

HOUSES IN MULTIPLE OCCUPATION GUIDANCE NOTES AND STANDARDS FOR SHARED ACCOMMODATION

GUIDANCE NOTES

Before lodging an application for a licence for a House in Multiple Occupation (HMO), please ensure that you have read the following Guidance Notes and Standards for Shared Accommodation. If you wish any further advice, please contact:

**East Lothian Council, Licensing, John Muir House,
Haddington EH41 3HA**

hmo@eastlothian.gov.uk | 01620 620823

THE LICENCE APPLICATION MUST BE MADE BY THE OWNER(S) OF THE PROPERTY

1. The Licensing Scheme commenced on 1 October 2000, and a Licence for a House in Multiple Occupation is required for a premise where there are 3 or more qualifying persons living together who are not all members of the same family or of one or other of 2 families. For more on calculating qualifying persons, see Section 15.
 - a) Resident landlords and members of their families will be disregarded in calculating the number of qualifying persons. A person with heritable right of ownership must occupy the house as their only or main residence for this to apply; it does not apply where, for example, a parent buys a house for a child to share with friends; unless the child is a joint owner. The term time address for full time students counts as their main residence.
 - b) Co-ownership bodies will be exempt from licensing. This is defined in the Housing (Scotland) Act 2006 as "A co-operative housing association, within the meaning of Section 300 (1) (b) or the Housing (Scotland) Act 1987, the management of which is undertaken by general meeting".

- c) The maximum fine for operating an HMO without a licence (for the HMO owner or agent) is currently £50,000. In addition, the court may disqualify the owner from holding a licence for up to 5 years, and may disqualify an agent from acting for a licence holder for up to 5 years. East Lothian Council (ELC) may also impose a Rent Suspension Order so that no rent is payable by the occupiers of the HMO.

It is an offence to operate an HMO without a licence even where an application has been submitted but not yet granted. An exemption to this rule is where a currently licensed HMO is sold and the new owner submits a competent licence application within one month of the sale date.

2. Details of fees can be found at

Civic Licence Fees 2022 | East Lothian Council 

- 3.** Completed initial applications (and where appropriate Variation applications) **must** be accompanied by the following documentation (an application will be considered incompetent unless accompanied by this information):
- a) A paper sets of plans of the premises to a suitable metric scale (preferably 1:50). Plans should be provided on either A4 or A3 paper indicating the following:
 - a.i. Floor plans of each level including the layout of all rooms together with the location of sanitary ware, cooking facilities, power outlets, lighting points and switches and the storey height of each floor, measured from the ground level.
 - a.ii. The number of tenants occupying each bedroom.
 - b) A style copy of your tenancy agreement, rent book and Occupancy Records.
 - c) Details (i.e. evidence of current cover) of your existing insurance arrangements for the premises, and Owner's Public Liability Insurance to a minimum cover of £5m per dwelling (see note 44)
 - d) Current Electrical Certificates of Compliance: Electrical Installation Condition Report (EICR) and a current Portable Appliance Test (PAT) Certificate (see notes 35 – 39).
 - e) Gas Certificates of Compliance (see notes 40 & 41).
 - f) EPC Certificate (see note 22)
 - g) Legionella Risk Assessment (see note 23)
 - h) Fire Risk Assessment (see note 28)
- 4.** The enclosed Site Notice, suitably protected from the elements, must be prominently displayed at or near the living accommodation concerned, for both Initial Applications and Renewal Applications. It should be displayed so that it can be conveniently read **from the public footpath** for a period of 21 days from the date the application is lodged with the Council. If the Notice is removed, obscured or defaced, it should be replaced as soon as possible and the details recorded on the Compliance Notice (see note 5 below). The Notice must be removed following the 21 day period.

NB: This does not apply to an application where ELC is satisfied that to display the notice would jeopardise the safety or welfare of any persons or the security of any premises.

5. The enclosed Compliance Notice must be completed and returned to
East Lothian Council, Licensing, John Muir House, Haddington EH41 3HA
hmo@eastlothian.gov.uk | 01620 620823
only **after** the 21 day notice period is over.
6. The processing of an application may involve consultations with Building Standards, Planning, the Environment Department, Police Scotland and the Scottish Fire and Rescue Service.
7. Where the Council's Planning Authority raise a valid objection to an application, the application will not be processed and will be the subject of a **Preliminary Refusal** pending verification that the necessary permission has been obtained. Applicants will be advised in writing that their application is subject to a Preliminary Refusal (see Guidance Note 13 for more detail).

Application Process

8. ELC have up to 12 months to determine the application (refuse or grant the application) and ELC will endeavour to co-ordinate and carry out all necessary inspections as soon as possible. **The applicant is responsible for ensuring that all necessary work identified by ELC is satisfactorily completed.**

Delegated Powers

9. All new applications for Houses in Multiple Occupation Licences shall be determined by the Licensing Sub-Committee. Any application for renewal or variation of a House in Multiple Occupation Licence shall be determined by Licensing Officers under delegated powers where there are no representations, objections or any other adverse comments or issues relating to the application. Applications where there are representations or objections shall be determined by the Licensing Sub-Committee. For those applicants being referred to the Committee, the applicant and/or agent will be cited to attend the committee.

Building Warrant

10. A property which has more than 6 residents may require a Building Warrant for a change of use. In certain properties, a Building Warrant may be required where a fire detection and alarm system is being installed or where additional electrical sockets are being installed. Other works may not necessarily require

an application for Building Warrant however the work should still comply with current Building Regulations. Properties requiring a Building Warrant will have to comply with the Scottish Building Standards in addition to the Benchmark Standards and Guidance Notes. Unauthorised alterations to a property may also require a Building Warrant.

Further information to determine the position in relation to Building Warrant and regulation compliance can be found at

<https://www.gov.scot/policies/building-standards/monitoring-improving-building-regulations/>

ELC Building Standards operate a general enquiry duty service Tuesday and Thursday 9am–12pm, alternatively email **buildingstandards@eastlothian.gov.uk**. For further information on Building Warrants, call **01620 827216**.

Planning Permission

11. Landlords and owners must ensure that, where necessary, the relevant planning permission has been obtained. In all cases, a planning application is required for **flats** with an occupancy of 4 or more unrelated people, and **houses** where there are more than 5 unrelated persons in occupation (see Guidance Note 7). You are advised to discuss the manner of operation with Planning Officers of the Development Management Team in the first instance. Enquiries should be made to environment@eastlothian.gov.uk.

Where the necessary planning permission has not been obtained and is required, any application for a licence will be the subject of a **Preliminary Refusal** pending verification that the necessary permission has been obtained. Submitted applications can be held and subsequently processed or withdrawn and the fee refunded, pending the issue of planning permission.

For further information on Planning Consent, call 01620 827827 or email environment@eastlothian.gov.uk

Listed Building Consent

12. If your building is listed, the works you are carrying out may require listed building consent. The listing applies to the whole building, including the interior, and it is important that any fabric of historic or architectural interest is not affected. Works such as the installation of smoke detectors and sprinkler systems, fireproofing doors and fanlights, or other upgrading measures required for your licence, may require listed building consent.

Landlord Registration

- 13.** All landlords and property require to be registered under the Antisocial Behaviour etc. (Scotland) Act 2004 prior to letting a property. Where a property remains unoccupied prior to an HMO Licence being granted, the landlord(s) and the property will be passported into Landlord Registration with no additional fee payable once the licence has been granted. Where a property, which is the subject of an HMO Licence application, is occupied prior to a licence being granted, it is the landlord's responsibility to ensure that both they and the property are registered. In these circumstances the relevant Landlord Registration fee will require to be paid. Until an HMO Licence is granted a property cannot be occupied by more than 2 people from more than 2 families. An exemption to this rule is where a currently licensed HMO is sold and the new owner submits a competent licence application within one month of the sale date. In these circumstances the landlord and property must be registered.

For further information on Landlord Registration, call 01620 820623 (Landlord Registration Team).

Appeals

- 14.** Anyone to whom a Licensing Authority is obliged to give notice of a licensing decision (both objectors and applicants) can appeal to the Sheriff against that decision by summary application. The appeal must be lodged within 28 days. The Sheriff can uphold an appeal only if the authority erred in law, based their decision on an incorrect material fact, acted contrary to natural justice, or otherwise exercised their decision in an unreasonable manner. If you are in a position where you are considering an appeal to the Sheriff, you should consult a Solicitor or Citizens Advice Bureau for further information.

Qualifying Persons

- 15.** In deciding if you require an HMO licence, consideration must be given to the makeup of the group of people living together in the same house. The definition of family members is as follows:-
- a) Persons are to be treated as being in the same family and as being related to each other if they are a couple or one of them is a relative of the other.
 - b) A "couple" means 2 persons who are married, are civil partners, live together as husband and wife or, where they are of the same sex, in an equivalent relationship.

- c) A “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- d) A relationship by the half-blood is to be treated as a relationship of the whole blood, the stepchild of a person is to be treated as that person’s child and a person brought up or treated by another person as if the person were that other person’s child will be treated as that other person’s child.

It should be noted that the relationship of cousins is not covered by the above and therefore they would count as 2 qualifying persons as they are not from the same family.

The above counting rules only apply when determining the number of persons staying in a property prior to an HMO licence being issued. Once an HMO licence is granted, the maximum number of people who can stay in the property is the number listed on the licence – regardless of family relationship.

Licence Duration

- 16. An HMO licence is issued for a period of up to 3 years. All licences expire from the date they are granted. Where a licence has been previously awarded and is due for renewal, the relevant application form can be obtained from

**East Lothian Council, Licensing,
John Muir House, Haddington EH41 3HA
hmo@eastlothian.gov.uk | 01620 620823**

or from the Council’s website. You will be contacted and reminded in advance of the expiry date that your licence is due for renewal.

Legislation

- 17. The principal law governing shared accommodation is:

a) PARTS 5 and 9 of, and SCHEDULES 4 and 5 to, the HOUSING (SCOTLAND) ACT 2006 together with Statutory Guidance issued for Local Authorities.

STANDARDS

The Standards indicated below will be applied having regard to the age, type and location of the premises concerned.

Before lodging an application for a licence for a House in Multiple Occupation (HMO), please ensure that you have read the following Guidance Notes and Standards for Shared Accommodation. If you wish any further advice, please contact:

Space Standards

- 18.** Every room used as a bedroom should be capable of accommodating a bed, a wardrobe and a chest of drawers together with their associated activity spaces. Minimum room sizes and activity spaces are indicated in **Annex A and B attached**.

Kitchens

- 19.** Kitchens should be provided with the following:
- a) A cooker with oven, grill and 4 cooking plates or rings for every 5 people. A suitable microwave oven may be considered as an additional cooking facility for up to an additional 2 people.
 - b) A fridge (minimum cubic capacity of 4.5 cubic feet/127 litres) and a freezer (minimum cubic capacity 3.2 cubic feet/90 litres), for up to 5 people. The freezer need not be sited within the kitchen. Combined fridge/freezers of a suitable equivalent capacity will be considered.
 - c) A sink with integral drainer, for up to 5 people. Where an additional sink is required, the use of a 12 (min) place setting dishwasher may be considered.
 - d) A cold water supply to every sink which is a wholesome water supply, direct from the mains, suitable for drinking and other domestic purposes.
 - e) A minimum of one cubic metre of accessible food storage for a maximum of 5 people with an additional 0.2 cubic metres for each person over 5 people (lockable where requested by the occupants).
 - f) Sufficient drawer space for the storage of cutlery and cooking utensils.
 - g) A minimum of 2000 mm of impervious work surfaces for 3 people with an additional 600 mm for each additional person. This should include a minimum of 300 mm of work surface either side of the cooker.
 - h) Associated activity spaces as indicated in **Annex A** attached.
 - i) Where cooking is carried out in a bed-sitting room, a cooker and sink with a drainer must be provided in the room. A minimum of 900 mm of impervious work surface with a minimum of 300 mm either side of the cooker must be provided.
 - j) Where a landlord is providing meals for residents, they must comply with the "Food Safety Act 1990" and any regulations thereunder.

Sanitary Facilities

20. Each letting unit should not be more than one floor distant from any communal sanitary facilities (WC, bath or shower). In addition, the premises should be provided with the following:
- a) A WC and wash-basin (contained within the toilet, or within an adjacent space providing the sole means of access to the toilet), for every 5 people.
 - b) A bath or shower for every 5 people.
 - c) An adequate piped supply of hot and cold water to every wash hand basin, bath and shower.
 - d) Every bedroom should be located so that it is not necessary to pass through another bedroom in order to reach a bathroom, water closet compartment, or circulation space.
 - e) A minimum of one door separation between the toilet and any area used in the preparation of food. Where only one door separation is achieved, the WC must be suitably ventilated.
 - f) A suitable locking mechanism must be fitted to access doors to sanitary and bathing facilities, to ensure the privacy of the user. Obscure glazing must be provided where relevant.
 - g) A building should be provided with a safe and hygienic drainage system complying with relevant British or European Standards.

Space Heating

21. Each bedroom and living room must have a fixed controllable space heating appliance or be served by a central heating system, which may include any system of warm air or under floor heating, capable of maintaining a temperature of 18°C when the outside temperature is -1°C (a higher temperature may be specified where the HMO is intended to be occupied by older people or others who need additional heating).
- a) **Liquefied Petroleum Gas (LPG) must not be used or stored on the premises. Specifications for solid fuel, oil fired or gas-fired heaters are as per the current relevant British Standards.**
 - b) **A central heating system must be capable of being controlled from a communal area. In larger establishments such as Halls of Residence a centrally controlled system may be acceptable.**
 - c) Annual certification that installed gas systems have been examined by a qualified person (**Gas Safe** registered), that they are functioning properly and ventilation is adequate, must be provided.
 - d) Hard-wired (mains fed) or Lithium battery powered **CO (carbon monoxide) detectors**, meeting the requirements of the current British Standard, should be installed in accordance with manufacturer's instructions and fitted in the

same room as any gas-fired appliance and in any room which a flue passes through. The detector should be capable of being tested and have a fault indicator. **The detector, or where practical the sensor module, must be replaced in accordance with the manufacturer's instructions (BS EN 50291 requires all detectors to be marked with the replacement date) or when a fault is detected. Operating instructions must be included in the Tenant Information Folder together with a record of the manufacture date and replacement date for the unit.**

Energy Performance Certificate

- 22.** Every let property must have an Energy Performance Certificate (EPC), a copy of which must be provided to the tenants. From the 1 April 2020, a new tenancy cannot be granted for a property rated EPC 'F' or 'G' (unless an exemption applies). A landlord with a property rated EPC 'F' or 'G' must improve the rating to a minimum of EPC 'E' before letting. Where there is no change of tenancy, the backstop date for all let properties to achieve a rating of EPC 'E' is 31 March 2022. Similarly, from 1 April 2022, a landlord must not let a property unless the EPC rating is a minimum of EPC 'D' with a backstop date for all let properties to achieve a rating of EPC 'D' of 31 March 2025.

Legionella Risk Assessment

- 23.** If you are a landlord and rent out your property (or even a room within your own home) then you have a duty to assess the risk from exposure to Legionella to ensure the safety of your tenants. Advice from the Health and Safety Executive and be found at www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm

Lighting and Ventilation

- 24.** Every bedroom and living room should have:
- A window or windows of an aggregate glazed area equal to at least 1/15th of the floor area and situated in an external wall or roof.
 - A window or windows with an opening area equal to at least 1/30th of the floor area and situated in an external wall or roof.
- 25.** Every kitchen, bathroom and water closet should either have natural ventilation, with a window or windows with an opening area equal to at least 1/30th of the floor area, or adequate mechanical ventilation.

- 26.** There should be an electric lighting system providing at least one lighting point to every compartment or area having a floor area of 2 m² or more, and a stair within an HMO must have controlling switches at every storey.
- 26.** In any HMO with 2 or more storeys and more than 6 people, the escape routes within the HMO should be provided with adequate emergency lighting. In other cases where there is no natural light into a hallway or escape route, the Scottish Fire and Rescue Service may require emergency lighting to be fitted.
- 27.** All bathrooms and shower rooms are to be provided with an IP4-4 rated light fitting, where appropriate, and any ceiling strip light unit within the HMO must be fitted with an acceptable diffuser/cover.

Fire Safety

- 28.** The Scottish Fire and Rescue Service is a Statutory Consultee and a copy of your application will be passed to the Scottish Fire and Rescue Service. The Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 places a duty on those responsible for fire safety within relevant premises to carry out a fire risk assessment. These people are defined in the Fire (Scotland) Act 2005 as Duty Holders.

www.gov.scot/general-guidance

- 29.** A series of sector specific guides for sleeping accommodation as well as other relevant premises has been produced providing practical fire safety guidance for those with responsibilities under Part 3 of the Fire (Scotland) Act 2005, as amended, and the Fire Safety (Scotland) Regulations 2006.

[www.gov.scot/sector specific guidance](http://www.gov.scot/sector-specific-guidance)

- 30.** In the event that this guidance is read by persons with duties under the Fire (Scotland) Act 2005, as amended, and those persons feel unable to apply the guidance, then they should seek assistance from someone with sufficient technical knowledge. In this respect, the Fire and Rescue Authority or Joint Fire and Rescue Board, as principal enforcer of the legislation, cannot undertake the role. However, the authority does have a statutory requirement to provide general advice on request about issues relating to fire safety and should be able to provide information and advice which will assist duty holders to understand their obligations under the law.

- 31.** An example of an HMO risk assessment including guidance and blank forms can be found here.

<https://www.gov.scot/publications/fire-safety-risk-assessment-forms-and-guidance/>

- 32.** The Fire Risk Assessment, Fire Policy, Fire Action Plan, Fire Log Book recording the testing, inspections and maintenance of alarm systems, emergency lighting and portable firefighting equipment should be maintained and be **readily available on the premises for inspection.**

Testing, inspection and maintenance of all fire safety measures should be in accordance with the requirements contained in the Practical Fire Safety Guidance for Premises providing Sleeping Accommodation. Periods where the dwelling is vacant and inspections are not carried out must also be recorded. After a period of vacancy, all fire detection, emergency lighting and firefighting equipment must be fully tested prior to tenants resuming occupancy. The Log Book should also be used to record fire briefings given to new residents or employees.

Note: The guides referred to above supersede all previous guidance including the provisions of:

- a) *Mandatory Licensing of Houses in Multiple Occupation: Guidance for Licensing Authorities (ISBN-0-7559-4240-X); and*
- b) *Houses in Multiple Occupation: A Guide for Landlords (ISBN-0-7559-4241-8)*

Water Supply

- 33.** A supply of wholesome drinking water must be provided in a readily accessible position within the premises.
- 34.** All baths, showers, water closets, wash basins and sinks must have an adequate supply of hot and cold water.

Drainage

- 35.** The premises should be provided with a safe hygienic drainage system.

Electrical Safety

- 36.** Certificates of Compliance (Electrical Installation Condition Report or Electrical Installation Certificate) meeting the requirements of BS 7671, signed by an approved NICEIC or SELECT contractor, using current NICEIC or SELECT Electrical Installation Condition Reports (EICRs) are required.

A competent contractor who is not a member of the NICEIC or SELECT may be used, but non-member "green" NICEIC Electrical Installation Condition Reports must be submitted. These can be purchased direct from – **NICEIC, Vintage House, 37 Albert Embankment, London, SE1 7UJ**. Competent contractor means a skilled person (electrically) as defined in amendment 3 of BS7671.

This means that they must be employed by a firm that is a member of an accredited registration scheme operated by a recognised body. In Scotland this will usually mean that they are registered with NICEIC or a member of the Electrical Association of Scotland (SELECT).

A competent person (other than a member of NICEIC or SELECT) should be able to confirm all of the points listed in the Scottish Government Checklist Form provided at Annex C to this document. **It should be noted that Periodic Inspection Reports (PIRs) have been replaced with Electrical Installation Condition Reports (EICRs).**

37. The EICR must meet the following minimum requirements:

- a) Thorough visual inspection of the complete electrical installation which is not concealed.
- b) At least a **20% sample** of the internal condition of all fixtures and fittings.
- c) Complete testing of all circuits (fittings and accessories).
- d) Schedule of Inspections and Schedule of Test results must be fully completed and submitted.

This certificate confirms that the hard-wired system is safe and should be renewed at least every 5 years. **An EICR inspection and testing notice (label) should be prominently displayed adjacent to the Circuit board recording the date of the last inspection and the recommended date of the next inspection.**

A current Portable Appliance Test (PAT) Certificate is also required for all plug-in appliances. This certificate should preferably show the individual reading(s) for each appliance, obtained at the time of test and must indicate whether they pass or fail. **Certification must identify the contractor's name and address and be signed by the contractor.**

In the case of **spurred appliances** a formal visual inspection must be carried out annually with the results and any recommendations recorded on the annual PAT certificate. Combined inspection and testing of spurred appliances must be carried out with the results and any recommendations recorded as part of the 5 yearly EICR.

The PAT Certificate must be renewed at least annually, or earlier as directed by the approved electrical contractor or a person who has completed appropriate training as a PAT tester. Current PIR/EICR and PAT certification must be held and be submitted with the application for licence. They must also be displayed within the premises. Portable Appliance Testing requires a label on each appliance tested. Certification must be retained for submission with any subsequent validation application, or on request, to prove continuity of certification. **Failure to ensure continuity may result in a requirement to provide an EICR valid for the full period of any licence granted.**

- 38.** Where work is carried out to the electrical installation, it must be carried out by a competent contractor who can provide relevant certification. Building Warrants may also be required in certain circumstances and it is the landlord's responsibility to obtain any necessary Warrant and Certificate of Completion. Lack of certification will prevent the issue of a licence.

Type of Work completed	Type of certificate required
New installation or change to existing installation including a new Circuit Board	Electrical Installation Certificate or Electrical Installation Condition Report
New installation work that does not include the provision of a new circuit	Electrical Installation Certificate or Minor Electrical Installation Works Certificate
Alterations or additions	Electrical Installation Certificate
Alterations or additions that do not include the provision of a new circuit	Electrical Installation Certificate or Minor Electrical Installation Works Certificate
Periodic Inspection Testing	Electrical Installation Condition Report

39. There should be a minimum of:

- a) Six socket outlets in each kitchen, where at least 3 should be situated above the worktop level in addition to any outlets provided for floor-standing white goods or built-in appliances.
- b) Six socket outlets in each bedroom and living room or living area in the case of a combined living/kitchen. Outlets should be provided on at least 2 separate walls in each room/area and be located to ensure safe and practical access.
- c) Four additional sockets anywhere in the building, including at least one within each circulation area on a level or storey.
- d) Residual Current Devices (RCD) protection must be provided at the property which is the subject of the licence. This shall be to the standard set out in current IET Wiring Regulations and be provided either by all independent circuits each fitted with an RCBO or by combination of RCBO, MCB and RCD devices as appropriate. Power supplies to smoke detection/alarms should further comply with BS5389-6. Emergency Lighting should be on the same circuit as the hall lighting. Circuit Boards must be made of non-combustible material

The minimum requirement under this condition is for dual RCD protection to be provided. Further, there should be division of circuits consistent with the terms of the said IET Wiring Regulations, unless the licence holder can provide the Council with a suitable report from a qualified electrician that such division is not practicable.

It is not intended that the property concerned be rewired to meet the division of circuits' requirement. An RCD Notice (Label) should be prominently displayed adjacent to the Circuit Board.

The replacement of a Circuit Board will require the provision of a new EIC or EICR. Please refer to the table at para 40 above.

- e) Where RCD protection is not fitted at the time of Validation of an existing licence, it will become a condition of Validation that RCD protection is provided. Where RCD protection and division of circuits, as outlined in (d) above, can be provided within the existing Circuit Board, this will be acceptable, however where this requires the installation of a new Circuit Board, the new board must be made of non-combustible material (i.e full metal construction) to comply with current regulations. **A single RCD providing protection to all circuits will not be accepted as compliant.** An RCD Notice (Label) should be prominently displayed adjacent to the Circuit Board.

It will be for the applicant to prove compliance.

- 40.** Tenant's appliances should be in good repair, used for the intended purpose, and suitable for the intended purpose. HMO landlords should consider advising their tenants on electrical safety. Where an HMO landlord requires their tenant's appliances to be tested, they must ensure that the tenant is aware of the requirement and any costs involved prior to signing the lease.

Gas Safety

- 41.** Ensure that all gas appliances and installation pipework are maintained in a safe condition, in accordance with the "Gas Safety (Installation and Use) Regulations, 1998".
- 42. Annual Certification** that the installed gas systems have been tested and approved by a **Gas Safe** Registered Installer must be obtained and together with a record of such inspections and any remedial works and defects identified, must be kept, and made available for inspection within the premises. **Annual certification for the current year and the previous 2 years must be retained for submission with any validation application.**

Security

- 43.** The accommodation must have secure locks on all access doors and ground floor accessible windows. All access doors to the property must also be capable of being opened from the inside without recourse to a key so that residents can escape in case of fire.
- 44.** The landlord must ensure that let bedrooms are fitted with a lever latch and secured with a suitable lock, which is capable of operating via a thumb-turn mechanism from inside the room, to allow emergency egress.

Insurance

- 45.** Landlords will be required to maintain adequate Comprehensive Buildings Insurance together with Owner's/Public (not Employer's) Liability Insurance (minimum cover £5m per dwelling). Landlords should encourage residents to consider taking out suitable cover for personal belongings. Annual certification must be retained for submission with any validation application.

General Standards

- 46.** Premises should comply with the relevant Scottish Building Standards.
- 47.** The landlord shall comply with the "Health and Safety at Work Act 1974" and any regulations thereunder, if applicable.
- 48.** The landlord shall comply with the "Furniture and Furnishings (Fire) (Safety) Regulations, 1988, as amended" and any regulations thereunder.
- 49.** Every stair for a change in level of more than 600 mm should have a handrail on at least one side, fixed at a height of at least 840 mm and not more than one metre above the pitch line of a flight or surface of a landing.
- 50.** Suitable drying facilities i.e. internally – tumble drier, at a maximum occupancy rating of 1:12 or externally – rotary drier at a maximum occupancy rating of 1:12, or a drying green, should be provided in a domestic situation. Large residential and institutional properties will be considered on an individual basis, by East Lothian Council.
- 51.** Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental property, 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 bin storage area following collection (where applicable).
- 52.** The building should be maintained in a reasonable state of repair, having regard to its age, type and location and be compliant with the **Repairing Standard**. Garden and environmental areas should be adequately maintained. Where an HMO is in a shared building, the landlord must co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts. Where tenants fail to participate in the cleaning and maintenance of common areas or environmental areas, the landlord will be expected to carry out the work, if necessary re-charging the tenants where the lease allows.
- 53.** Fitted carpets with suitable underlay will require to be fitted to reduce sound transmission between flats. Where an existing HMO has exposed wooden floor boards, laminate, hard wood flooring or tiled floor finishes and substantiated complaints are received regarding excessive noise, the landlord will be required to provide fitted carpets and underlay or other acceptable finish to minimise sound transmission.
- 54.** The interior of the premises should be maintained in a satisfactory state of repair and decoration. The landlord must ensure that the property meets the Repairing Standard.

- 55.** The use of the licensed premises must comply with the terms of any planning permission issued by East Lothian Council's.
- 56.** The Licensee shall ensure that up to date records are maintained for all residents. These records shall be made available on request to officers of East Lothian Council, and shall include the following details:
- a) Each resident's full name.
 - b) Dates of entry and departure of each resident.
 - c) Records of rental payments and arrears.
 - d) Any change of tenants or responsible person must be notified to the Revenues Department, East Lothian Council.
- 57.** Only rent books, occupancy records, and tenancy agreements approved by the licensing authority shall be used.
- 58.** Where the rent is payable weekly, payments shall be recorded in a rent book, which will be retained by the resident. Otherwise, a written receipt of each rental payment shall be issued to residents.
- 59.** The Licensee shall issue receipts for any rental deposits received. Possible reasons for deducting any amounts from the deposit should be made clear within the lease.
- 60.** The Licensee will ensure that all deposits are lodged with an approved Tenancy Deposit Scheme and the tenants are provided with relevant information about the tenancy and deposit in accordance with the Tenancy Deposit Schemes (Scotland) Regulations 2011.
- 61.** The premises will be provided with adequate heating, lighting and ventilation in accordance with Approved Standards.
- 62.** A BT installed telephone line connected to the Local Exchange, to which the residents have access, must be installed in a communal area within the premises by the Licensee.

Annex A: Space Standards

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

Floor space will only be counted where there is a ceiling height of at least 1.5 m. The minimum width of a bedroom should be 2.25 m.

1. Standards for bedrooms where there is a common living room and kitchen available and the common living room and kitchen comply fully with the HMO Standards:

- Single room (one adult) 6.5 sq. metres
- Double room (2 adults) 10.5 sq. metres
- Triple room (3 adults) 16.5 sq. metres
- Over 3 adults 16.5 sq. metres + 4.5 sq. metres per person over 3 years of age
 - Family room 10.5 sq. metres + 4.5 sq. metres per child (2 adults + children under 10 years of age)

2. Standards for bedrooms where there is no communal living area available but a common kitchen which fully complies with HMO Standards is available:

- One adult 10.0 sq. metres
- 2 adults 15.0 sq. metres
- 3 adults 19.5 sq. metres
- Over 3 adults 19.5 sq. metres + 6 sq. metres per person over 3 years of age
- Family room 15.0 sq. metres + 7 sq. metres per child (2 adults + children under 10 years of age)

3. Standards for Bedroom with cooker:

- One adult 13.0 sq. metres
- 2 adults 19.0 sq. metres
- In normal circumstances, children would not be accommodated in bedrooms with cookers. If exceptionally, they are, appropriate measures must be taken to ensure their safety.

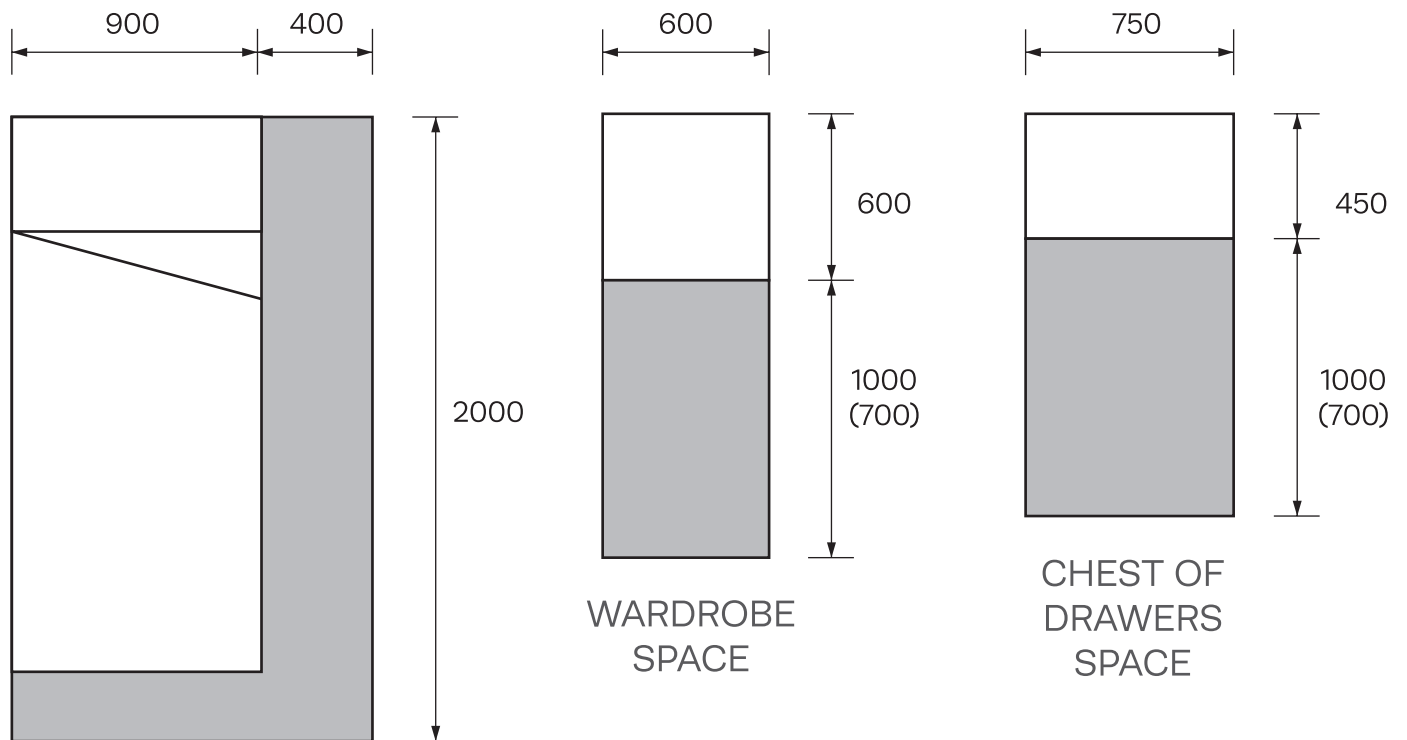
4. Standards for Communal Living/Kitchen areas excluding any area used as a kitchen:

- 3–5 persons 8.0 sq. metres + 1.5 sq. metres per person over 5

5. Standards for Communal Living Rooms:

- 3–6 persons 11.0 sq. metres + 1.5 sq. metres per person over 5 years of age
- 7–10 persons 16.5 sq. metres
- 11–15 persons 19.5 sq. metres

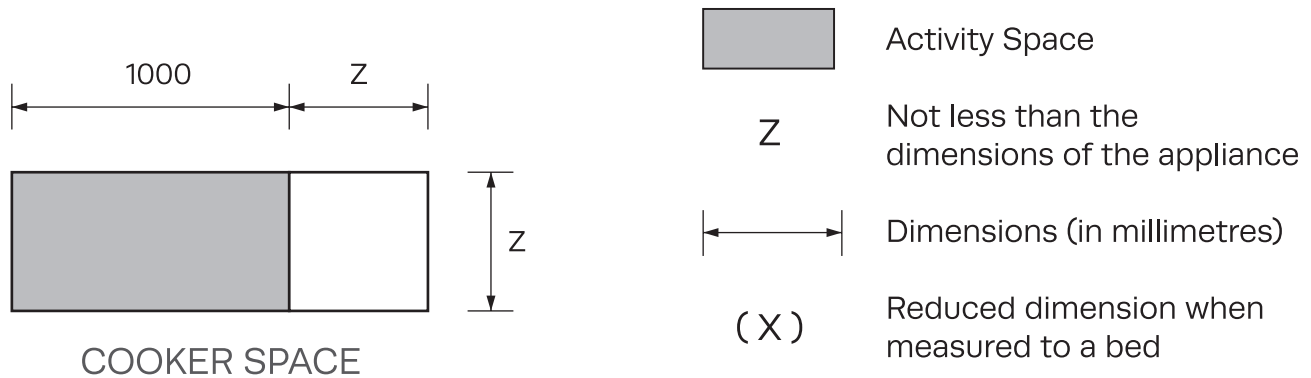
Annex B: Activity Spaces



BED SPACE

WARDROBE SPACE

CHEST OF DRAWERS SPACE



COOKER SPACE

Note:

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

Annex C

SCOTTISH GOVERNMENT STATUTORY GUIDANCE ON ELECTRICAL INSTALLATIONS AND APPLIANCES IN PRIVATE RENTED PROPERTY

Evidence of competence to carry out an Electrical Condition Installation Report for the purposes of assessing the safety of electrical installations, fittings and fixtures in private rented property.

Checklist for Electrician

*** The electrician should tick each item in this list to confirm that it applies.**

- I am a member of a professional body
- I have public liability insurance (£2 million minimum is recommended)
- I have employers' liability insurance (£2 million minimum is recommended)
- I have professional indemnity insurance (£0.25 million is recommended for contractors undertaking electrical installation condition reporting)
- I have completed appropriate assessed training on current version of BS7671 within the past 5 years
- I can provide copies of wholesaler bills made out to entity trading
- I can provide copies of trade qualification or equivalent
- I have possession of a calibration certificate for test equipment for the work carried out
- I can provide a copy of a written health and safety policy statement for the business
- I have completed Electrotechnical Certification Scheme (ECS) Health & Safety Assessment within the past 3 years
- I have been granted, or am eligible to be granted at least Approved Electrician grade.

I certify that I can provide the above listed evidence of competence.

Name _____

Firm / Trading Name _____

Signed _____ Date _____