SCHEDULE 9

Physical Standards for Houses in Multiple Occupation

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Living accommodation is an HMO within the meaning of the Housing (Scotland) Act 2006 if it is: -

- Occupied by three or more persons from three or more families and
- Occupied by them as their only or main residence or in some other manner specified by the Scottish Ministers by order, and
- Either a house, premises or group of premises owned by the same person with shared basic amenities or some other type of accommodation specified by the Scottish Ministers by order.

The 2006 Act requires that Local Authorities are satisfied that the accommodation is suitable for occupation as an HMO (or can be made suitable by the inclusion of licence conditions). The various factors that the Local Authority must consider when coming to a decision on suitability of accommodation are: -

- The location of the accommodation.
- The condition of the accommodation. In general terms this is likely to cover the physical condition of the premises, but authorities should take into account any material they consider relevant to their assessment.
- Any amenities the accommodation contains.
- The type and number of persons likely to occupy the accommodation.
- Whether any rooms have been subdivided.
- Whether any rooms have been adapted, resulting in an alteration to the situation of the water and drainage pipes within the accommodation.
- The safety and security of persons likely to occupy the accommodation- in considering whether living accommodation is safe and secure the local authority should have regard to any material it thinks fit.
- The possibility of undue public nuisance.

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1.0 SPACE STANDARDS

1.1 The space standard and occupancy of each room within the premises shall be based on the use made of the room.

1.2 The minimum width of a bedroom should be 2.25m. (see also standards 1.3 and 1.9)

1.3 Any part of a room where the ceiling height is less than 1.5m e.g. attic bedrooms with sloping or arched ceilings, shall not be used in the calculation of the total floor area of the room.

1.4 A bedroom where there is a common living room and kitchen available, the common living room and kitchen must comply fully with HMO standards. The following dimensions are minimum standards: -

Single Room (1 adult)	6.5m^2
Double Room (2 adults)	10.5m^2
Triple Room (3 adults)	16.5m^2
Over three adults	16.5m^2 plus 4.5m^2 per person over 3
Family Room (2 adults + children under 10)	10.5m^2 plus 4.5m^2 per child

1.5 A bedroom where there is no common living room available, a common kitchen is available which complies fully with the HMO standards. The following dimensions are minimum standards: -

1 adult	10m^2
2 adults	15m^2
3 adults	19.5m^2
Over 3 adults	19.5m^2 plus 6m^2 per person over 3
Family Room (2 adults + children under 10)	15m^2 plus 7m^2 per child.

1.6 A bedroom which is also provided with a cooker, (A bedroom with cooking facilities is not suitable accommodation for children). The following dimensions are minimum standards. (see also standards 2.9 and 2.10) : -

1 adult	13m^2
2 adults	19m^2

1.7 A communal living room, excluding any area used as a kitchen: the following dimensions are minimum standards: -

3 – 5 persons	11m^2
6 – 10 persons	16.5m^2

1.8 Where meals are not provided for occupants an adequate kitchen area shall be provided for the facilities required by these standards for the preparation, storage and cooking of food.

1.9 The HMO should not be overcrowded. Sleeping accommodation will usually be in the form of single or double bedrooms although other arrangements could be accepted. All bedrooms shall be capable of accommodating at least a bed, chest of drawers and wardrobe (except where a built in wardrobe of equal size is provided) together with the associated activity space detailed in Annexe A. (See also standards 1.2 to 1.6).

1.10 All cookers shall be provided with the associated activity space detailed in Annexe A.

2.0 KITCHEN FACILITIES

2.1 Standards 2.2. to 2.10 will apply to all HMO's which do not provide all meals to occupants.

2.2 One cooker shall be provided in a communal kitchen for a maximum of 5 occupants, two cookers for 6-10 occupants and three for 11-15 occupants etc. Each cooker shall have 4 hot plates, oven and grill. It is possible however to separate the oven/grill and hob parts to an equivalent standard or better and locate them in different parts of the kitchen. Microwave ovens can be provided as additional facilities in HMO kitchens subject to there being sufficient space for their safe location and use etc. but not in place of a cooker as described above. Where any bedroom is provided with a cooker for the sole use of the occupants of that room, these persons will be discounted in determining how many cookers require to be provided in a communal kitchen. All cookers shall be provided with the associated activity space detailed in Annexe A and as applicable and also meet the requirements for CO detection as detailed in standard 4.5. Cookers to be appropriately secured.

2.3 One sink with integral drainer shall be provided for a maximum of 5 occupants, two for 6-10 occupants and three for 11-15 occupants etc. Every sink shall be provided with an adequate piped supply of hot and cold water. A full-size automatic dishwasher (minimum 600mm width and 12 place settings or more) may be an acceptable alternative to a sink and drainer where a sink with integral drainer is already provided and occupant numbers require a second sink with integral drainer to be provided.

2.4 The cold-water supply to every sink shall be a wholesome water supply, preferably direct from the incoming main and suitable for drinking and other domestic purposes. Landlords should include in their assessment of the wholesomeness of the supply whether any of the potential drinking water points (including WHB's) are supplied through lead pipes and/or a storage tank or through pipes with lead solder. If this is the case, then the water requires to be tested and appropriate certification from a suitably accredited laboratory confirming the chemical quality of the water provided. If the property is supplied from a private water supply, then test certification from an appropriately accredited laboratory will be required to confirm the bacterial/chemical quality of the water. (see also standard 3.6)

2.5 Adequate food storage for the number of occupants shall be provided. The food storage will include separate individual storage for each occupant. The individual storage shall be lockable where requested by occupants.

2.6 Adequate storage shall be provided for cutlery and other cooking utensils.

2.7 An impervious work surface of 2m for up to three occupants shall be provided for use in the preparation of food and for any occupants above that number an additional 600mm shall be provided per person. Where the depth of the work surface is less than a standard 600mm, it is for the Local Authority to assess whether the provision of work surface is adequate in the particular circumstances. Note a sink drainer may not be used to make up any of the worktop space requirement.

2.8 1 refrigerator and 1 freezer of an adequate capacity for a maximum of 5 occupants shall be provided; two for 6-10 occupants and three for 11-15 etc. The freezer(s) does not require to be sited within the kitchen. In specifying such appliances for their HMO's, Landlords must keep in mind that individual tenants are entitled to reasonable refrigerator/freezer capacity space each in which to store their individual perishable groceries.

2.9 Cookers shall be provided with the associated activity space shown in Annexe A and 300mm worktop width available on both sides. (the 300mm worktop provision on either side of the cooker may be included in the total minimum worktop provision detailed at standard 2.7)

2.10 Where cooking is carried out in a bedroom, a cooker, sink with integral drainer and adequate worktop (a minimum of 900mm clear length with a minimum of 300mm each side of the cooker) must also be provided. Note a sink drainer may not be used to make up any of the work top space requirement. Microwaves or other similar portable kitchen appliances shall not be provided in bedrooms except as an additional facility provided as part of a proper kitchen arrangement as described above and subject to there being sufficient space for their safe location and use.

2.11 Where all meals are provided to occupants a suitable facility shall be available for making light snacks and hot drinks. This will include access to a wholesome, piped supply of drinking water. Such a facility **shall not** be located in an escape route in the property.

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3.0 SANITARY FACILITIES

3.1 All sanitary facilities (e.g. WCs, WHBs, baths and showers), shall be provided within the HMO. In calculating the number of facilities required all occupants living in the premises, including residents, staff and owners, shall be taken into account.

3.2 There shall be one water-closet for a maximum of 5 occupants living in the premises; two for 6-10 occupants and three for 11-15 occupants etc.

3.3 Every water-closet compartment shall have a wash hand basin within the water-closet compartment itself, or within the immediate adjacent space providing the only means of access to the water-closet compartment.

3.4 A close fitting door shall separate the water-closet pan and wash hand basin from any room or space used wholly or partly for the preparation or consumption of food. Where this is the case the water-closet compartment must be suitably ventilated by mechanical ventilation e.g. by a separate extract fan serving the water-closet compartment and ducted to the outside air.

3.5 There shall be one bath or shower for a maximum of 5 occupants living in the premises; two for 6-10 occupants and three for 11-15 occupants etc.

3.6 Every wash hand basin, bath and shower shall be provided with an adequate piped supply of hot and cold water. The cold water serving every WHB shall be of a wholesome drinking water standard. (See also standard 3.11 legionella assessment)

3.7 No communal water-closet, bath or shower shall be located more than one floor distant from the bedroom of the occupants who are to make use of the facility.

3.8 Every bedroom shall be located so that it is not necessary to pass through another bedroom in order to reach any sanitary facility or circulation space.

3.9 A suitable locking mechanism compatible with bath/shower rooms and water-closet use should be fitted to access doors to all sanitary and bathing facilities to ensure privacy.

3.10 All sanitary and wash up facilities shall be connected to a safe and hygienic drainage system that complies with the relevant British and European Standards. The system shall be maintained in a good state of repair.

3.11 Landlords must consider, assess, control and review occupants' risk of exposure to legionella within the property. Tenants must be advised of any control measures put in place that should be maintained.

4.0 SPACE HEATING

4.1 All areas of the property shall have a fixed controllable space heating appliance or a central heating system (which may include a system of warm air or under floor heating). The heating should be capable of maintaining a temperature of 18° Centigrade when the outside temperature is minus 1° Centigrade except for small storage rooms up to 4m² where this requirement does not apply and living rooms where the fixed controllable space heating appliance or central heating system shall be capable of maintaining a temperature of 21° Centigrade when the outside temperature is minus 1° centigrade. A higher temperature may be specified where the HMO is intended to be occupied by people who have a requirement for additional heating.

4.2 In a smaller dwelling the boiler and any central heating system must be capable of being controlled from a communal area. Alternatively, in larger establishments such as university halls of residences a centrally controlled system may be more appropriate.

4.3 In addition to any boiler safety/maintenance certification there shall also be certification to evidence that the wider central heating system including radiators, pipework, thermostats or other controls are being maintained and operating as designed. A copy of the certification shall be held on the premises and be available to occupants.

4.4 Liquefied petroleum gas (LPG) portable type room heaters are **prohibited**.

4.5 Hard wired (mains powered with battery backup) carbon monoxide (CO) detectors which meet the requirements of BS EN 50291:2010 must be installed in accordance with manufacturer's instructions and BS EN 50292:2013 and fitted in the correct location(s) for detecting CO, in the same room as any gas fired appliance, or appliance emitting carbon monoxide (e.g. a wood burning stove or an open fire) or where a flue passes through a bedroom or principal habitable room. In addition, as research has indicated that the sensors within alarms which detect CO have a lifetime of between 5-7 years then the CO alarm must not pass beyond its working life span. Replacement of the sensors and also the CO devices themselves must be carried out in accordance with manufacturers expiry dates displayed on the units. Such alarms should incorporate a warning device/notice to alert users when the working life is due to pass. The most modern CO detectors now have longer working lives of 10 years and again the manufacturer's expiry dates are displayed on the units. The CO alarms shall be checked annually by a suitably qualified competent person. The HMO owner shall also instruct a competent person to include a check of the CO detector(s) within the Electrical Installation Condition Report and annual safety checks as per Section 7.9. This item also refers to standard 2.2 Kitchen facilities where a gas fired cooker or hob is present.

4.6 An annual inspection/cleaning of chimneys/flues shall be carried out by a competent person (see contacts and links in Annexe B) and a certificate stating that the system is functioning properly and is being maintained obtained. Where open fires are certified for use, a suitable fire guard shall be provided. Where there is no certification provided, the fire opening should be suitably sealed to prohibit use and also provided with suitable ventilation to prevent dampness.

4.7 Any works to the gas installations must be carried out in accordance with the Gas Safety Installation and Use) Regulations 1988.

4.8 Annual certification that installed gas fired systems have been examined by a suitably qualified person (Gas Safe Registered), that they are functioning properly, and ventilation is adequate shall be provided and as required by the Gas Safety (Installation and Use) Regulations 1998. The licensee is required to retain the current gas safety certificate and those of the previous two years.

4.9 All pipework, appliances and flues must be maintained by a suitably qualified person (Gas Safe Registered) and suitable certification provided.

4.10 Certification shall be provided that new solid fuel appliances and oil fired appliances have been installed properly. Annual certification that installed solid fuel appliances and oil-fired appliances have been examined by a qualified and competent person, that they are functioning properly, and ventilation is adequate in terms of current British standards and Technical Guidance, shall be provided and displayed in the property. The licensee is required to retain the current certificate and those of the previous two years. (see contacts and links in Annexe B)

4.11 Maintenance/servicing of solid fuel appliances and oil-fired appliances must be carried out by a qualified and competent person and suitably evidenced. See also standard 4.3 relating to the maintenance of the wider central heating system.

4.12 The standards relating to electrical safety shall apply to any electrical heating system.

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5 LIGHTING AND VENTILATION

5.1 Every bedroom and living room shall have a window or windows with: -

- An aggregate glazed area equal to at least one fifteenth of the floor area of the room
- An opening area equal to at least one thirtieth of the floor area of the room. Some part of the opening area of the window(s) must be at least 1.75m above floor level.
- In commercial HMO's it may be possible to provide suitable ventilation using appropriately designed and specified mechanical ventilation systems.

5.2 Each window shall be situated in an external wall or roof, or in a wall between the room and a conservatory.

5.3 When a window is in a wall between an apartment and a conservatory the glazed and opening areas of the windows in the conservatory shall be of a size to meet the one fifteenth and one thirtieth requirement respectively for the total combined floor area of apartment and conservatory. Some part of the opening area of the window(s) should be at least 1.75m above floor level.

5.4 Windows in an HMO which are required to meet ventilation/cleaning requirements are required to be maintained to operate as designed at all times. All other windows shall be subject to a routine planned maintenance regime to ensure that condition and performance requirements are met. See also standard 12.3.

5.5 Kitchens shall have mechanical ventilation of 30 litres per second where provided above a hob or 60 litres per second where mechanical ventilation is provided in an external wall. Bathrooms and shower rooms require mechanical ventilation of at least 15 litres per second.
Water-closets require either mechanical ventilation at 15 litres per second or an opening window as per standard 5.1. All mechanical ventilation requires to be maintained including cleaned to operate as designed.

5.6 All glazing to windows in a compartment containing a water-closet, bath, shower or wash hand basin shall be obscure.

5.7 There shall be an electrical lighting system providing at least one **fixed** lighting point to every bedroom, living room, kitchen, water-closet compartment, bathroom, shower room, circulation space, internal stairway and other space having a floor area of 2m^2 or more.

5.8 Any lighting point serving a stair within an HMO shall have controlling switches at each storey or a suitable alternative such as energy efficient PIR (passive infrared sensors) or central control via a timer clock set to operate during the hours of darkness.

5.9 Any ceiling strip light unit within an HMO must be fitted with a proper diffuser/cover.

5.10 In order to prevent the risk of electric shock and also damage to the electrical installation due to condensation, all electrical fittings, appliances, switches etc. within bathrooms and shower rooms must be installed by a competent electrical engineer in accordance with manufacturer's instructions and British Standard 7671 (IET Wiring Regulations 18th Edition)- Requirements for Electrical Installations) Existing installations may have been designed and installed to conform to previous editions of BS 7671 applicable at the time of the design and erection. This does not necessarily mean that they are unsafe. In the event that concerns are noted on inspection the HMO owner may be required to provide validation from their competent person.

5.11 Where a small store room or cupboard contains white goods such as a condenser dryer, freezer or boiler, suitable ventilation shall be provided in accordance with the manufacturers' requirements to ensure the safe operation of the appliance and must not compromise any fire door provision or fire separation from escape routes. Storage rooms/cupboards with a floor area more than $4m^2$ require to be ventilated as per standard 5.1 or 5.5 depending on the use of the room.

6.0 FIRE SAFETY

HMO premises come under the scope of The Fire (Scotland) Act 2005 as amended, and The Fire Safety (Scotland) Regulations 2006 and therefore certain fire safety measures have to be put in place in order to ensure the safety of both the occupants and any people in the immediate vicinity of the premises such as neighbours.

The legislation places the onus for compliance firmly on the persons defined as having fire safety duties and responsibilities and this is usually the owner and managing agent if appointed. The responsible persons are known as the duty holders.

Fire Safety legislation is enforced by Scottish Fire and Rescue Service and an enforcement officer may carry out an audit of the premises to ensure compliance. The Licensing Authority will take Scottish Fire and Rescue Service representations or objections into account when reaching their decision on granting a licence.

As a duty holder you are required to ensure the safety of all relevant persons either within or in the immediate vicinity of the premises. This legal duty can be broken down into seven general requirements:

- Carry out a fire safety risk assessment of the premises
- Identify the fire safety measures necessary and assess if these are adequate for the risk
- Implement the fire safety measures
- Make arrangements for ongoing control and review of the fire safety measures, especially if risk is likely to change
- Comply with any additional requirements of the fire safety regulations above
- Keep the fire safety risk assessment under review
- Keep records of the assessment, any maintenance and testing, training etc.

The principal requirement to comply with the legislation is to carry out the fire safety risk assessment, (completed by competent person(s)), as the other requirements depend on this. The fire safety risk assessment is the duty holder's methodical look at the premises, the activities within the premises, the potential for fire to occur and the harm it could cause to people on or around premises.

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It is usually easier to break it down into five steps: -

- Identify the people at risk from fire in your premises (tenants, neighbours etc.) and anyone at higher risk e.g. disabled persons, young persons)
- Identify fire hazards (sources of ignition, fuels, additional oxygen, dangerous/overloaded wiring circuits)
- Evaluate the risk from a fire (likelihood of occurrence, consequences) and decide if existing fire safety measures are adequate for the risk or additional actions need to be taken
- Record the significant findings and any action taken or to be taken
- Review the fire safety risk assessment at regular intervals (e.g. start of a new academic year or if occupants change)

As you will have an HMO Licence or will have applied for one, you are legally bound to record the fire safety risk assessment significant findings, such as the risks found, the fire safety measures taken and any person or groups of persons especially at risk. This should be in a format that can be read by the enforcement officer at the time of the audit. You should consider keeping test and maintenance records with your fire safety risk assessment as these will be audited at the same time.

Various guidance documents have been produced by the Scottish Executive and are published on www.firescotland.org . The main sector specific guidance document for HMO's: -

- Practical Fire Safety Guidance for Existing Premises with Sleeping Accommodation 2018

  https://www.gov.scot/publications/practical-fire-safety-guidance-existing-premises-sleeping-accommodation/

Additional guidance for example for new builds, conversions, alterations or extensions can be found in the Building Standards technical handbooks.

- Building Standards technical handbook 2017: non- domestic buildings
  https://www.gov.scot/publications/building-standards-2017-non-domestic/

- Building Standards technical handbook 2017: domestic buildings
  https://www.gov.scot/publications/building-standards-2017-domestic/

Enquiries about compliance and technical advice can be e-mailed to: -
E.FIFEFSE@firescotland.gov.uk

Please note that Scottish Fire and Rescue Service has a legal duty to give advice on request, but this advice can only be on technical matters related to compliance with the Fire legislation. Scottish Fire and Rescue Service will not carry out the fire safety risk assessment for you.

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7.0 ELECTRICAL

7.1 The minimum numbers of **accessible** electrical socket outlets provided in a house of multiple occupation shall be as follows:

- 6 in each bedroom
- 6 in each living room
- 6 in each kitchen
- 4 additional sockets anywhere in the building, including at least one in each circulation area on a level or storey.

Where socket outlets are ordinarily inaccessible, for example those installed behind kitchen appliances such as a dishwasher or washing machine, they should preferably be supplied through an accessible switch or switched fused connection unit that allows the supply to the appliance to be switched off and isolated without removing the appliance.

7.2 Fife Council encourages HMO owners proactively and progressively to improve standards within their HMO properties. For example, it is Fife Council's preference that all socket outlets and circuits with luminaires (lights) in HMO accommodation are protected by Residual Current Devices (RCDs) having a rated residual operating current not exceeding 30 mA.

7.3 All work on the electrical installation shall be carried out by a competent person such as an SJIB graded electrician with an up to date Electrotechnical Certification Scheme grade card. Alterations shall meet the standards in BS 7671: 2018 *Requirements for electrical installations* (also known as the *IET Wiring Regulations 18th edition*) and shall be recorded on an Electrical Installation Certificate or a Minor Electrical Installation Works Certificate as appropriate to the nature of the work. HMO owners must retain such certificates for inspection by Fife Council.

7.4 HMO owners must ensure that the electrical installation is maintained in a satisfactory condition such that it can continue to be used safely. This is to be achieved through periodic inspection and testing of the installation carried out once every 3 years.

7.5 Periodic inspections and tests must be carried out by a competent person such as an electrician; competence can be demonstrated by holding an appropriate qualification in inspection and testing (e.g. City & Guilds 2394/5 or equivalent). Fife Council prefers that such work is carried out by members of trade bodies such as the NICEIC, SELECT, or the ECA. The results of the periodic inspection and test shall be recorded in an Electrical Installation Condition Report (EICR) in accordance with BS 7671: 2018 and as explained in IET Guidance Note 3 *Inspection and Testing*. Additional guidance is published by Electrical Safety First in its Best Practice Guide 4 (Issue 4).

7.6 Periodic inspections and tests must meet the following minimum requirements:

- Thorough visual inspection of the complete electrical installation which is not concealed.
- At least a 20% representative sample inspection of the internal condition of all fixtures, fittings, and accessories.
- Complete testing of all circuits, including functional tests of switchgear, isolators, and circuit breakers.
- A fully completed EICR submitted to Fife Council.

7.7 Any observations in the EICR must be attended to/actioned in accordance with the classification codes they have been assigned by the competent person. Each code has a particular meaning. **Code C1** 'Danger present'. Risk of injury. Immediate remedial action required. **Code C2** 'Potentially Dangerous'. Urgent remedial action required. **Code C3** 'Improvement recommended' and **Code F1** 'Further investigation required without delay'.

The HMO owner in liaison with their competent person must provide Fife Council with written confirmation that these matters have been appropriately remediated as required, detailing the work/actions (including any outcomes) carried out to satisfy the Classification Codes.

The HMO owner/competent person must confirm in writing that they are satisfied that there are no other electrical safety issues arising from any observations attributed a Classification Code C3 (improvement recommended).

Again, Fife Council encourages HMO owners proactively and progressively to improve standards within their HMO properties. In regard to any code C3 observations (improvement recommended) specified in an Electrical Installation Condition Report, Electrical Safety First Best Practice Guide 4 (Issue 4) Electrical Installation Condition Reporting, advises that this code should be used by the competent person to indicate that "whilst an observed deficiency is not considered to be a source of immediate or potential danger**, improvement would contribute to a significant enhancement of the safety of the electrical installation".**

7.8 Electrical installations should not be left without attention for the period of years between formal periodic inspections and tests. For this reason, the HMO owner must carry out, or arrange to have carried out, visual checks of the installation regularly (minimum annually) and at change of occupancy or use. The purpose is to detect and rectify any damage, deterioration, wear and tear, signs of overheating, loose fixings, or missing parts that may lead to danger. Such checks, which do not involve dismantling equipment, should also include checking the operation of switchgear, including RCDs and RCBOs using the integral test buttons. The checks need not be carried out by an electrically skilled person but should be done by a person who has been informed on what to look for and instructed on how to do it safely.

The HMO owner must record the date of the annual check; the name of the person conducting the visual check; together with observations and recommendations for remedial action. The remedial works identified as being required should be carried out on a priority risk-based approach such as **immediately** (a hazardous feature requiring immediate repair); **urgent**- a defect with the potential to cause injury that should be repaired within 24 hours and **routine**- a defect that does not present a risk of injury but which should be repaired as soon as practicable. The date(s) remedial action was taken should also be recorded. Any unsafe features identified should be reported without delay to the responsible person to allow remedial works to be arranged. The documentation relating to the Annual Visual checks should be available to Fife council officers on request and stored in the Tenancy Management Folder on the premises. (See Annexe C for an example of a checklist).

7.9 In addition to the Electrical Installation Condition Report, annual certification is required for the CO alarms, fire detection and emergency lighting systems. This should clearly detail the test methodology and expiry dates for detector heads of all units, as well as the battery draw down test for the emergency light units. All these should be carried out by a competent contractor (as defined in 7.3 & 7.5 above) and copies of certificates kept in the tenancy management folder at the property.

7.10 A current Portable Appliance Test (PAT) certificate is also required for all plug in appliances supplied by the landlord. The person inspecting, and testing appliances must be competent and must have attended a recognised training course on the in-service inspection and testing of electrical equipment, preferably to Level 3 City and Guilds 2377 or equivalent. The certificate must confirm that each appliance has been inspected and, in the case of Class I[1] appliances, must show the individual test result reading(s) obtained at the time of test. It should also show whether the item passed or failed and confirm that any failed items have either been repaired or replaced. The certificate must be renewed at least annually or earlier as directed by the person carrying out the work.

7.11 The HMO owner must advise tenants who bring appliances into the HMO of the advisability of having them examined by a competent person. Whilst HMO owners do not have a duty to inspect and test appliances belonging to the tenant, Fife Council may, where it considers it appropriate, wish to be satisfied that HMO owners offer to, or seek permission to, inspect and test their tenants' appliances at the same time as carrying out their own annual portable appliance test

[1] Class I equipment relies upon a protective conductor (earth wire) for fault protection. For this reason, it is necessary to confirm the continued effectiveness of the protective conductor by testing.

7.12 In certain types of accommodation, such as hostels and similar establishments, the use of any electrical equipment not provided by the HMO owner should be prohibited unless visually inspected (Class II[2] double insulated appliances) or inspected and tested (Class I appliances). Otherwise, tenants' appliances should be in good repair, and be both suitable and used for their intended purpose. The owner shall display information in the accommodation which highlights issues of electrical safety to tenants. This should include guidance on maintenance of appliances and their safe use.

8.0 NOISE REDUCTION

8.1 Noise is a source of complaints about HMOs from neighbours and some physical aspects of the property can add to the problems. It is the responsibility of landlords to take appropriate measures to minimise noise nuisance in respect to certain physical aspects of the HMO and also in relation to the choice of certain fittings within the HMO. For example, ensuring the proper specification, installation, maintenance and adjustment of items such as door closers and extract fans. In flatted properties with downstairs neighbours the following must also be considered: - the need for the checking of the existence of adequate 'deafening 'under floors; the provision of fitted carpets with a good quality underlay over stairs, exposed wooden floor boards, laminate, hard wood flooring or tiled floors in hallways and living rooms and also the provision of good quality cushioned flooring e.g. vinyl to kitchen or bathroom areas (to reduce noise transmission from footfall or from movement of furniture/chairs etc.) Further guidance on available measures to address noise nuisance is available via the following link: -

https://www.gov.scot/publications/building-standards-2017-non-domestic/

[2] Class II equipment does not rely upon a protective conductor for fault protection so no electrical testing is necessary unless the tester decides that an insulation resistance test is appropriate in the circumstances because, for example, there is significant damage or wear and tear.

9.0 SECURITY

9.1 The accommodation must have secure locks on all access doors and ground floor or accessible windows/roof lights to protect against unauthorised access to the premises from the outside (having regard to current Scottish Fire and Rescue Service Standards). Windows or doors ventilating ground floor bedrooms or bedrooms served by other accessible windows/doors shall be capable of being secure whilst also providing suitable ventilation. HMO owners should consult and take advice from their insurance company in respect to the security provision they require to resist unauthorised access. Local Crime Prevention Officers can also provide advice. (See also Annexe B)

9.2 Where Fife Council considers that additional safety or security features are required in light of the type of person likely to occupy the accommodation (e.g. at a women's refuge) or at the request of tenants- where additional secure entry arrangements may be required and/or locks provided on bedroom doors etc., these shall be installed prior to the authority granting the licence or within 30 days of the request being made by a tenant.

9.3 All door locks **must** be capable of being opened from the inside without recourse to a key so that residents can escape in case of fire (having regard to current Scottish Fire and Rescue Service requirements).

10.0 GLAZING AND PROTECTIVE BARRIERS/SCREENS

Fife Council uses the current national building standards as the minimum safety benchmark when considering glazing and protective barriers provision within HMO premises. The following requirements are applicable to both premises when they are being licensed for the first time and to any necessary upgrading of existing provision to meet Fife Councils current HMO safety requirements.

To address the differing requirements in the following standards and to identify solutions that may be available it is recommended that advice is taken from a competent contractor or surveyor.

10.1 Windows with a window opening height of less than 800mm above floor level (for ground and first floor) or less than 1100mm (for second floor and above) must be suitably guarded to reduce the risk of persons falling through the window opening. This applies when the difference in level between internal floor level and the adjacent external ground level is more than 600mm.

Any protective barrier protecting such low openings, must not be climbable, nor permit the passage of a 100mm sphere (or 75mm sphere if also protecting non-safety glass) and be secure and capable of resisting loads calculated in accordance with BS EN 1991-1-1 and the associated PD 6688-1-1. Any wall, partition or fixed glazing provided instead of such a barrier must also meet these requirements. The suitability of all parts of any such provision (construction materials and fixings etc.) will require to be evidenced by a competent person.

Protective barriers must not prevent windows operating as intended for ventilation (see standard 5) or for emergency escape purposes (if serving an inner room by agreement with Scottish Fire and Rescue Service) and allow for the safe cleaning of internal and external glazed areas where applicable.

N.B. any obstructions in front of a low window opening such as a step, low sill or window seating will effectively raise the floor level relative to the window opening and must be considered.

Please note protective barriers may need to meet other standards including falling within building warrant and also planning permission requirements (e.g. aesthetically a clear product such as an appropriately specified structural glass product is the least visually obtrusive protective barrier solution).

Barrier heights for window openings:

- Between 800mm and 1100mm ground and first floor.
- 1100mm minimum for second floor and above (a lower barrier height may be agreed subject to standard 10.2).

When upgrading existing barriers, if material (e.g. suitably specified sheeting material/metal mesh) is added to barriers/railings to prevent climbing or the passage of a 100mm sphere (or 75mm sphere to protect non-safety glass), the material should be provided to the room/landing/stair side of the barrier. Within buildings there may be restrictions on the combustibility of the materials used to upgrade existing barriers and the Scottish Fire & Rescue Service should be consulted as to the suitability of the proposed materials.

10.2 Glazing should be designed so that it can be cleaned safely in accordance with clause 8 BS 8213 Part 1 2004. If this is not the case, then suitable evidence requires to be provided from the HMO owner that the outside face of the glazing will not be cleaned from within the building but from the outside of the building by a commercial cleaning contractor.

10.3 Safety glass is required for any glazing within 800mm of floor level including windows and screens (including shower screens) etc. (Zone 2 & 3 in Diagram 1 of Annexe D). Any part of a glazed door or glazing within 300mm of a door up to 1.5m above floor level also requires safety glass (Zone 1 in Diagram in Annexe D). The glazing must meet the requirements of BS 6262: Part 4: 2005 and be marked to show this or alternatively protected with a suitable protective barrier as per standard 10.1 to reduce the risk of injury from accidental human impact. For existing glass, the use of products/materials such as safety films may be appropriate for use in certain circumstances to achieve an equivalent standard to BS 6206 but these must be supported by manufacturers specifications, test and guidance as to the standard met, how they should be used and the lifespan of the material. Advice must be sought from a competent contractor/glazier in this regard and details of products/material used forwarded to Fife Council.

Where the smaller dimension of the pane is 250mm or less and its area is 0.5m^2 or less, glass not classified in accordance with BS EN 12600 may be used provided that its nominal thickness in accordance with BS 952-1 is not less than 6mm. Again, advice should be sought from a competent contractor/surveyor in this regard.

10.4 In the interests of safety, protective barriers should be provided where there is a sudden change in level and the possibility of severe injury from a fall. This is generally for every floor, stair, ramp, landing, raised floor or other raised area where there is a difference in level of 600mm or more and any change in direction on an access or circulation route which is raised above the level of the surrounding surface. There may be other areas/instances however where it is considered by Fife Council that in the interests of safety, further protection requires to be provided. For example, it should be noted that protective barriers may also be a requirement in gardens and other external areas.

- On a stair or ramp flight wholly within a dwelling, the minimum protective barrier height is 840mm.

- On a landing, gallery or raised area within a dwelling, the minimum protective barrier height is 900mm.

- On a stair or ramp flight out with a dwelling, the minimum protective barrier height is 900mm.

  On a landing, gallery or raised area out with a dwelling, the minimum protective barrier height is 1100mm.

- Protective barriers must not be climbable, nor permit the passage of a 100mm sphere (or 75mm sphere if also protecting non-safety glass), however the space between a rise in a stair and the lowest edge of the protective barrier may be larger than 100mm, provided the lowest edge of the barrier is not more than 50mm above, and parallel to, the pitch line of the stair.
  See Diagram in Annexe E for critical barrier dimensions.

- Protective barriers must be secure and capable of resisting loads calculated in accordance with BS EN 1991-1-1 and the associated PD 6688-1-1. Any wall, partition or fixed glazing provided instead of a such a barrier must also meet these requirements.

10.5 Every stair or ramp where there is a change in level of more than 600mm shall have a handrail on at least one side, fixed at a height of at least 840mm and not more than one metre above the pitch line of the flight.

Schedule 9

Physical Standards for Houses in Multiple Occupation

11.0 REFUSE STORAGE, RECYCLING AND DISPOSAL

11.1 Adequate and suitable facilities both internally and externally must be provided for the storage and disposal of refuse and recycling to meet the needs of the occupants. Where bins are provided to terraced and tenement properties they must be clearly identified by flat or property address. The landlord must ensure that the tenants utilise the bins provided and ensure that refuse or bins are placed out on collection day and bins are returned to the storage area following collection. The refuse containers located externally shall be sited on hard standing with suitable access for cleaning the area and the removal of the containers.

12.0 GENERAL

12.1 The number/amount of required facilities must be calculated to include the total number of all individual occupants living within the property.

12.2 Suitable arrangements internally and/or externally shall be provided for the washing and drying of clothes, bedding, etc.

12.3 All parts of an HMO, both internally and externally, shall be maintained in a reasonable state of repair to the satisfaction of Fife Council and be free from any defect liable to prejudice the health and safety of the occupants.
Routine exterior maintenance shall include regular inspections to remove any debris/loose slipped slates/loose or damaged chimney pots etc. from roof areas to prevent the likelihood of a public safety issue arising should any debris/parts of the building fall. As soon as practicable thereafter works to reinstate the missing or damaged elements of the building shall also be undertaken.
In addition, regular inspections shall be undertaken to remove and treat any vegetation such as buddleia growing in or on the building fabric, pipework etc. and to remove other debris which has fallen or lodged therein. The presence of vegetation and/or debris can damage the building fabric and detrimentally affect the efficient operation of the rainwater/drainage systems serving the property.
The property shall also be maintained in reasonable decorative order.

12.4 All parts of an HMO, and the fittings and furnishings, shall be kept clean.

12.5 The landlord must ensure that a telephone line is available in an area of the property accessible to all tenants, where the tenants can provide a handset and arrange for the telephone service to be provided.

12.6 Roof spaces to properties (as applicable) require to be insulated. Roof insulation means loft insulation laid between the joists of a loft as well as insulation installed in other types of spaces such as rooms in the roof and flat roofs. (see also link to definition of Tolerable Standard at standard 12.10)

12.7 The EPC banding of the HMO shall be no less than the minimum statutory requirements at the time of licensing. (See Annexe B). It should be noted that energy efficiency and thermal insulation (standard 12.6) are measured and assessed in different ways. The EPC rating is a measure of energy efficiency for the property as a whole and takes into consideration many other aspects. A satisfactory EPC does not necessarily confirm that a property meets the Tolerable Standard for thermal insulation.

12.8 The landlord shall comply with the Health and Safety at Work Act 1974 and any regulations thereunder, if applicable.

12.9 The Food Safety Act 1990, and legislation made thereunder, shall apply where food is supplied as part of the occupancy agreement.

12.10 The HMO shall meet the Tolerable Standard as defined by the Housing (Scotland) Act 1987 and amended by the Housing (Scotland) Act 2006, and comply with the Repairing Standard, as defined by the Housing (Scotland) Act 2006. Where an HMO is in a shared building the landlord must cooperate and participate in the general repair and maintenance of the building and the cleaning of common parts.

For tolerable standard:
https://www.fifedirect.org.uk/topics/index.cfm?fuseaction=service.display&p2sid=F20B74A4-07C4-EDCD-A36B892726D33CF2

For Repairing Standard:
https://www.fifedirect.org.uk/topics/index.cfm?fuseaction=page.display&p2sid=6486DCBA-9EB6-8A99-78792AB1A1236031

12.11 The Landlord shall comply with the Furnishing (Fire) Safety Regulations 1988 and any regulations there under.

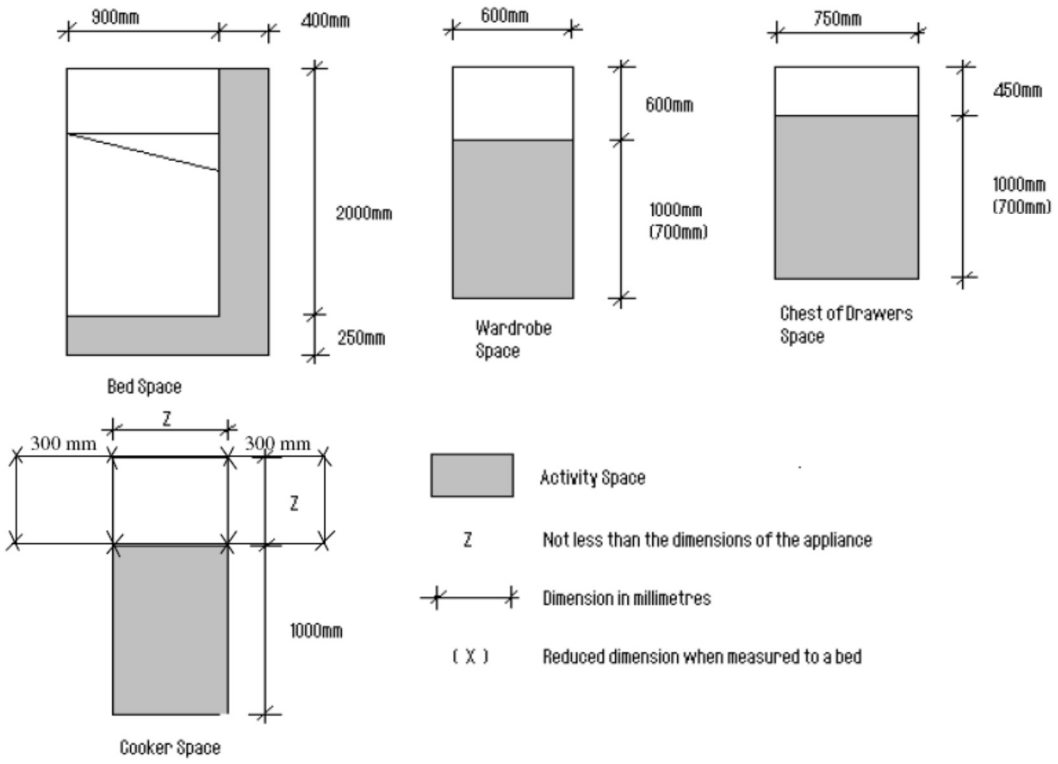
12.12 The landlord must ensure that the Tenancy Management Pack is maintained and kept up to date and made available to occupiers within the premises where it can be conveniently read.

Schedule 9

Physical Standards for Houses in Multiple Occupation

ANNEXE A

Activity Spaces



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.
3. The 300mm worktop provision on either side of a cooker space is detailed in standards 2.9, 2.7 and 2.10 of the Physical Standards.

Schedule 9

Physical Standards for Houses in Multiple Occupation

ANNEXE B

REGULATORY AND ADVISORY BODIES

Gas Installations:

Gas Safe: - https://www.gassaferegister.co.uk/ to check companies and engineer registration or find a competent engineer.

Health and Safety Executive: - www.hse.gov.uk for advice on gas safety.

Electrical: -

SELECT: - https://www.select.org.uk/ to find and verify competent contractors.
NICEIC: - http://www.niceic.com/ to find and verify competent contractors.

IET: - www.wiring-regulations.co.uk Wiring regulations for domestic and non-domestic buildings.

https://www.electricalsafetyfirst.org.uk Guidance on all electrical safety matters.

Solid Fuel Appliances:

HETAS: - www.hetas.co.uk for technical standards for solid fuel heating systems.

Solid Fuel Association (SFA): - https://solidfuel.co.uk/ for technical standards for solid fuel heating systems.

Oil Fired Heating Appliances:

OFTEC: - https://www.oftec.org.uk For advice and verification of contractors qualified to service and test oil fired and solid fuel heating systems.

For all appliances using a chimney:

National Association of Chimney Sweeps: - https://nacs.org.uk/

National Association of Chimney Engineers: - http://www.nace.org.uk

General advice: -

Health and Safety Executive: - www.hse.gov.uk Health and Safety advice

Royal Society for Prevention of Accidents (RoSPA): - https://www.rospa.com/ For general safety advice.

Fife Council : - www.fifedirect.org.uk Building Standards and Safety, Housing Services and other services.

Schedule 9

Physical Standards for Houses in Multiple Occupation

CARF Citizens Advice and Rights Fife: - 03451 400095 general advice on tenancies, benefits etc. https://www.cabfife.org.uk/

Frontline Fife: - www.frontlinefife.co.uk or call 01592 800430 advice on housing matters

Penumbra: - http://www.penumbra.org.uk/ or call 0131 221 9607 advice for tenants, landlords where mental health problems are involved.

Secure by Design: - www.securedbydesign.com advice on domestic security provided by Police Scotland.

Fife Cares: - advice on home security at www.fifedirect.org.uk or 03451 551503

For EPC requirements and energy efficiency guidance: see links to the Energy Efficient Scotland pages on the Scottish Government website.

https://www.gov.scot/policies/energy-efficiency/energy-efficient-scotland/

https://www.gov.scot/policies/energy-efficiency/energy-efficiency-in-homes/#standards-for-the-private-rented-sector

Legionella advice can be found at: -

www.**hse**.gov.uk/**legionnaires**/**legionella**-landlords-responsibilities.htm

Chartered Surveyors can provide services/ advice on a broad range of issues see: - https://www.rics.org/uk/

ANNEXE C

Notes on the Annual Visual Examination

The purpose of the annual visual inspection of the electrical installation is to detect any visually evident damage, deterioration, wear and tear, or other features that may affect safety. In addition the functionality of switches, RCDs, and the operating mechanism of circuit breakers should be checked. The inspection does not require the dismantling or invasive examination of electrical apparatus.
Any unsafe features identified should be reported without delay to the responsible person to allow remedial work to be arranged.

Schedule 9

Physical Standards for Houses in Multiple Occupation

The following check list provides guidance as to what items should be checked. However, it is not an exhaustive list and other items may also be relevant to a particular property:

	Items to be checked	Checked (Tick)
1.	**Consumer unit, meter, cut-out, cables**. Check for signs of damage, missing covers or blanking plates, and overheating. Check for the presence of main bonding conductors. Items should not be stored against the apparatus or in close proximity to them. Check the tripping operation of RCDs and RCBOs using the test buttons. Check the manual switching function of main switches and circuit breakers. Check that circuits are correctly labelled.	☐
2.	**Socket outlets**. Check that they are securely fixed, undamaged, and without signs of overheating.	☐
3.	**Lighting**. Check that light switches are securely fixed, undamaged and without signs of overheating. Check that the switches operate correctly. Check that ceiling and wall light fittings are securely fixed and without signs of damage or overheating.	☐
4.	**Cooker**. Check that the cooker is undamaged and working. Check functioning of cooker control switch and inspect for damage and signs of overheating. And securely fixed	☐
5.	**Washing machines and dishwashers**. Check that they are securely fitted, in good condition, and free of damage and evidence of overheating. Check that supply cables (where accessible) are not trapped and are free of damage or deterioration.	☐
6.	**Fridge/Freezer.** Check for signs of damage. Ensure that rear of appliance is clear of dust and debris and has suitable clearance to walls and adjacent items.	☐
7.	**Bathrooms and shower rooms**. Check that no socket outlets (including extension cables) have been installed in the room within 3m of the bath or shower basin. Check that electric showers are securely fixed, undamaged and without signs of overheating. Check that supplementary bonding conductors are in place.	☐
8.	**Immersion Heater (if fitted)**. Check that immersion heater is working correctly and its control switch is securely fitted without damage or signs of overheating.	☐
9.	**Boiler (if fitted)**. Check that electrical connections to the boiler are undamaged and correctly and securely fitted.	☐
10.	**Exposed cables**. Check any exposed cables for signs of damage to the insulation or of overheating. Check that no basic insulation or conductors are exposed. Check that connections are not under undue strain.	☐
11.	**Containment**. Check any containment systems (conduit, trunking, enclosures etc) for damage, deterioration, effects of corrosion, or missing parts.	☐

ANNEXE D

Diagram Referred to in Standard 10.3

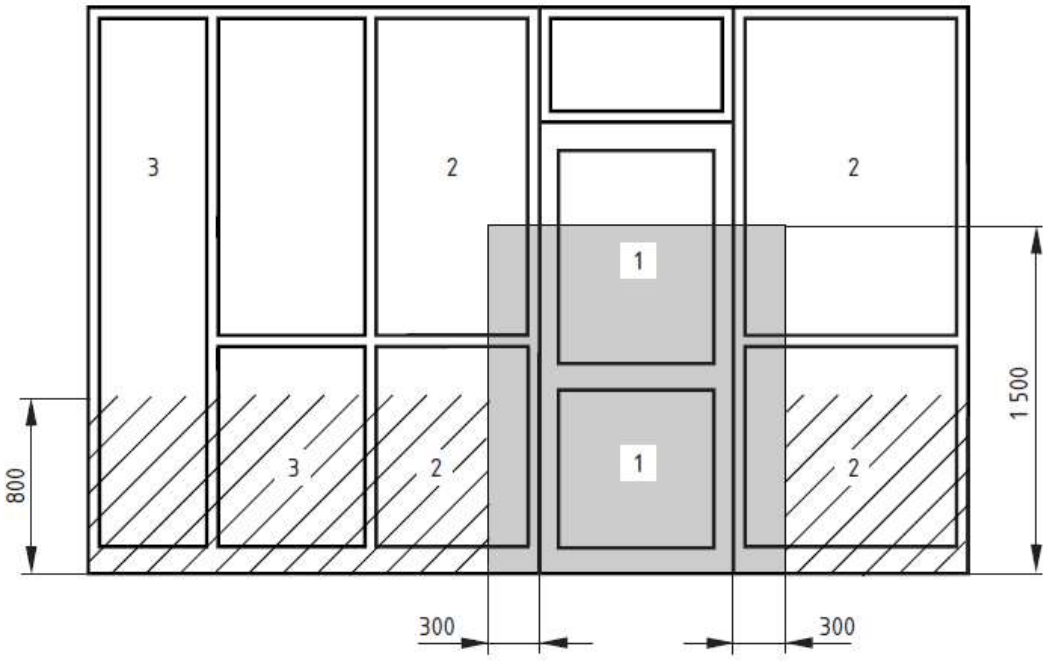


Diagram from BS6262-4:2005 (All dimensions in millimetres)

ANNEXE E

Stair Critical Dimensions