



Cabinet
Tuesday, 26th September, 2023 at 6.00 pm
in the Council Chamber, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **UPDATE TO VARIOUS HOUSING STANDARDS POLICIES TO REFLECT PROCEDURAL CHANGES, BEST PRACTICE, CASE LAW AND STATUTORY GUIDANCE (Pages 2 - 14)**

Contact

Democratic Services
Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
Tel: 01553 616394
Email: democratic.services@west-norfolk.gov.uk

Borough Council of
**King's Lynn &
West Norfolk**



Standards for Private Rented Single Family Dwellings

DRAFT VERSION 4

Borough Council of King's
Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX



1.0 Introduction

This document is designed to give guidance on what is an acceptable standard for letting single family dwellings. A single family dwelling is defined as being a dwelling occupied solely by a person or persons that are living as a single household. This includes people that are married or living together as a couple or family members such as parents, grandparents, siblings, uncles and aunts etc.

Rented dwellings should be safe and provide a healthy environment for tenants and this guidance seeks to clarify those matters that landlords need to consider when letting a property.

This document does not relate to lodgings where a room is rented from an owner occupier or Houses in Multiple Occupation (HMOs).

In the context of this guidance, amenity standards describe facilities, fixtures, fittings, management and other tangible benefits of a privately rented property which contribute to its safety, comfort and convenience.

2.0 The Housing Health & Safety Rating System (HHSRS)

The HHSRS was introduced by *The Housing Act 2004* and is the main methodology for assessing health and safety within a dwelling. The underlying principle of the HHSRS is that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. In order to satisfy this basic principle, a dwelling should be designed, constructed and maintained with non-hazardous materials and should be free from both unnecessary and avoidable hazards.

The aim of an HHSRS inspection is to identify all deficiencies within the dwelling. A deficiency is defined as being the failure of a particular element to meet the ideal or optimum standard to prevent or minimise a hazard. Such a failure could be inherent, e.g. as a result of original design, construction or manufacture. It could also be a result of deterioration, disrepair or a lack of repair or maintenance.

Once the deficiencies within a dwelling have been identified a health and safety risk assessment is made. This is based upon the risk to the most vulnerable potential occupant of that dwelling irrespective of the current occupants, if any, in the premises at the time of the inspection.

The inspection will result in the hazards being given a numerical score and those scores will reflect both the likelihood and harm being caused by the deficiency and the severity of the health impact. Those scores will also determine the band into which the hazards fall. The Regulations prescribe that hazards falling within bands A to C are Category 1 Hazards (the greatest risk and/or the worst health effects), while those in band D to J are Category 2 Hazards.

The Housing Act 2004 places a general duty on the local authority to take action against all Category 1 Hazards. The Council will therefore actively seek to have the necessary works to remove or reduce all Category 1 Hazards carried out within an appropriate timescale. This may include formal enforcement activity on the part of the

local authority. The local authority may also seek to take action in respect to any Category 2 Hazards at the property.

The 29 HHSRS Hazards

1. Damp & Mould Growth

Threats to mental & physical wellbeing from living with dampness, mould & fungal growths and dust mites.

Most Vulnerable:
14 years or less



2. Excess Cold

Threats to health from exposure to sub-optimal indoor temperatures.

Most Vulnerable:
65 years plus

3. Excess Heat

Caused by excessively high indoor temperatures.

Most Vulnerable:
65 years plus

4. Asbestos & MMF

Caused by exposure to asbestos and manufactured mineral fibres (MMF).

Most Vulnerable:
No specific group



5. Biocides

Threats to health from those chemicals used to treat mould growth and timber in dwellings.

Most Vulnerable:
No specific group

6. Carbon Monoxide & Fuel Combustion Products

Hazards due to high levels of CO, NO₂, SO₂ & smoke in the atmosphere.

Most Vulnerable:
For CO - 65 years plus, for NO₂, SO₂ & smoke - no specific group



7. Lead

Threats to health from the ingestion of lead.

Most Vulnerable:
Under 3 years

8. Radiation

Threats to health from radon gas, airborne, or dissolved in water. E.g., leakage from microwaves might be considered.

Most Vulnerable:
People aged 60-64 who have had a lifetime exposure to radon

9. Uncombusted Fuel Gas

The threat of asphyxiation due to fuel gas escaping into the atmosphere within a dwelling.

Most Vulnerable:
No specific group

10. Volatile Organic Compounds

VOC's are diverse group of organic chemicals which includes formaldehyde that are gaseous at room temperature, and are found in a variety of materials within the home.

Most Vulnerable:
No specific group

11. Crowding and Space

Health hazards linked to a lack of living space for sleeping and a normal family/household life.

Most Vulnerable:
No specific group

12. Entry by Intruders

Problems keeping a dwelling secure against unauthorised entry, and the maintenance of defensible space.

Most Vulnerable:
No specific group

13. Lighting

Threats to physical and mental health linked to inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.

Most Vulnerable:
No specific group



14. Noise

Threats to physical and mental health caused by noise exposure inside the dwelling or within its cartilage.

Most Vulnerable:
No specific group

15. Domestic Hygiene, Pests & Refuse

Health hazards due to poor design, layout and construction to the point where the dwelling cannot readily be kept clean and hygienic; access into and harbourage within dwelling for pests; inadequate and unhygienic provision for storing and disposal of household waste.

Most Vulnerable:
No specific group



16. Food Safety

Threats of infection due to inadequate facilities for the storage, preparation and cooking of food.

Most Vulnerable:
No specific group



17. Personal Hygiene, Sanitation & Drainage

Threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage.

Most Vulnerable:
Under 5 years

18. Water Supply for Domestic Purposes

The quality and adequacy of the water supply for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation.

Most Vulnerable:
No specific group

19. Falls Associated with Baths etc.

Falls associated with a bath, shower or similar facility.

Most Vulnerable:
60 years plus

20. Falls on the Level

Falls on any level surface such as floors, yards and paths. It also includes falls associated with trip steps, thresholds or ramps, where the change in level is less than 300mm.

Most Vulnerable:
60 years plus

21. Falls Associated with Stairs and Steps

Falls associated with stairs, steps and ramps where the change in level is greater than 300mm. It includes falls on stairs or internal ramps within the dwelling, internal common stairs or ramps within a building, access to the dwelling and to shared facilities or means of escape in case of fire. It also includes falls over stair, step or ramp guarding (balustrading).

Most Vulnerable:
60 years plus



22. Falls between Levels

Falls from one level to another, inside or outside a dwelling, where the difference in levels is more than 300mm. For example, falls out of windows, falls from balconies or landings, falls from accessible roofs, into basement wells, and over garden retaining walls.

Most Vulnerable:
Under 5 years

23. Electrical Hazards

Hazards from electric shock or electricity burns, including from lightning strikes.

Most Vulnerable:
Under 5 years



24. Fire

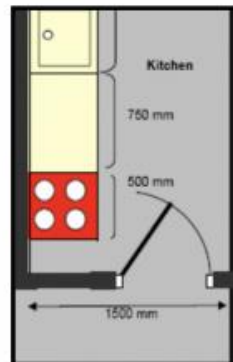
Threats from uncontrolled fire and smoke. It includes injuries from clothing catching alight, which appears to be common when people attempt to put out a fire. It does not include clothing catching alight from a controlled fire by reaching across a gas flame or an open fire used for space heating.

Most Vulnerable:
60 years plus

25. Hot Surfaces & Materials

Burns or injuries caused by contact with a hot flame or fire, and contact with hot objects or hot non-water based liquids, and scalds – injuries caused by contact with hot liquids and vapours. It includes burns caused by clothing catching alight from a controlled fire or flame.

Most Vulnerable:
Under 5 years



26. Collision & Entrapment

This includes risks of physical injury from: Trapping body parts in architectural features, e.g. trapping limbs or fingers in doors / windows; Colliding with objects e.g. glazing, windows, doors, low ceilings and walls.

Most Vulnerable:
Under 5 years

27. Explosions

Threat from the blast of an explosion, from debris generated by the blast, and from the partial or total collapse of a building as the result of an explosion.

Most Vulnerable:
No specific group



28. Position & Operability of Amenities

Threats of physical strain associated with functional space and other features at dwellings.

Most Vulnerable:
60 years plus

29. Structural Collapse & Falling Elements

The threat of the dwelling collapsing, or a part of the fabric falling because of inadequate fixing or disrepair, or as a result of adverse weather conditions. Structural failure may occur internally or externally.

Most Vulnerable:
No specific group



3.0 General Property Standards

The standards below are indicative of those expected in a rented property and often the ideal standard could be established with reference to the Building Regulations, British Standards, and other relevant codes of practice.

These are general standards and every property is different hence any assessment will consider each property individually.

3.1 Structure

Buildings should be weathertight, in good repair and structurally sound.

The roof shall provide a weathertight covering over the entire building and be free of defective or loose material and free from vegetation. This includes all chimney stacks and pots.

All external balconies and walkways should be designed, constructed and maintained so as to be capable of supporting their own weight and any imposed loads.

Gutters and drainpipes should be in good condition, securely fixed, watertight and free flowing. All surface water soakaways should be free running.

External doors should be close fitting, effectively draught free and fitted with secure locks.

The dwelling should be free from any form of dampness, such as rising damp, penetrating damp or condensation damp.

The floors, walls and ceilings should be sound and free from defects.

The exterior of the property should be free from any cracks, holes or gaps larger than the diameter of a pencil in order to prevent access by pests, particularly around pipes and cable entry/exit points. The property, including the curtilage, should not provide harbourage for pests.

Stairs and steps shall be in good condition and structurally sound. The surface should not be loose or slippery especially when wet.

Handrails to stairs and steps should be provided where necessary and should be in good condition and structurally sound.

Internal doors must be provided throughout the property. They should be close fitting and latch securely with suitable door furniture.

The roof space should be provided with a suitable level of loft insulation with all water storage cisterns, tanks and pipework adequately insulated.

3.2 Natural Lighting and Ventilation

Windows should be in good repair to allow easy operation of opening lights and sliding sashes and be draught free. Windows on the ground floor or first floor windows above a flat roof should be fitted with adequate security locks.

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows and/or door(s).

Adequate electric lighting to be provided to all habitable rooms, staircases, landings, kitchens, and cloakrooms.

Every habitable room must have a window or windows opening directly to the external air with an appropriate amount of glazing relevant to the room size.

Rooms below ground level must provide sufficient natural light on an average day for living in the lounge/bedroom without the assistance of an electric light and all habitable rooms must have a suitable and adequate means of mechanical ventilation.

Safety glass, where required, should be fitted in accordance with the requirements of the current Building Regulations.

The tenant should be provided with keys for all window and door locks at the property.

3.3 Kitchen Facilities

Adequate storage preparation and cooking facilities should be provided which will generally consist of;

- a) A sink with hot and drinkable cold water supplies with a drainer on one side and a fixed worktop of adequate length, adequately sealed with an appropriate splashback.
- b) A cooker space with gas and/or electric supply connection point in a suitable position.
- c) A space for a refrigerator/freezer with a suitably positioned electrical socket.
- d) A space for a washing machine with a suitably positioned electric socket outlet, water supply connection and a waste water outlet drain connection point.
- e) A minimum of 1m of suitably located and fixed worktop with a smooth and impervious surface adequately sealed with an appropriate splashback.
- f) Adequate and properly constructed fixed floor and wall mounted storage cupboards with smooth and impervious internal and external finishes.
- g) Adequate electric socket outlets positioned appropriately and for convenient use.
- h) Flooring such as vinyl or tiling that is sealed, easy to clean and free from cracks and other disrepair.

There should be suitable provision for the storage of refuse outside of the dwelling.

3.4 Bathrooms

Each letting must be provided with a water closet together with a bath or shower and a wash hand basin with an adequate supply of hot and cold water and connection to the drainage system. The facilities should be in a good state of repair and capable of being effectively cleaned.

The bath/shower and the wash hand basin must be provided with a sealed watertight joint to an impervious splash back.

Bathrooms and WC compartments must be adequately ventilated either by opening a window or ideally with mechanical ventilation sized and rated appropriately for the room it serves.

Bathroom and WC doors should be fitted with a privacy latch.

3.5 Floors, Floor Coverings and Decorations

Floors should be level and even with boarding securely fixed as reasonably expect for the property age and type.

Aluminium jointing strips or similar to be adequately fixed on changes in floor finish to avoid tripping hazards.

Walls, floors ceilings and surfaces should be smooth and free from cracks to enable them to be decorated and cleaned easily.

Polystyrene tiles should be removed from all ceilings and walls if practicable, otherwise tiles should be painted with a suitable flame retardant product.

3.6 Heating and Hot Water Supplies

The whole dwelling must be provided with adequate thermal insulation to the external environment and a suitable and effective means of space heating - so that it can be economically maintained at a reasonable temperature.

An effective means of space heating may include:

- a programmable natural gas, LPG or oil central heating system;
- electric storage heaters linked to an Economy 7 (or 10) tariff;
- an economical under-floor heating or warm air heating system;
- air source heat pumps;
- any similar economic heating system not described above.

All heaters must be securely fixed in position and heating must be fully controllable by the tenants.

All habitable rooms, bathrooms and WC's should have a heating provision capable of raising the temperature of the room to 21°C and maintaining that temperature when the outside temperature is -1°C;

Communal areas should have a heating provision capable of raising the temperature of the areas to 19°C and maintaining that temperature when the outside temperature is -1°C;

The water heating system must be capable of providing an adequate and continuous supply of hot water.

Landlords or the person in control of the premises have a legal duty to ensure that the risk of exposure of tenants to legionella is properly assessed and controlled. This duty extends to tenants and guests. Landlords can carry out a risk assessment themselves if they are competent or employ somebody to do this for them.

3.7 Areas within the Curtilage of the Property

In most circumstances the definition of a dwelling includes any garden, yard, forecourt, outbuildings or appurtenances contained within the same curtilage.

The landlord should ensure that all such areas are kept in good order, safe to use and repair when necessary including all outbuildings, boundary walls, fences, railings and hedgerows.

Gates should be in a good state of repair and be fully serviceable and capable of being secured, especially rear garden or yard gates.

3.8 Disposal of Refuse

Refuse should not be allowed to accumulate in the property except where properly stored pending disposal.

- The landlord should ensure that tenants are aware of collection days for refuse and recycling (other than in areas where communal street bins are provided).
- At the end of each tenancy any rubbish or unwanted household goods left by tenants should be removed and disposed of appropriately by the landlord prior to the commencement of the next tenancy.
- In particular, any refuse or goods left in front or rear gardens or yards and/or on the pavement should be removed immediately.

4.0 Building Services and Fire Safety

4.1 Electricity Installations

The electrical installation must be inspected by a suitably qualified and competent person in accordance with *The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020*. This requires all electrical installations within a privately rented dwelling to be inspected at least every 5 years.

Any electrical equipment that is provided by the landlord for a tenant must be safe and conform to *The Electrical Equipment (Safety) Regulations 2016* (or *The Electrical Equipment (Safety) Regulations 1994* for electrical equipment placed on the market before 8 December 2016) and the *Plugs and Sockets etc. (Safety) Regulations 1994*.

The electrical installation and the number of socket outlets provided should be adequate for the size and type of property. Trailing extension leads can be dangerous and can result in overloaded sockets and possibly electrical fires.

4.2 Gas, Oil & Solid Fuel Installations

A gas safety certificate must be provided in accordance with *The Gas Safety (Installation and Use) Regulations 1998*. The certificate must be renewed annually and a copy provided for the tenant.

Gas and electricity supplies to the property must not be unreasonably interrupted by the landlord.

The Smoke and Carbon Monoxide (England) Regulations 2015 require a carbon monoxide detector in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins.

Oil fired boilers should be regularly checked and serviced.

Solid fuel appliances or open fires to be checked. Chimney flues to be regularly checked and cleaned where necessary.

4.3 Fire Precautions

Each property will be assessed for fire safety in consultation with Norfolk Fire & Rescue Service and in accordance with relevant fire safety guidance produced by the local authority.

Relevant local authority fire safety guidance may also cover fire precautions required in three storey houses, houses in multiple occupation, bedsits and flats.

The Smoke and Carbon Monoxide (England) Regulations 2015 require that a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation and that checks are made by or on behalf of the landlord to ensure that each alarm is in proper working order on the day the tenancy begins

4.4 Furniture

All furniture provided by the landlord must be kept in a good and safe condition and comply with the *Furniture & Furnishings (Fire Safety) Regulations 1998*. The safety label should therefore remain attached to any furniture and furnishings.

5.0 Additional Requirements

5.1 Energy Performance

The landlord should ensure that where a property is subject to the requirements to obtain an Energy Performance Certificate (EPC) that the property is let in accordance with *The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*.

Unless exempt, it is now deemed unlawful to let properties with an EPC rating below band E.

5.2 Overcrowding

There are two legal definitions of overcrowding – the room and the space standard. A dwelling is statutorily overcrowded if either or both of these standards apply.

These standards can apply to any premises let as a separate dwelling. This can include a house, a flat or even just a room if it is let separately from the rest of the building. They apply to both tenancies and licences.

Both standards define a room as available as sleeping accommodation 'if it is of a type normally used in the locality either as a living room or as a bedroom'.

Statutory overcrowding is a criminal offence unless it falls within an exception. For example, overcrowding due to natural family growth.

A landlord commits an offence if they cause or permit the premises to be overcrowded or fail to include details of the overcrowding provisions on any rent book. An occupier commits an offence if they cause or allow accommodation to become overcrowded.

The room standard

The room standard is based on the number and gender of people who must sleep in one room. The room standard is contravened in a situation where two people of the opposite sex must sleep in the same room.

The exceptions to this rule are:

- cohabiting or married couples, who can live in the same room without causing overcrowding
- children under the age of ten, who are not included in the calculation

All living rooms and bedrooms are included in the calculation (this could include a large dining/lounge room). The standard does not limit the number of people of the same sex who can live in the same room (but see 'the space standard').

The space standard

The space standard is based on the maximum number of people who may sleep in a dwelling of a particular size.

The permitted number of people depends on the size of the room, the number of living rooms and bedrooms in the dwelling, and the age of the occupants.

The permitted number is whichever is the less of:

- the number specified in Table 1 and calculated according to the total number of rooms in the dwelling, and
- the aggregate number of people in the dwelling calculated according to the floor area of each room as set out in Table 2

Table 1

Number of rooms	1	2	3	4	5+
Number of people	2	3	5	7 ½	2 per room

Table 2

Floor area of each room in a dwelling (square feet)	10.22m ²	8.36m ² - 10.22m ²	6.51m ² - 8.36m ²	4.65m ² - 6.51m ²
Number of people	2	1 ½	1	½

For both methods:

- children under one year old are ignored
- children under ten years old but not under one count as a half
- rooms under 50 square feet are ignored
- a room is counted if it is either a living room or a bedroom

Under the Housing Health and Safety Rating System (HHSRS), the local authority has a duty to inspect in certain circumstances. 'Space and crowding' is a hazard under the HHSRS and the definition of this hazard is broader than the overcrowding legislation.

5.3 The Homes (Fitness for Human Habitation) Act 2018

The Homes (Fitness for Human Habitation) Act 2018 is designed to ensure that all rented accommodation is fit for human habitation and to strengthen tenants' means of redress against the minority of landlords who do not fulfil their legal obligations to keep their properties safe.

Under the Act, the Landlord and Tenant Act 1985 is amended to require all landlords to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout. The Act states that there is an implied agreement between the tenant and landlord at the beginning of the tenancy that the property will be fit for human habitation.

Where a landlord fails to meet the terms of the Act, the tenant has the right to take action in the courts for breach of contract on the grounds that the property is unfit for human habitation. The remedies available to the tenant are an order by the court requiring the landlord to take action to reduce or remove the hazard, and / or damages to compensate them for having to live in a property which was not fit for human habitation. More information on the act can be found on the Gov.uk website.

5.4 Protecting Tenants Deposits

Tenancy Deposit Protection (TDP) schemes are companies approved by the government. They have the authority to govern tenancy deposits and oversee the process of deposit returns, deductions and disputes.

The deposit gives landlords a financial safety net in case the tenant causes damage to the property or steals/loses any of the landlord's possessions. Deposits are typically equivalent to 4-6 weeks rent but should be no more than two months' rent.

If a landlord does take a deposit for an Assured Shorthold Tenancy agreement, as of 6th April 2007, the landlord must put the deposit in a government-backed tenancy deposit scheme (TDS). Landlords can choose which scheme they wish to use to safeguard each deposit. They must also inform the tenant which scheme has been used within 30 days of receiving the deposit.

At the end of the tenancy, landlords must return the deposit within 10 days of both landlord and tenant agreeing how much will be returned.

Should a tenant find out that a landlord has not protected their deposit, he or she may lodge a complaint with their local court. At this point, a court may order the landlord to repay it to the tenant or place the deposit into a protection scheme within 14 days. They may also rule that the landlord pay up to three times the value of the deposit to the tenant as compensation.

Failing to protect a deposit could also make it more difficult to evict a tenant under Section 21 of the Housing Act.

5.5 The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015

As part of *The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015*, private residential landlords in England are required to provide their tenants with the most current copy of the "How To Rent" Guide issued by the Government at the beginning of new tenancies that started on or after October 2015.

Serve – you can serve a hardcopy (printed version) or email a digital version where the tenant has supplied an email address. The booklet should be served at the start of the tenancy.

Up-to-date – the booklet is likely to get updated over time, so it is important to serve the most up-to-date version available at the time of the start of the tenancy. However, you do not need to keep providing a copy when new versions are released.

New tenancies – if a tenancy is renewed (e.g. new contracts signed with the same tenants) there is no need to serve a new copy of the booklet unless a new version has been released.

When a tenancy rolls over into a periodic tenancy after the fixed term expires, it is technically a new tenancy. So on that basis, if a new guide is issued by the Government when a tenancy rolls into a periodic tenancy, the tenant should be provided with the latest version

Failing to comply could impede on your ability to repossess your home with a Section 21 notice.

5.6 Right to Rent

In order to avoid civil or criminal sanctions under *The Immigration Act 2014*, right to rent checks must be carried out by anyone letting out private residential accommodation in England.

The requirement applies to:

- a) private landlords letting self-contained premises, owners, tenants and other occupiers granting a licence to a lodger or sub-letting premises;
- b) agents appointed in writing by a landlord to take responsibility for complying with the scheme.

Where a landlord acquires a property with sitting tenants/occupiers, and the provisions for the checks apply, the new landlord must confirm with the original landlord that the necessary checks were carried out. They must retain evidence to that effect and take on responsibility for any further follow-up check.

If there has been a breach of the requirements prior to a new landlord taking over, the 'responsible landlord' is the landlord at the time of the breach.

Further guidance about Right to Rent can be found at www.gov.uk.

Further Advice and Information

Should you require any further information you can contact the Borough Council's Housing Standards Department at HousingStandards@west-norfolk.gov.uk or by calling 01553 616200 during office hours.