

**Adult Social Care Property Standards and Expectations for Supported Accommodation
(DPS and Property Providers)**

Leicestershire County Council Adult Social are in support of the national statement of expectations and aim to work with providers of accommodation in order to improve quality, standards and outcomes for those being supported.

The National Statement of Expectations (NSE) for supported housing sets out government's vision for ways of working in the sector and recommendations for standards in accommodation and is an important step in establishing what good looks like and how it can be achieved. This is part of the work to improve oversight, ensure quality and value for money.

<https://www.gov.uk/government/publications/supported-housing-national-statement-of-expectations/supported-housing-national-statement-of-expectations>

Underpinning this vision is;

'It is our ambition that all people who need it can access safe and good quality supported housing at the right time. We want residents of supported housing to have safe, appropriate accommodation which meets their needs, and which delivers positive outcomes, whether this means living as independently as possible or moving onto more independent living over time. We also want supported housing to provide value for money for residents, commissioners and the taxpayer, while recognising that costs can be more expensive than in general needs housing due to the specialised requirements'

Standards of Accommodation

Minimum standard is that accommodation meets all building-related and environmental statutory requirements, including those on fire and health and safety.

The Regulator of Social Housing requires that all Registered Providers meet the Decent Homes Standard. The Government states that all non-registered providers meet this standard as best practice, along with the standards and extra duties for Houses in Multiple Occupation (HMOs), both licensable and non-licensable (buildings controlled or managed by registered social landlords are not HMOs under the Housing Act 2004). Providers should comply with local licensing requirements where applicable.

- Ensuring safe and good quality supported housing
- Ensuring supported housing provides value for money

To aid in establishing the local standards and setting out our expectations please see information below that includes details on space standards and other requirements. You should read this document alongside the 'Property Suitability Checklist' that is required for each individual where a new address is to be sourced to meet their needs.

Leicestershire County Council

Guidance on accommodation requirements and space standards

October 2020

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1. Introduction

Leicestershire County Council (LCC) has prepared this Guidance to aid property owners, planning applicants and Local Authority officers on LCC's expectations for the standard of residential accommodation in the County. It references existing statutory controls, policies and guidance and outlines the Council's expectations in terms of delivering a good standard of amenities and facilities provided.

2. The Nationally Described Space Standards (NDSS)

In 2015 the government introduced a nationally described space standard which deals with internal space within new dwellings. These standards are suitable for application across all tenures and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy, bedrooms, bed spaces, and storeys, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. For advice on the Nationally Described Space Standards please see the Ministry of Housing, Community and Local Government, (formerly the Department for Communities and Local Government) guidance - <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard> For ease of use the council has translated these requirements into a table form as shown below.

Bedrooms	People	Stores	Gross Internal Floor Area	Single bedroom area (m2)	Single bedroom width (m)	Double/twin bedroom area (m2)	Largest double/twin bedroom width (m)	Other double/twin bedroom width	Built-in Storage	Height for 75% of GIA
1	1	1	39 (37)*	7.5	2.15	-	-	-	1.0	2.3
	2	1	50	-	-	11.5	2.75	-	1.5	2.3
	2	2	58	-	-	11.5	2.75	-	1.5	2.3
2	3	1	61	7.5	2.15	11.5	2.75	-	2.0	2.3
	4	1	70	-	-	11.5	2.75	2.55	2.0	2.3
	3	2	70	7.5	2.15	11.5	2.75	-	2.0	2.3
	4	2	79	-	-	11.5	2.75	2.55	2.0	2.3
3	4	1	74	7.5	2.15	11.5	2.75	-	2.5	2.3
	5	1	86	7.5	2.15	11.5	2.75	2.55	2.5	2.3
	6	1	95	-	-	11.5	2.75	2.55	2.5	2.3
	4	2	84	7.5	2.15	11.5	2.75	-	2.5	2.3
	5	2	93	7.5	2.15	11.5	2.75	2.55	2.5	2.3
	6	2	102	-	-	11.5	2.75	2.55	2.5	2.3
	4	3	90	7.5	2.15	11.5	2.75	-	2.5	2.3
	5	3	99	7.5	2.15	11.5	2.75	2.55	2.5	2.3
	6	3	108	-	-	11.5	2.75	2.55	2.5	2.3
4	5	1	90	7.5	2.15	11.5	2.75	-	3.0	2.3
	6	1	99	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	7	1	108	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	8	1	117	-	-	11.5	2.75	2.55	3.0	2.3
	5	2	97	7.5	2.15	11.5	2.75	-	3.0	2.3
	6	2	106	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	7	2	115	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	8	2	124	-	-	11.5	2.75	2.55	3.0	2.3
	5	3	103	7.5	2.15	11.5	2.75	-	3.0	2.3
	6	3	112	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	7	3	121	7.5	2.15	11.5	2.75	2.55	3.0	2.3
5	6	1	103	7.5	2.15	11.5	2.75	-	3.5	2.3
	7	1	112	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	8	1	121	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	6	2	110	7.5	2.15	11.5	2.75	-	3.5	2.3
	7	2	119	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	8	2	128	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	6	3	116	7.5	2.15	11.5	2.75	-	3.5	2.3

	7	3	125	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	8	3	134	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	7	3	129	7.5	2.15	11.5	2.75	-	4.0	2.3
	8	3	138	7.5	2.15	11.5	2.75	2.55	4.0	2.3

3. Homes in Multiple Occupation

a) General Space and Amenity Standards in HMOs

With regard to HMO's (Houses In Multiple Occupation), developers will need to comply with specific regulations in respect of requirements for Houses in Multiple Occupation as well as planning controls. It is recommended that where planning permission is required developers consult with planning officers and HMO licensing officers in the appropriate district to resolve issues as early as possible.

Legislation¹ prescribes certain standards that must be met in Houses in Multiple Occupation that are licensable under the Housing Act 2004. These include heating, washing facilities, cooking facilities and fire precaution measures.

From 1st October 2018 legislation was introduced that imposed licence conditions relating to minimum room size for rooms occupied as sleeping accommodation in HMOs licensed under Part 2 of the Housing Act 2004 (mandatory and additional licensing schemes): The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. These state –

One person room (over 10 years of age)	6.51 square meters
Two person room (over 10 years of age)	10.22 square meters
One child room (under 10 years of age)	4.64 square meters

* No part of a room should be included in the measurement where the ceiling height is less than 1.5m

The Government's non-statutory guidance "Houses in Multiple Occupation and residential property licensing reform: Guidance for Local Housing Authorities" states that the statutory minimum is not intended to be the optimal room size and that local authorities will continue to have discretion to set their own higher standards within licence conditions but must not set a lower standard. For Leicestershire County Council's recommendation in this area, please see below.

b) Leicestershire County Council HMO requirements

Leicester City Council, Derby City Council and Nottingham City Council and DASH (Decent and Safe Homes) East Midlands have developed some best practice guidance for space and amenity

standards for both licensable and non-licensable HMOs, which have been adopted by Leicestershire County Council.

The best practice guidance is not a legal requirement and other factors or compensatory features are taken into consideration when inspecting a property for licensing purposes therefore allowing for a degree of flexibility with the best practice guidance in certain circumstances. These factors could include the shape and usability of the living space and any additional amenity space within the property.

Bedrooms in HMOs where there is no lounge/dining space elsewhere and where cooking facilities are not provided in the room.

The HMO requirements we recommend in Leicestershire are:

Bedrooms in HMOs where there is no lounge/dining space elsewhere and where cooking facilities are not provided in the room:

One person room 10 square metres

Two person room 15 square metres

Bedrooms in HMOs where there is adequate dining space elsewhere and where cooking facilities are not provided in the room.

One person room 8 square metres

Two person room 12 square metres

Shared dining space

Where dining space in a separate room or rooms is needed, a minimum of 2 square metres per person will be required. Persons occupying bedrooms/living units with exclusive use of adequate and suitably located dining space can be excluded from the calculation. Any shared dining space shall be suitably and conveniently located. It shall not normally be more than one floor away from the living unit.

Kitchens

Where these are used by up to 5 persons the minimum size shall be 7 square metres. Approximately 3 square metres shall be added for each extra person sharing the kitchen.

General note

Whilst local authorities are entitled to produce guidance on what room size they consider acceptable, they are not able to apply their guidance as if it has statutory force. The dimensions and areas specified shall normally be regarded as minima, particularly with regard to new proposals. However, it is recognised that existing buildings cannot always achieve these minima. A degree of flexibility will sometimes be possible if other compensating features are present. Conversely it should be noted that irrespective of the dimensions, the shape and useable living space of any room is a determining factor in the calculation of the maximum number of people for which it is suitable.

c) Mandatory Licensing of Houses in Multiple Occupation

The Housing Act 2004 introduced a mandatory licensing system for certain types of Houses in Multiple Occupation (HMO). The aim of licensing is to ensure that every licensable HMO is safe for the occupants and visitors and is properly managed.

From April 2006 owners of certain types of HMOs have been required to apply to the local authority to have their properties licenced. From 1st October 2018 the type of property requiring a licence was extended to include any² HMO property with 5 or more occupiers from more than 1 household. The responsibility for applying for a licence rests with the person having control of, or the person managing the property. Generally, this is the owner, or the managing agent.

d) Consequences of non-compliance

HMO Licensing (Neighbourhood & Environmental Services) - Licensing Regime.

The Housing Act 2004 sets out a number of licensing related offences all of which carry an unlimited fine, including:

- Operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows
- Breach of a licence condition
- Supplying incorrect information in a licence application

In addition to the above, a landlord who operates an unlicensed HMO can be subject to a Rent Repayment Order (RRO) by a First-tier Tribunal (Property Chamber) under sections 96 and 97 of the Housing Act 2004.

Operating an unlicensed HMO or breaching a licence condition can be dealt with informally initially, however, if the breach is serious and affects the safety of the occupants or the licence holder does not carry out necessary works within an agreed timescale, formal legal proceedings with a view to prosecution can be initiated.

As an alternative to prosecution a Civil Penalty can be issued for certain offences using the Housing and Planning Act 2016. The same criminal standard of proof is required for a civil penalty as for prosecution and the Council must satisfy itself that of the case were to be prosecuted there would be a realistic prospect of conviction.

4. Building Control

Generally, there is a legal requirement to get approval, if you are extending, altering or erecting a building. This is to safeguard you, the general public and any future owners of the building. You can apply for building regulation approval through the District Council's Building Control Team or an Approved Inspector. Schemes of conversion or new build will need to comply with the Building Regulations. Building work must be inspected during its progress and sufficient notice must be given to enable inspectors to arrange site visits.

Generally, all new build work, extensions and all structural alterations will require approval under building regulations and some other alterations such as reroofing, rendering, replacement windows and domestic electrical work will probably also require approval.

Building regulations are there to ensure the health, safety and well-being of the public and are administered by a Building Control Body (Council or Approved Inspector) to maintain building standards and energy conservation in most building schemes. The District's Building Control teams provide an impartial, objective assessment of your work through appraisal of submitted plans and information, and subsequent site inspections.

The building regulations cover a number of topics such as structure, fire, moisture resistance, sound, ventilation, water supply and sanitary conveniences, drainage, boilers and chimneys, stairs and ramps, conservation of fuel and power, access for all, safety glazing, and electrical work in and around dwellings.

The design of all residential buildings must meet the requirements of the Building Regulations in respect of means of escape in case of fire, fire precautions and access/facilities for firefighting. This includes conversions of properties.

The design, including internal layouts (to private houses, flats, bedsits etc) and escape routes, should conform to the guidance given in the relevant version of Approved Document B (which support the building regulations) or the British Standard BS9991.

Approved Document M contains requirements for access and moving around a building and contains 'optional requirements' for higher standards. Where appropriate, these can be imposed at the Planning stage to enable a dwelling to be accessed and used throughout a person's lifetime. If higher standards are a condition on the relevant planning permission, Building Control must be notified of this.

If there is no Building Regulation Approval for the works undertaken, or if works have not been carried out in accordance with an Approval, a Local Authority can take enforcement action against the owner of a property (even if that person did not undertake the work themselves), requiring the property owner either to undo the works undertaken or to carry out rectification works in order to ensure that the works comply with Building Regulations.

Should you choose to proceed despite the lack of Building Regulation Consent you may be exposed to the following risks:-

- a) An insurance company may refuse to pay out under a Buildings Insurance Policy if there is inadequate Building Regulation Consent for alterations to the property.
- b) If there is no Building Regulation Approval for the works, they could be structurally dangerous.
- c) The Council could take enforcement action against you requiring you to undertake costly rectification works and causing you considerable inconvenience.
- d) If the property is being sold or is being re-financed, the lack of the requisite approval will be revealed on a Local Search and there is a risk that the finance (for the owner or potential purchaser) could be refused or indemnity insurance may be required.

5. Housing Health and Safety Rating System

The Housing Act 2004 introduced the Housing Health and Safety Rating System, a method for local authorities to assess housing conditions. The key principle of the system is that a dwelling, including the structure, outbuildings, amenity space, means of access etc. should provide a safe and healthy environment for the occupants and any visitors.

The inspection process is a risk-based assessment that aims to address all the key issues that affect health and safety within a dwelling and considers the effect of 'hazards' in the property. Hazards are rated according to how serious they are and the effect they are having or could have on the occupants –the effect of the defect.

The system provides a means of comparing risks associated with different types of hazard. Some are slow and insidious in their effect such as dampness and cold and lack of space whilst others are quick such as falls. Some hazards are more likely to result in death (such as carbon monoxide) and others unlikely to cause death (noise, poor layout of amenities).

HHSRS uses a scoring system, each assessment results in a numerical representation of the degree of risk represented by a hazard. A formula is used which takes account the nature of the hazard, the likelihood of an occurrence and the seriousness of the outcome.

A high scoring hazard will be categorised as a category 1 hazard and the local authority has a duty under the Housing Act to take action. Lower scoring hazards are category 2 and local authorities have the power to take action should it be deemed necessary to do so.

Of the 29 identified hazards, Hazard 11: Crowding and Space deals with health hazards linked to a lack of living space for sleeping and completing normal.

6. Fire Safety

a) Fire Service Order

The Fire Safety Order (FSO) applies to most premises other than single private dwellings (Housing Act) and the responsible person for the premises must ensure that they understand and are aware of their duties. Contraventions and non-compliance of the FSO can result in prosecutions which include unlimited fines and or custodial sentences.

The Regulatory Reform (Fire Safety) Order 2005 is statute law which imposes requirements and duties on the responsible person (the person having control over the premises i.e. owner, landlord, managing agent etc.) of the premises to ensure the safety of all relevant persons.

One of the main requirements of the FSO (Article 9) places a duty on the responsible person to ensure that a suitable and sufficient fire risk assessment has been carried out. This must identify the general fire precautions that are required for the safety of all relevant persons (what fire safety arrangements are in place or will be required).

Leicestershire Fire and Rescue Service are the local enforcing authority for the FSO. Their duties start at the planning and development stage of any premises which fall under the FSO and they are consulted as a part of the process for any new builds or premises undergoing any material alterations. They also carry out regular inspections of premises to ensure compliance with the FSO.

Contraventions and non-compliance of the FSO can result in prosecutions which include unlimited fines and or custodial sentences.

Different types and uses of premises i.e. purpose-built flats, HMO's etc. will require specific fire safety arrangements. It is therefore essential that appropriate best practice guidance is used when assessing the premises. Leicestershire Fire and Rescue Service do provide advice and guidance which can be found on their web site.

b) Leicestershire County Council's Fire Safety Requirements for Third Party Owned Supported Accommodation and LCC owned Supported Accommodation

For the current policy in this area and the LCC Fire Risk and Sprinkler Priority Assessment Tool, please contact Leicestershire County Council.

As a minimum for a non LCC owned supported accommodation property the following is required:

- Completed fire strategy for the building
- Completed fire risk assessment for the building
- Written assurance the above will be reviewed annually

7. Public Health

The built and natural environment we design and create can influence people's ability to follow healthy behaviours and have positive impacts on reducing inequalities. Residential space standards, amenities and facilities can help to protect and promote the health and wellbeing of residents of Leicestershire and contribute to the prevention of ill health and support positive health and wellbeing across the life course.

Public Health England note some of the UK's most pressing health challenges - such as obesity, mental health issues, physical activity and the needs of an ageing population – can all be influenced by the quality of our built and natural environment³.

The adverse health effects associated with a lack of space, overcrowding, damp and cold, are linked to a range of conditions and diseases in children and adults, including respiratory conditions, tuberculosis, meningitis and poor mental wellbeing and social cohesion. Well-designed homes, space standards and amenities should have a positive impact on health and wellbeing, including physical activity, social isolation, mental health and air and noise pollution.

8. Leicestershire County Council's policy on Zero Carbon Requirements/Construction



Policy on Zero
Carbon Requiremen



Appendix A Zero



Appendix B Zero
Carbon Constructio
Carbon Assessment

<p>Appendix 1 Leicestershire County Council Guidance on accommodation requirements and space standards</p>  <p>Leics Standards SL 2020 abridged.docx</p>	
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