

HMO Landlord & Agent Event – Fire Safety
14th November 2019
Arlington House

Disclaimer : These minutes are as accurate reflection as possible of the topics discussed at the event, but should not be taken as authoritative legal advice in case of error.

10.00 Welcome + HMO licensing update. Darren Wilsher – Private Sector Housing Manager

- The event is a fire safety focussed landlord forum
- It was explained that there were a number of stalls for further information e.g. Camden Lettings, London Landlords Accreditation Scheme, Grants Team (landlord and energy efficiency grants), Fire Door Alliance and Aico
- It was noted that due to the late announcement of the general election the Local Authority (LA) is currently in purdah which restricts some of the information that can be shared

- **Please see attached presentation for further details**
- Additional information on licensing figures:
- In many other local authority additional licencing schemes they don't visit before they issue licenses. Camden are keen to visit first to ensure the standards are applied to each individual property. Officers draft the licence and landlords have an opportunity to feedback. It is thought that approximately 4,000 properties are yet to license. This mainly relates to section 257 HMOs i.e. poorly converted self-contained properties
- The private sector housing team have recently reviewed the additional licensing scheme. Important objectives have been met. A paper went to cabinet last night and they agreed to look at renewing the scheme for an additional 5 years. This will start with a formal consultation.
- Landlords can access the Cabinet papers under the governance segment on the website and the review is on the HMO webpages. A landlord newsletter will be sent out after the elections about how to participate in the formal consultation. The Council will be keen to hear from as many landlords as possible about the proposed scheme.

10.15 Fire safety - general - Judith Harris - Principal EHO

- **Please see attached presentation for further details**
- Additional points to accompany presentation:
 - Early warning of fire.
 - The type of alarm system is dependent on the occupation and construction of property.

- Safe protected escape route
- In section 257 HMO poorly converted properties we look at staircases and landings. This is the protected route, they are designed to stay free of smoke and fire long enough for occupants to escape from building
- When looking at the escape route we are looking at separation of rooms and hallway e.g. partitions and glazing (including 'transom' or windows over doors). In general, there should be 30 minutes fire separation.
- In a single story flat there is no need for any 30 minute fire doors, only sound, well-constructed (solid – not hollow) and close fitting doors. For anything 3 storeys or more a 30 minute fire door is needed with a suitable self-closer (no smoke seals if the smoke alarm is outside the room). There is no point if a door does not close properly.
- Fire detection systems are also needed. In a flat generally they need a smoke detector in the hallway, a heat detector in the kitchen and a smoke detector in any shared living room. They should be interlinked together so if one sounds they all sound
- Locks on doors should not need to be opened from the inside with a key. Any door leading to a means of escape can be locked on outside, but on the inside it should have a thumb turn. If there is a fire and someone has locked themselves into the flat, they might not be able to find keys to let themselves out
- There should be no storage or obstruction in a protected route, and there should be no white goods i.e. fridge, washing machine and dryer should not be located in an escape route. They should be positioned in a room with a fire door. There are numerous incidents of fires starting from these types of goods, and numerous recalls of various washing machines or dryers. They should not be on landings or hallways. Ideally they should be located in the kitchen.
- The Council uses LACORS fire safety guidance when requiring fire safety measures. Examples of all property types are given.
- There should be 60 minutes fire protection where there is a ground floor commercial property.
- Place of safety
- Any escape route should leave to a place of ultimate safety – not a courtyard or lightwell
- A garden would need to be at least as deep as the building is high is in case building collapses
- Cladding and Balconies
- There is a need to look at the outside of high rise buildings. ACM and HPL cladding are generally dangerous, as are timber balconies.

10:30 Fire safety – fire doors + Q&A - Peter Clifton, Schemes Manager, Fire Door Alliance, BWF

- Summary of Presentation:

- Film presented that was for fire door safety week. Every year there is a campaign to highlight problems that can occur
- They made the film to highlight to the public and landlords about the responsibility to ensure fire doors are safe.
- Fire doors – what they do
- There is a stay put policy in some buildings, but not all. Smoke incapacity kills before fire
- There is a need to make sure a building is accessible whatever tenants capability
- Durability of a door is about its' ability to last, independent of being a fire door. It needs to be the right door for a building e.g. if it is a school or nursing home doors may be opened and closed hundreds of time a day. It needs to be checked is it strong enough to not get damaged and be able to act as a fire door
- What makes fire doors work
- All components are important to make doors work properly, one failing could lead to door not working
- Compatibility
- All components should be fire door tested
- Chain of command / responsibility
- Manufacturers need to be accredited
- Everyone in the process is responsible e.g. the design may give specifications but procurement could cut corners and costs
- If documents are not available they have to be asked for
- If they don't get it right there could be loss of life and everyone in the chain could be held culpable
- BWF Fire Door Alliance
- When refurbished someone might buy fire door assembly parts from different place. This is fine but if you don't follow installation to the letter, the door may be non-compliant
- With BWF there is a label on every door in the scheme. It has to carry at least one label
- Certification
- There is no legal requirement but a need to demonstrate building regulations.
- There are three ways in which manufacturers describe their compliance; self-declaration, test reports or 3rd party certification
- Standards and Regulations
- There are many fire door regulations. Approved Document B has advice to meet building regulations
- Regulation 38

- When you install fire doors you need to make sure there is the right documentation e.g. manufacturer certificate
- There are unique numbers so a door can be traced to the day and minute, and you can go to a certified website to make sure a door is installed with the right components
- HMOs
- HMO licensing schemes means there is more responsibility on those who own or manage HMOs
- When refurbishing a building and turning a house into a HMO an insurance company may insist you have fire doors

Specifications

- Don't be afraid get copy of the installation guidelines. Builders make mistakes, you can check yourself

Procurement

- Unless it can be demonstrated it is a fire door, don't buy it
- Every door should come with installation instructions and certificate. There is guidelines available on the website

Inspection and maintenance

- There is a gap tester for attendees to take away
- If properly installed you should be able to contain the fire in one room
- The website has changed and the address is: <https://firedoors.bwf.org.uk/>

Question & Answer – Fire Doors

1. *If you paint a fire door with standard paint is that ok?*

- Yes. Some people use normal doors and paint with fire resistant paint, but the paint will flash off very quickly – this is not acceptable.

2. *If you are cutting pre-factory made panels to size, do you compromise the rating? eg. If you buy fire door blanks from local merchant and cut these*

- Anything done and that is not by the licensed processor means that it is not licensed. It may act as a fire door, but it may be not certificated and the insurance company may not accept it
- If you do something to the door e.g. replace glass, when you install you need the right intumescent packer. If any bits are missing the fire glass may not do its' job

3. *Does a front door need to be fire rated?*

- A door leading to street does not require a fire door
- If it is a door in a corridor passing and is a means of escape, yes it does

4a. Why are the Government allowing other manufacturers to sell unrated doors?

- The government have not legislated that fire doors need to be 3rd party certified. They have to meet building regulations. The Fire Door Association promotes best practice to all member and insist on 3rd Party Certification. Doors are tested and retested. Unfortunately the government does not say it has to be certificated

4b. If manufacturers are selling doors and they are not fit for purpose, is this a Trading Standards issue?

- Yes
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5. Supposing you fitted a fire door purchased with all fittings from the same supplier and gave to a builder to fit. Apart from the guideline specified and checking, how would you know all the seals are ok, is there a specialist?

- You could employ a fire inspector. If you go to or download from the website you will know e.g. intumescent strips are missing if there is a groove
 - An example was when a loft conversion fire door was fitted and it was thought to be compliant. They ordered a fire door hardware kit, covering locks and hinge on doors, but they were compromised as there was no intumescent strip which would fill the gap between the door and frame in case of fire.
 - **Who do you go to if door not up to standard?**
 - The website is focussed on manufacturers, but you can get a good fire door inspector.
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6a. I went to a person selling doors and asked for a fire resistant door as I have been as advised. I wasn't sure what it was made of.

- If you are not sure you can check out the manufacturer's website

6b. They said it was fire resistant when they cut the window

- It may well have been. It goes back to self-declaration and about defining the risk and measuring risk. The FDA are here to remind landlords regarding responsibility, and where to go to procure the right products

6c The door was from one bedroom to the hallway. There was a glass window in it and glass fitted. The HMO inspection said it needed to be fire resistant. Could I put in fire resistant glass?

- No. If they said the door needed replacing it may not be just glass. There are specialist installation guidelines about how proper fire glazing should be fitted. If you are putting in fire resistant glass you need to make sure it is installed correctly. You may get hardened glass but you may not be putting it in right. You need a specialist glazier.
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7. How do doors with vents work?

- Air transfer grills allow regular air. Some are electronic and linked to the fire alarm system and automatically close. This is like an air bag in a car
 - For normal air transfer grills there is information in the guidelines
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11:15 Refreshments

- Following the break Darren Wilsher explained that because they inspect every property beforehand, it is best to wait for the licence documentation before starting work as it will specify the fire safety requirements, including exactly what doors and fire alarms systems are needed.
 - Some people have mentioned CPD. If you are a member of the LLAS accreditation scheme they can get this sorted out, and can send out further information
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11:30 Fire safety – fire alarms + Q&A - Tina Mistry, Regional Specification Manager, Aico

- **Summary of Presentation:**
- Presentation aimed at smaller HMOs e.g. flats with 3 people or more, normal dwellings of 1-2 storey, landlord and managing agents
- Will go through the new update of the British Standard
- An HMO is where 3 or more individuals live in the same dwelling, share facilities and are not part of the same family
- In Camden converted properties may also need a licence. Those that only consist of self-contained units, that do not comply with the 1991 building regulations. The whole property requires a licence. The environmental health officer will look at common parts, but the alarm systems required would extend into each individual flats
- BS5839 part 6 underpins advice. Document B refers to this. LACORS is also underpinned by this standard
- LACORS is a best practice document. A court of law will ask what a landlord did to adhere, and if they are deviating from it they will need to justify the reason why
- The document refers to the fact that everything practically and reasonable should be based on Fire Risk Assessment

- Explanation given of different grades of sensor types e.g.
- Grade A is a panel system with fire proof cabling
- They see a lot of Grade D1. If the mains ever fails there is a battery back up
- F1 has no mains power
- When contractors undertake work, there will be a completions certification
- Explanation given of coverage required e.g.
- Categories include level of coverage:
- LD3 – is a basic level of coverage, LACORs refer to LD3. LD3 covers all forms escape routes. If the means of escape goes via another room, there should be one there too
- LD2 is the current standard requirement. It covers hallways, landing, a loft if it is habitable and risk rooms such as the kitchen, living room
- LD1 is the highest level of coverage, including 1 metre square cupboards. The only areas not covered are bathroom and toilet

Maintenance

- Part 6 talks about maintenance and how frequently parts need to be maintained e.g. D1 needs testing by use of test button once monthly, and undertake full system test annually (also at change of tenancy)
- Carbon monoxide (CO) detectors
- Carbon monoxide is a silent killer. Symptoms are like a bad cold. Carbon monoxide is invisible and can seep through floors and adjacent properties. With fire there are flames and smoke. Only the symptoms of carbon monoxide poisoning will give indications that it is present
- Sensor types
- Sensor types are sometimes wrong and you may not know
- There are several different types. Some smoke sensors are optical and other ionisation. There are also heat detectors and multi sensor
- Optical – only detect big particles of smoke
- Heat - are for kitchens and are only activated when heat is 58°C.
- Ionisation smoke detectors are the most sensitive e.g. they will detect toast burning. If it keeps going off it may be in the wrong location
- Carbon monoxide detectors only detect carbon monoxide
- Dust can contaminate a detector head so must be careful e.g. if decorating must protect the sensor head
- When a property has one or more alarms they need to be interconnected. Interconnection can be hardwired or via radio frequency
- With D1 if the mains fails there is a guarantee of battery back-up. And tenants can't take alarms off as they are connected by wire to the lighting circuit
- **Janet Wade (Principal EHO) offered some further clarification:**
- Explained that this is a complex area regarding what is needed in what property. LACORS national guidance is slightly out of date. The latest British Standard 5839 was in April this year (2019). Camden use LACORS and the latest British Standard. Attendees are advised to wait until the inspection and

Council officers will specify what sort of alarm is needed and where the alarms need to be positioned in the HMO licence. It was advised to wait until the licence inspection as they don't want anyone wasting money carrying out the wrong or unnecessary work

- With carbon monoxide they don't currently ask for these on licences. Legally carbon monoxide detectors should go in any room with a solid fuel burning appliance e.g. real fire or wood burning stove. However, it is advisable to install CO alarms where there is any fuel burning appliances, including gas boilers. Fortunately most landlords seem to have CO alarms installed. The requirements are likely to change if the HMO licensing scheme is renewed next year (2020)
- When the notes are circulated a list of trade associations, who train and accredit suppliers and installers, will be included
- Whilst Camden use Aico to install fire alarms into their own properties, the Council is not necessarily recommending them. There are many other alarm companies in the market

Question & Answer – Fire Alarms

1 *I was advised with my alarms it was by Wifi, and if one goes off they all go off. Are they not using hardwire?*

- People sometimes think hardwiring is the link to other alarms by cable, but it means they are linked to an electrical supply. Most alarms now communicate by radio frequency. With Grade D1 alarm systems the supply is mains power, if one of the lighting circuits fails a rechargeable lithium battery will kick in and there is 72hr back up

2a *I am a Letting Agent and have a landlord who unless they see it in 'black and white' that it needs to be interlinked they won't do it. In some blocks they are battery powered. Is the British Standard where it explains what is legal?*

- BS5839 part 6 is the document to refer to. There is also an element about decibel levels and HMOs.

2b *It is the language 'recommend', the landlord says the fire risk assessors have something to gain*

- In a court of law they would need to explain. Part 6 is the recommendation, variations refer to Document B as well

3 *Can you take electricity off a light pendant or do they need a separate box?*

- The lighting circuit is fine for Grade D1 systems. Grade A systems will require a separate circuit and special cabling.

4 *Who can do checks of alarm systems and how often?*

- For Grade A it is competent person with approved accreditations for 5839-part 1.
 - Janet Wade explained that once a licence is issued those works must be carried out. If an agent is representing a landlord there is a legal obligation to comply with licence conditions
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12:15 Enforcement update - Darren Wilsher and Jack Kane (Operations Manager – Rogue Landlord Taskforce)

- **Please see attached presentation for further details**
 - Additional points to accompany presentation:
 - There has been recent press criticism of the LA not taking enforcement action despite lots new power. They are keen work to with landlords who want to run professional organisations. The focus is to take action is on rogue landlords
 - They try to work with landlords by informing them to get things done, but unfortunately they sometimes need to take formal action
 - They work closely with trading standards. There has been lot of downsizing of trading standard teams across the country, but Camden think it is important work
 - Jack Kane explained that intelligence is partly from external agencies e.g. fire brigade, but that they also look at websites such Spare Room, and the Council's own databases to find unlicensed HMOs
 - They are also using social media to promote their work with tenants
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Question & Answer – General

1. For the Rogue Landlord Taskforce. There are cases where agencies take over properties and let on AirBnB. No one has responsibility. The agent will saying they are renting but it is being used for AirBnB

- Camden are concerned with short term lets and the loss of rented accommodation for people living in the area e.g. this also effects such as school catchment areas. The planning team are taking enforcement regarding short term lets and the Council is lobbying government, with the GLA, to improve the situation. There is a maximum of 90 days a calendar year use for short term let properties but a lot get around it by listing the properties on multiple platforms. AirBnB say they want to cooperate, others not so. They are looking into it, and don't want the situation to get worse
 - These properties can also be a big problem in terms of ASB and nuisance.
 - At the moment the Council can still license properties if there are still units being rented. If the scheme is renewed they will be looking at licensing properties including short term lets
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2. How many properties don't have an HMO licence?

- From the research when they first started the additional licencing scheme there were an estimated 8,000 properties that need licences. They have had

applications for around 4000 so it is about 50%. They have seen good progress but they could do better. They do a lot to find unlicensed properties. The team are using data intelligence and will be carrying out street surveys. The consultation on the scheme renewal will raise awareness of the scheme with landlords

3. Is 90 days a short term let? I was told it was 30

- It used to be 30 days, but the government was lobbied to increase to 90. It is 90 days in London only
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4a. There is a suggestion that there is a national body that is uniform for licences rather than the LA. I am a landlord in the private sector and advocate for a 50yr disabled person who is sitting in the cold without heating, as heating too expensive. I asked the landlord for new heating. It is one of the worst rogue landlord situations, and the landlord is Camden Council

- The team deal with the private rented sector only. There is a formal complaints for Council tenants and their advocates.

4b. The Head of the council knows, the local councillor has not responded to the last two emails. If this was the private sector they would come down on them like a 'ton of bricks'

- It is difficult to comment on a particular case without knowing the details.
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5a Regarding fire doors and solid doors. On the HMO licence it said install solid doors. What is the difference between solid and fire doors for a single storey HMO?

- This is because normally a 30 minute fire door is not required in a single storey property. However, the means of escape still needs protecting. As it is only single storey, and the escape route is not so long, the requirement is not a full 30 minutes. Regarding solid fire doors and solid wood door, there are a lot of doors on the market. There are very light doors which are hollow inside which are virtually useless in terms of fire protection. The licence would be requiring a solid door of sound traditional construction

5b There are no definitions of a solid door in the whole document. It only defines fire doors. It is suggested that they add something

- As above, doors are not always required to be fire doors
 - Agreed something can be added about what a solid door means
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6. Is there a plan to extend additional licences?

- The definition is three or more people sharing facilities forming two or more household. This is the definition in the legislation so will not be changed. The definition of a licensable section 257 HMO may be amended slightly.
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7. What is the current lead time once an application is submitted?

- This is a good question. The time between application and the issue of the licence is not what they want it to be and are looking to improve. From application to issue it can take 200 days as they are inspecting every single property. Delays can be caused by the processing team having to chase information or the correct fee, and also by licence holders making representations regarding the draft licence
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8a. For the section 257 licence it appears it is where less than 50% occupied with private rented sector tenants. That is particular to Camden, the national is two thirds or 66%. Is this the case? Regarding the 1991 building regulations it is a Victorian conversion. When most of the building was refurbished more units were completed post 1991. I had a long conversation with Vincent Arnold. Why is there a need to demonstrate criteria are met for a section 257 licence when the building regulations at the time far exceed 1991?

- Section 257 HMOs are not an easy concept. Many local authorities believe it is a flawed definition. Properties may go in and out of licensing. It creates very different standards in terms of fire safety. Those predominately owner occupied may have very poor fire safety. In terms of the 1991 building regulations, it is the whole of the conversion that must comply with the 1991 building regulations (or later). Improvements that are carried to each flat will not mean the whole building complies. Flats will need 60 minute compartmentalisation and a compliant fire alarm system. Each property will be looked at on a case by case basis. Essentially landlords will need a building control certificate. If the necessary building control completion certificate does not exist, then the landlord must use either the local authority building control or an approved inspector to issue a certificate
 - If a property is licensable, we look for 30 minutes compartmentalisation (rather than the 60 minutes that building control require) and a full fire alarm system
 - Camden's additional licensing scheme currently includes section 257 HMOs where 50% or more of the flats are privately rented
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8. If individual flats in a block are occupied by a single family then does section 257 for HMO only apply to common parts

- The licence will relate to the flats in the property that are rented out and under the control of the licence holder. It will always relate to the common parts. So the inspection will look at common parts to check they are protected and have a fire alarms system, and inside these flats. We don't look inside those flats occupied by the leaseholder as these are classified as 'owner-occupied'. However, they will still need an interlinked fire alarm system installing and a compliant fire door to the entrance to the flat.
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9. What about EICRs

- An electrical inspection condition report (EICR) is required every 5 years. This has previously been a requirement under the HMO management regulations, and will shortly be a legal requirement under new legislation coming in next year. The EICR should be submitted to the Council at the time of the licence application.
If the whole of the installation is brand new an EICR is not needed for the first 10 years.
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10a. When licences expire in 5 years is there a reminder?

- Yes. They are not at the stage of renewal but when they are they will send a reminder letter. The onus to comply is on the landlords, but the Council want to facilitate the process. They are in the process of developing the renewal form – this will ask for less information than the form for new applications.

10b Will there be re-inspections?

- It is likely the team will rely to a large extent on self-certification to show they have carried out work. A re-inspection may take place where there are concerns. There will also be some random inspections.

10. What are the requirements for the gas safety certificate?

- It is a legal requirement to have a gas safety inspection every year, and for the certificate to be made available to tenants.