: Part 1: 1997 will satisfy this requirement.
- 44c) With the exception of an external wall, any ducting which penetrates the wall, floor or ceiling of any adjoining space should be suitably protected with materials that will provide a minimum resistance to fire for a period of at least one-half-hour.

#### 4.5 Gas fired

- 45a) A gas-fired appliance must have an adequate supply of air for combustion. Compliance with the following British Standards will satisfy this requirement –
  - i) for a decorative fuel-effect gas appliance, BS 5871:Part 3:1991

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- ii) for an inset live fuel-effect gas appliance, BS 5871:Part 2:1991
  - iii) for any other gas-fired appliance, BS 5440: Part 2:1989.

45b) A gas-fired appliance installed in a confined space must have an adequate supply of air for cooling. Compliance with BS 5440: Part 2:1989 will satisfy this requirement.

45c) Annual certification that installed systems have been examined by a qualified person (CORGI registered), that they are functioning properly and ventilation is adequate must be provided.

#### 4.1 Extract fans

Where an extract fan is fitted in the same room (or in an adjoining room) as an open-flued combustion appliance a spillage test must be carried out to ensure the combustion appliance is operating safely. Testing to the following guidance will satisfy this requirement –

- a) for a solid fuel appliance, BRE Information Paper IP 7/94;  
(Note: An extract fan must not be fitted in the same room as an open-flued solid fuel appliance.)
- b) for an oil-fired appliance, Clause 4.4.7 of BS 5410:Part 1:1997 and OFTEC Technical Information Note TI/112; and
- c) for a gas-fired appliance, Clause 4.3.2.3 of BS 5440: Part 1:1990.

### 5. **Lighting and Ventilation**

#### 5.1 Natural lighting

Every bedroom and living room must have a window or windows of an aggregate glazed area equal to at least 1/15<sup>th</sup> of the floor area of the apartment and situated in an external wall or roof, or in a wall between the room and a conservatory.

#### 5.2 Ventilation

Every bedroom and living room must have a window or windows with an opening area equal to at least 1/30<sup>th</sup> of the floor area of the apartment and situated in an external wall or roof, or in a wall between the room and a conservatory. Kitchens, bathrooms and waterclosets must either have natural ventilation (with a window or windows with an opening area equal to at least 1/30<sup>th</sup> of the floor area) or mechanical ventilation capable of 30 litres/second.

#### 5.3 Artificial lighting

There must be an electric lighting system providing at least one lighting point to every circulation space, bedroom, living room, kitchen, bathroom, watercloset compartment and other space having a floor area of 2 square metres or more. Any lighting point serving a stair within an HMO must have controlling switches at each storey.

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## 6. Fire Safety

In order to ascertain the adequacy of the existing fire precautions within a HMO a risk assessment should be carried out by or on behalf of the prospective licensee to establish both the risk of fire occurring and the risk to people in the event of fire. This would apply to everyone using the HMO and should take adequate account of any disabled people with special needs. The fire precautions required in a HMO include;

- means of detection and giving warning in case of fire
- the provision of means of escape
- the means of fighting fire; and
- the formulation of an emergency plan.

Experience has shown that the following essential elements should form the basic requirements for active and passive fire precautions in house of multiple occupation with, of course, scope for flexibility in achieving the desired fire protection standards being available.

### 6.1 Detection and giving warning in case of fire

All HMOs should be provided with a suitable fire detection and alarm system complying with BS 5839.

### 6.2 Means of escape from HMOs which are flats or maisonettes

- a) An HMO which is a flat or maisonette with a storey height of more than 4.5 m should be planned so that either.
  - i) it is provided with an exit through a door other than its main entrance or
  - ii) all living rooms and bedrooms are entered directly from a circulation space enclosed in fire resisting construction having 30 minutes fire resistance (integrity and insulation) and any door in the enclosures should be a fire door with 30 minutes fire resistance (integrity); and the distance to be travelled from any door of any living room or bedroom to the exit is not more than 9 m or
  - iii) the distance to be travelled from any point within the HMO to the exit is not more than 9 m and the direction of travel is away from cooking facilities or
  - iv) sleeping accommodation, and that part of the circulation area which serves the sleeping accommodation and the exit to the flat, is separated from any living room or kitchen by a construction providing at least 30 minutes fire resistance (integrity and insulation); and
    - A. any door in this construction is a fire door with 30 minutes fire resistance (integrity), and
    - B. if that HMO has a storey at a height of more than 11 m and the distance to be travelled within the flat from any point to the exit is

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more than 15 m, there is an exit through a door other than its main entrance from the living accommodation.

- b) Where an HMO is within a building and only has a single escape route which relies upon a common stair, then there should be a lobby enclosed by walls having 30 minutes fire resistance (integrity and insulation) within the HMO which protects access to that escape route, if:
  - i) there are more than 10 residents, or
  - ii) there are more than 6 residents and any storey in the building is over 7.5m or
  - iii) there are 6 or less residents and:
    - A. any storey in the building is over 11m; or
    - B. there are more than four dwellings or HMOs on any storey.

Doors in the wall should be fire doors and have 30 minutes fire resistance (integrity). A lobby is not required on the top storey of a building. (The lobby may be the same as the circulation space required to be enclosed under paragraph "c ii" below.)

- c) A wall with adequate degree of fire resistance should be provided between the HMO and any other part of the same building. An adequate degree of fire safety is:
  - i) 30 minutes (integrity and insulation) in buildings with no storey over 7.5m above ground; and
  - ii) 60 minutes (integrity and insulation) in buildings with any storey over 7.5m above ground.

Doors in the wall should be fire doors and have an adequate degree of fire safety (integrity only). (If a circulation space enclosed with fire resisting construction is required, and a lobby is provided with the fire safety required under paragraph "a ii" above or a lobby with fire resistance is provided under paragraph "b" above, then the fire doors need not have more than 30 minutes fire resistance (integrity).)

- d) A floor between the HMO and any other part of the same building must have any holes or gaps adequately fire-stopped.
- e) Where the escape route from the front door of the HMO is within the building it must lead by way of circulation space or stairway directly to the outside.
- f) Any part of an escape route from the front door of the HMO which is within the building must be provided with artificial lighting.
- g) If the HMO is a maisonette or flat, which has more than two storeys and one of them is at a height of more than 4.5m additional safety measures must be taken as set out in annex D.

### 6.3 Means of escape from HMOs which are not flats or maisonettes

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In an HMO which is not a flat or maisonette and which has a storey at a height over 4.5m:

- a) every stair must be enclosed in fire resisting construction having 30 minutes fire resistance (integrity and insulation) and any door in the enclosures must be a fire door with 30 minutes fire resistance (integrity), **except -**  
a stair in an HMO with a storey at a height exceeding 4.5m by one storey which does not contain a living room, bedroom, or kitchen; and
- b) every storey at a height of more than 7.5m must be provided with an exit through a door other than its main entrance.

#### 6.4 Means of escape from all HMOs which are in basements

- a) A basement HMO, or an HMO with a basement storey, which contains sleeping accommodation must be provided with an exit through a door other than its main entrance. This alternative exit may provide access to a space below the adjoining ground from which there is access to ground level
- b) A stair within the HMO serving the basement storey must be enclosed in fire resisting construction having 30 minutes fire resistance (integrity and insulation). Such a fire resisting enclosure serving a basement storey must be separate from any fire resisting enclosure protecting a stair servicing the remainder of the HMO. Any door in such fire resisting enclosures must be a fire door with 30 minutes fire resistance (integrity).

#### 6.5 Means of escape from all HMOs – emergency escape windows

A suitably designed and located emergency escape window situated in an external wall or roof must be provided in every bedroom or living room in all storeys at a height of not more than 4.5m above ground level. This can be achieved by a window, or a door (French window) having an unobstructed openable area that is at least 0.33m<sup>2</sup> and at least 450 mm high and 450mm wide (the route through the window may be at an angle rather than straight through). The bottom of the openable area must not be more than 1100mm above the floor. Bars and grilles etc. that cannot be easily and immediately opened without the use of key from the inside should be removed from every window irrespective of height or location.

#### 6.6 Means of escape from all HMOs – external escape

Where the escape from an HMO involves an external stair, balcony or flat roof, it must not be threatened by fire or smoke issuing from any door, window or ventilator in the proximity of the escape route.

#### 6.7 Means of escape from all HMOs – fire doors

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A fire door in an HMO must be self-closing and a smoke control fire door.

#### 6.8 Internal linings

In an HMO all circulation areas and all kitchens must have walls and ceilings which are no worse than Class 1 for the surface spread of flame as set out in BS 476: Part 7:1987.

#### 6.9 Ventilation and heating

If an HMO has a storey at a height of more than 4.5m or has a basement storey and is provided with a system of ducted warm air heating it must be designed to reduce the risk of fire and smoke spread (see annex E). Where a mechanical ventilation system is provided in an HMO with more than six residents the system must be designed to reduce the spread of fire and smoke (see annex F).

#### 6.10 Emergency lighting

In any HMO with more than six people and/or more than one storey, the escape routes within the HMO must be provided with adequate emergency lighting.

#### 6.11 Fire-fighting equipment

Portable fire-fighting equipment complying with BS-EN-3: Part 5 and BS5306: Part 3, and a fire blanket complying with BS6575 must be provided and located as per the recommendations of the Fire Authority.

#### 6.12 Fire safety management

The adoption of proper fire safety management practices is required including the regular maintenance of fire safety equipment and systems and the giving of fire safety instructions to all residents and employees. Information on this and other related fire safety matters can be obtained from guidance contained in:

**Fire Safety – an employers guide (ISBN 0-11-341229-0)**

### **7. Electrical Safety**

7.1 The installed electrical system and all electrical appliances must be examined annually by a competent person (or at an interval deemed appropriate by a competent person having regard to its age, type and condition). Certification must be provided by the competent person and retained by the licence holder for inspection by the Council. For the purposes of this paragraph, a competent person is a person who is certified by an appropriate recognised body, e.g. NICEIC (National Inspection Council for Electrical Installation Contracting) or ECAS (Electrical Contractors Association of Scotland).

7.2 There must be a minimum of –

- 
- in each kitchen, 6 socket outlets;
  - in each bedroom and living room, 4 socket outlets; and anywhere in the building, 4 additional socket outlets.

## **8. General Standards**

### **8.1 Health and safety act and fire precautions (workplace) regulations 1997 as amended**

These apply where persons are employed in the premises.

### **8.2 Food safety act**

This applies where food is supplied as part of the occupancy agreement e.g. part board.

### **8.3 Telephone**

A fixed phone suitably located must be provided for use of occupants for emergency purposes.

### **8.4 Handrails**

Every stair for a change in level of more than 600mm must have a handrail on at least one side, fixed at a height of at least 840 mm and not more than 1 metre above the pitch line of a flight or surface of a landing.

### **8.5 Clothes drying**

Suitable arrangements internally or externally must be provided for drying of clothes, bedding, etc.

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## Annex A: Space Standards

### 1: Bedrooms where common living room available

Single room (1 adult)	6.5 square metres
Double room (2 adults)	10.5 square metres
Triple room (3 adults)	16.5 square metres
Over 3 adults	16.5 square metres + 4.5 square metres per person over 3
Family room (2 adults + children under 10)	10.5 square metres + 4.5 square metres per child

### 2: Bedrooms where no communal living area available

1 adult	10 square metres
2 adults	15 square metres
3 adults	19.5 square metres
Over 3 adults	19.5 square metres + 6 square metres per person over 3
Family Room (2 adults + children under 10)	15 square metres + 7 square metres per child

### 3: Bedroom with cooker

1 adult	13 square metres
2 adults	19 square metres

(In normal circumstances children would not be accommodated in bedrooms with cookers.  
If, exceptionally, they are, appropriate measures must be taken to ensure their safety)

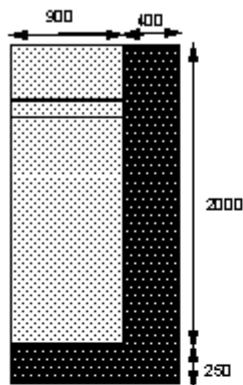
### 4: Communal living room

3 – 6 persons	11 square metres
7- 10 persons	16.5 square metres
11 – 15 persons	19.5 square metres

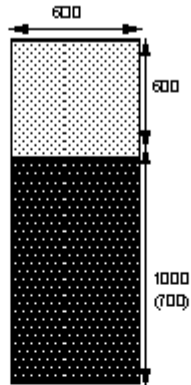
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## Annex B Activity Spaces

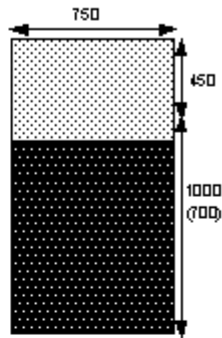
Bedspace



Wardrobe space



Chest of Drawers space



### KEY



Activity Space

← → Dimension in millimetres

( ) Reduced dimension which is measured to a bed

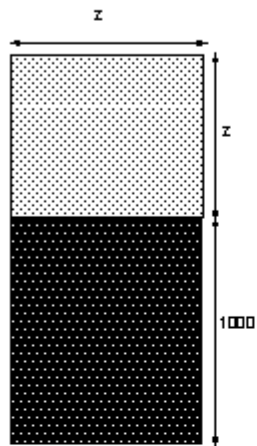
#### Notes

1. An activity space is measured at floor level.
2. The shaded area of an activity space may overlap only the shaded area of another activity space.

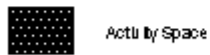
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## Annex C Activity Space for Cookers

### Cooker Space



### KEY



←→ Dimension in millimetres

z Not less than the dimensions of the appliance.

#### Note:

1. An activity space is measured at floor level.

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## **Annex D: Additional means of escape required from maisonettes with two or more storeys, of which one is at a height of more than 4.5m**

Additional precautions to be taken in HMOs which are maisonettes and have two or more storeys, of which one is at a height of more than 4.5m, are given below.

1. If there is accommodation on more than one level it must be planned so that –
  - i) all living rooms or bedrooms are entered directly from a circulation space enclosed in fire resisting construction having 30 minutes fire resistance (integrity and insulation) and any door in the enclosures must be a fire door with 30 minutes fire resistance (integrity); and
  - ii) where any storey is at a height of more than 11m there is –
    - A. an exit through a door other than its main entrance from each storey other than the entrance storey, or
    - B. an exit through a door other than its main entrance from each bedroom.
2. If there is accommodation on only one level, but the HMO is entered from a storey below the level of the accommodation it must be planned so that –
  - i) an exit through a door other than its main entrance is provided; or
  - ii) all living rooms or bedrooms are entered directly from a circulation space enclosed in fire resisting construction having 30 minutes fire resistance (integrity and insulation) and any door in the enclosures must be a fire door with 30 minutes fire resistance (integrity) and the distance to be travelled from any door of a living room or bedroom to the head of the internal stair is not more than 9m; or
  - iii) the distance to be travelled from any point within the HMO to the head of the internal stair is not more than 9m, and the direction of travel is away from cooking facilities.
3. If there is accommodation on only one level, but the HMO is entered from a storey above the level of the accommodation it must be planned so that an exit through a door other than its main entrance is provided from the lower storey.

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## **Annex E: Ducted warm air heating systems**

A system of ducted warm air heating designed to reduce the risk of fire and smoke spread is one where:

1. transfer grilles are not fitted between any room and the entrance hall or stair;
2. supply and return grilles are not more than 450mm above floor level;
3. if warm air is ducted to an entrance hall or stair, the return air is ducted back to the heater;
4. if a duct passes through any wall, floor, or ceiling of an entrance hall or stair, all joints between the duct and the surrounding construction are sealed;
5. there is a room thermostat in the living room, at a height between 1370mm and 1830mm, with a maximum setting of 35 °C, which turns off the heater and any circulation fan if the ambient temperature exceeds that setting; and
6. if the system recirculates air, smoke detectors are provided in every extract duct to cause the recirculation of air to stop and direct all extract air to the outside of the building in the event of fire.

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## **Annex F: Mechanical ventilation systems**

A system of mechanical ventilation designed to reduce the spread of fire and smoke is one where:

1. the system is of a suitable design and construction; and
2. it ensures, so far as is practicable, that air movement is directed away from escape routes; and
3. duct within the system are of a suitable design and construction; and
4. where a ventilating duct servicing sleeping accommodation penetrates walls between sleeping accommodation, either above or below the ceiling, the duct is adequately protected to ensure that it cannot permit the spread of fire. Any automatic damper or shutter or other sealing device in the duct is activated by smoke in the Schedule annexed to the foregoing Licence.