



Liverpool  
City Council

# Fire Safety in HMOs

## The Local Authorities Role



# Presentation

- Merseyside Fire and Rescue Service (MFRS) and Local Authority (LA) roles
- What is a HMO?
- Private Sector Housing Legislation applicable to HMO's
- Local Authority Building Control's role (LABC)
- Trading Standards role
- Case Study
- Questions

# Joint Role

- LCC-private sector housing works closely MFRS
- Both enforcement side and prevention side
- MOU drawn up in 2009 due to crossover in legislation -FSO and HA 2004
- Sets out the areas of enforcement for each authority
- Doesn't stop each other becoming involved if need be
- Key is working together and supporting each other
- Relations are at an all time high at the moment

# Same Objective

- Allows both parties to achieve the shared objective- Improved Fire Safety
- Data sharing protocols between parties
- Recognises the needs and limitations of both authorities and acknowledges both act in good faith
- Both utilise a targeted risk based approach
- LA assess risk – HA 2004-HHSRS
- MFRS expect the Responsible Person to assess risk- FSO 2005

# The LA's Role

Type of Premises	Lead Authority
<b>1. Single dwellings, including shared housing</b>	<b>LA</b>
<b>2. All House in Multiple Occupation (HMO) whether or not subject to mandatory, selective or additional licensing</b>	<b>LA</b>
<b>3. All self contained flats, whether in purpose built, converted or high rise buildings</b>	<b>LA</b>
<b>3a. The common parts of all purpose-built blocks of flats</b>	<b>MFRA</b>
<b>4. Premises with mixed commercial and associated residential accommodation and sheltered housing (if access is not through the commercial then LA)</b>	<b>MFRA</b>
<b>5. Hostels, B&amp;B/Hotels/Airbnb some overlap with Licensing</b>	<b>MFRA</b>
<b>6. All multiple-occupied accommodation that is owned or managed by the LHA</b>	<b>MFRA</b>

# HMO definition

- Sec 254 HA 2004-
- (a) Standard test
- (b) Self contained flat test
- (c) Converted Buildings test
- (d) HMO declaration is in force
- (e) Converted block of flats -sec 257 applies
- If you own or manage a property that falls into one of these categories it's a HMO.

# Legislation applicable to HMO's

## Housing Act 2004

- **Part 1-** Housing Standards, HHSRS ( 29 Hazards including FIRE)
- **Part 2-** HMO Licensing, additional licensing and HMO declaration.
- **Part 3-** Selective Licensing

# Legislation applicable to HMO's

- **The Management of Houses in Multiple Occupation (England) Regulations 2006** apply to ALL HMOs
- **The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007-apply** to ALL sec 257 HMOs
- Both sets of Regulations place a duty on the manager/person having control to take safety measures in relation to FIRE
- MOE must be kept free from obstruction and maintained in good repair
- Any fire fighting equipment and alarms are maintained in good working order
- New Civil Penalties now available to deal with these matters



# The Smoke and Carbon Monoxide Alarm(England) Regulations 2015

- Requires Private landlords to install at least 1 smoke alarm on each floor where there is a room used in connection with the property (1st October 2015)
- Carbon Monoxide detector in any room containing a solid wood burning appliance
- Must keep smoke alarms are in good working order at start of each new tenancy
- Dealt with by way of FPN up to £5000
- 28 days to comply

# Local Authority Building Control(LABC)and Fire Safety

- LABC ensure developers and contractors comply with the requirements of Part B (Fire Safety) of the Building Regulations
- Applies to new build construction and when existing buildings are refurbished, or altered to change their use
- Plans are submitted and approved by LABC
- FIRE Safety is incorporated into this approval prior to construction and inspections are conducted throughout

# LABC Role

- Means of escape, early warning and fire spread are all covered by approved documents (Part B)
- LABC and MFRS consult and agree on plans
- You have a choice of LABC or Approved Inspector
- If you convert your building into Flats/Bedsits without B Regs approval you could end up with a sec 257 HMO!

# Trading Standards Role

- Trading Standards are responsible for ensuring that goods are safe when they are supplied.
- Includes any goods supplied as part of a tenancy agreement or in rented accommodation
- Upholstered furniture must comply with the **Furniture and Furnishings (Fire) (Safety) Regulations 1988.**

# Trading Standards Role

- Electrical equipment must comply with **The Electrical Equipment (Safety) Regulations 2016**
- Gas appliances must comply with **The Gas Appliances (Safety) Regulations 1995**
- **The General Product Safety Regulations 2005** apply to the safety of used gas cookers.
- **The General Product Safety Regulations 2005** deal with all other equipment not covered elsewhere.

# LA's Role

- LA has a multi-faceted approach to Fire Safety all with one objective- **To keep people safe from FIRE**
- Some overlap so must identify where one piece of legislation is more appropriate over another
- Landlords/Agents **must** take responsibility for FIRE Safety in properties they own/manage
- Advisory role of Housing Enforcement Team's is no longer an option- resources have diminished
- Ultimately, LA are enforcers and will use their powers as necessary proportionate to risk and subject to meeting the evidential and public interest test

# Case Study

- Princes Road, Liverpool L8
- Intelligence that the property is unlicensed with multi occupiers
- Intelligence that the property is a sec 257 HMO with inadequate fire protection and housing vulnerable tenants

The following short news item covers the FIRE Hazards found in Princes Road and touches on the issues around sec 257 HMO's

<http://www.bbc.co.uk/news/uk-38283584>



# Case Study

- The owner was an absentee landlord based in Libya and UK
- Portfolio of 25 properties in Liverpool (all unlicensed)
- Housing Benefit paid on most flats-direct to him
- He didn't really have any idea who was in the flats and relied on a local man who is still unknown to us to remedy repairs
- No management in place
- LA served an Emergency Prohibition Order for immediate vacation of the building
- This order was breached several times and the Housing Enforcement Team gathered evidence on this twice



# Case Study-outcome

- Mr Taghidi was fined £6,500 for operating the unlicensed properties which were required to be licensed under the Landlord Licensing scheme, £2,000 for the first Breach of the Emergency Prohibition Order and £4,000 for the second breach. He was also ordered to pay a victim surcharge of £120 and the City Council's full costs of £3,034.04, meaning a total bill of **£15,654.04**.
- Will not be considered a fit and proper person to manage/licence properties in Liverpool
- How much worse could this have been?
- <http://www.liverpoolexpress.co.uk/absentee-landlord-ordered-pay-15500-unlicensed-fire-trap-property/>

# District Judge's View

- District Judge Wendy Lloyd criticised Mr Taghdi and described the lack of fire precautions as “shocking”. In her summing up she stated: “Distant landlords are not all bad but they must be vigilant and must not exploit tenants for profit but in reality although Mr Taghdi co-operated with the investigation, he did put his tenants at risk. The first breach of the Emergency Prohibition Order was bad enough but the second breach was greatly aggravated as there was no real fire protection and even though some work had been done, it was mere lip service and was in effect window dressing a dangerous situation. Mr Taghdi has chosen to take the risks he did as he was putting profit first, he doesn't have to buy and rent out property in Liverpool.”

# Questions?



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