



OFFICE OF THE  
DEPUTY PRIME MINISTER

# Improving Standards of Accommodation for Homeless Households Placed in Temporary Accommodation

A Consultation Paper

Published May 2003

homelessness  
director<sup>ate</sup>



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As part of its aim to tackle homelessness more effectively, the Government is keen to bring an end to the use of Bed and Breakfast (B&B) hotels for homeless families with children, except in the short-term for urgent cases. It is also keen to ensure that, where homeless people – individuals, couples or families – are placed in temporary housing, councils observe minimum requirements on the suitability of accommodation and ensure the provision of relevant services to support them. This document seeks views on Government proposals to strengthen the law and supplement statutory guidance so that:

- placing homeless families with children in B&B hotels for longer than 6 weeks will not be permitted under the homelessness legislation;
- minimum standards for all temporary accommodation used by housing authorities to accommodate homeless families and individuals under the legislation are clear to authorities and homeless people;
- there is clear guidance on additional standards that should apply to B&B hotels with shared facilities where this is used by housing authorities to accommodate families with children for less than six weeks, or other households for any length of time, under the homelessness legislation; and
- there is clear guidance on the arrangements that should be put in place to ensure that all households placed in temporary accommodation by housing authorities under the legislation receive support to ensure that their health, education and social services needs are met.

The proposals set out in this consultation document relate to England only.

Government is particularly seeking views from local housing authorities, their representative bodies, registered social landlords, voluntary sectors bodies, private sector landlords and hotel proprietors, homeless households, their advocates and advisers. However views are welcomed from anyone wishing to comment on the proposals set out in this consultation document.

### **The Proposals**

In order to meet the Government's policy aims described above, there are three proposals set out in more detail in the rest of this paper:

- i. To make an order under s.210 of the 1996 Housing Act to end the use of B&B accommodation as temporary accommodation for homeless families with children or with a member of the household who is pregnant except where the case is urgent and even then for no more than six weeks.
- ii. To give guidance, under s.182 of the 1996 Act, on the suitability of temporary accommodation generally and in particular in relation to B&B accommodation, with specific reference to the fitness standards.
- iii. To give guidance, under s.182 of the 1996 Act, on objectives in the Homelessness Strategy relating to the need for support of homeless persons and how they should be achieved.

## SETTING THE SCENE

### The Government's new agenda on homelessness

1. In recent years, the number of homeless people sleeping rough on our streets has been falling. This is a credit to local authorities, voluntary sector agencies and other organisations that have worked together with central Government to provide the necessary accommodation and support to help people move off the streets and rebuild their lives.
2. However, while rough sleeping has been falling, there has been a steady increase in the number of people councils have been helping because they have become homeless. These increases are likely to continue, at least in the short term, because the Government has extended the categories of people whom councils must ensure have accommodation if they become homeless.
3. This extension of the homelessness legislation coincided with implementation of a new Government agenda on homelessness, as set out in its March 2002 report '*More than a roof*'. A new Homelessness Directorate has been established within the Office of the Deputy Prime Minister to take this agenda forward. Its approaches focus as much on people and the problems they face, as on the places they live. As its title implies, the new agenda recognises that most homeless people need more than a roof over their heads if sustainable solutions to their homelessness are to be found.
4. The Directorate is taking forward work in three key areas:
  - a targeted approach to reduce the most severe manifestations of homelessness
    - i) rough sleeping and ii) the use of B&B hotels for homeless families with children; and
  - wider approaches to tackle and prevent all forms of homelessness more effectively.
5. The Homelessness Act 2002 includes a significant new requirement for all councils. By the end of July 2003, every council in England must have a homelessness strategy based on a review of all forms of homelessness in their district. These strategies must aim to prevent homelessness and ensure that accommodation and support are available for people who become homeless or are at risk of doing so. Implementation of these new homelessness strategies comes alongside the introduction, from April 2003, of the Supporting People programme, delivering significant resources for housing related support to help vulnerable people sustain independent living.
6. While the Government's new agenda on homelessness places a stronger emphasis on tackling the personal and social causes of homelessness, such as relationship breakdown, domestic violence, debt, or alcohol or drug abuse, it also recognises the important part that access to decent housing plays in reducing homelessness. The Office of the Deputy Prime Minister's recent document, "*Sustainable communities: building for the future*", sets out a £22 billion action programme to tackle the challenges of a rapidly changing population, the needs of the economy, serious housing shortages in London and the South East and the impact of housing abandonment in places in the North and Midlands.
7. The Housing Benefit regime can also have a significant impact on homelessness and the use of temporary accommodation for homeless households. The Government has introduced changes to Housing Benefit subsidy arrangements, to make local authority leasing of self-contained temporary accommodation much more financially viable. It has also announced further Housing Benefit reform from April 2004, which will significantly reduce the administrative burden on local authority housing departments. In addition, £200m has been invested in a Standards Fund to give help to local authorities to improve performance in the delivery of Housing Benefit.
8. In the longer term, improved housing supply, increased investment in prevention, and Housing Benefit reform should lead to reductions in overall levels of homelessness and consequently the use of temporary accommodation for homeless households.

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## Help for homeless households

9. Where an individual, couple or family are homeless, councils must consider their circumstances and provide a range of assistance, depending on those circumstances. Everyone is entitled to receive free advice and information from the council to help them prevent or solve their homelessness. Where a person or household has a particular need for accommodation, for example because they have children or because they are vulnerable as a result of old age or health problems, they are regarded as being in “priority need” for accommodation. If they are in priority need and homeless through no fault of their own, the council must ensure that suitable accommodation is available for them until they can find a settled home.
10. The council can provide this accommodation in its own housing stock or arrange for it to be provided by another landlord.
11. Over the course of 2002, councils accepted 125,750 households as unintentionally homeless and in priority need – around 0.6% of all households in England. At the end of December 2002, there were around 85,780 households (0.4% of all households) still living in temporary accommodation arranged by councils under the homelessness legislation, waiting for a settled home. They were living in a range of accommodation, with 39% in privately leased or rented housing, 11% in hostels or women’s refuges, 15% in Bed & Breakfast hotels, and 35% in other forms of housing (including council and housing association homes let on a temporary basis).
12. Temporary accommodation provides an important respite for people facing particular stress and difficulties. However, some forms of temporary accommodation are likely to be less suitable than others. Accommodation with shared facilities, for example, may be less suitable for families with children or for some young or vulnerable single people, particularly if used for a significant length of time. The use of temporary accommodation can also become disruptive if people are moved away from existing family, friends or other support networks, if they are moved frequently between different temporary properties, or if the accommodation available does not match their needs.

## Limiting length of stay in Bed & Breakfast accommodation

13. At the end of December 2002, around 5,600 families with children (including households with a pregnant woman) were recorded as living in accommodation where they had to share facilities such as kitchens, bathrooms or toilets. This accommodation is provided on a “bed and breakfast” basis in premises such as hotels or hotel “annexes”. For ease of description, this kind of accommodation is referred to as “B&B accommodation” throughout this consultation paper.
14. Such B&B accommodation is characterised by families frequently having to ‘live’ in one room with little, if any, space for children to play or do school work, or for parents to have any privacy. Whilst this accommodation is categorised as ‘temporary’, too many homeless households have to stay in B&B accommodation for too long. According to Audit Commission figures for 2000-01, homeless households placed in B&B accommodation by London Boroughs stayed there for an average of 22 weeks. For larger households with two or more children this stay can be far longer – often up to a year and in some cases over two years. The Government does not believe this is acceptable. That is why, with publication of “More than a roof”, it made a commitment that, by March 2004, no local authority in England should place any homeless family with children in B&B accommodation other than in an emergency case, and even then for no longer than 6 weeks.
15. B&B accommodation is generally accepted as being the least acceptable form of temporary accommodation in which to house homeless people. The Government’s statutory guidance on homelessness already urges councils to use it to accommodate homeless families only as a last resort. Most councils do try to avoid its use.

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“It is a terrifying experience for them to be in a B&B hotel. It is not a normal existence and it creates anxiety ... Most families we see are suffering from depression... The longer people are in bed & breakfast accommodation the more depressed they get.”<sup>1</sup>

16. As Shelter in their 2002 publication ‘No Room To Play’ point out:

“For homeless children, bed and breakfast is a long way from the traditional image of a comfortable seaside hotel with a friendly landlady. For them, it means living in cramped conditions, often sharing a single room with their whole family. It means having to share a bathroom with strangers and eating unhealthy food prepared with inadequate cooking facilities. It means playing in damp, squalid rooms that lack proper fire escapes, furniture or facilities. Bed and breakfast accommodation is also expensive, costing the public purse up to twice as much as other forms of temporary accommodation. Not only does this impact directly on the housing benefit bill and housing authorities’ general funds, it drains limited resources away from other services vital to the development of children such as education and social services.”

17. Other research has also highlighted the negative impact of temporary, and especially B&B, accommodation:

- The disadvantages faced by homeless households in temporary accommodation are related to the type and quality of the accommodation that they are placed in. Homeless families with children who are placed in B&B accommodation are generally the most disadvantaged, particularly in terms of space and conditions.
- Living in temporary accommodation can disadvantage children in terms of their educational development because of disruption in schooling from moving to a new area or from difficulties trying to keep children in the same schools which can also result in problems with lateness and poor attendance. The lack of anywhere for children to study is a particular problem for families living in B&B accommodation<sup>2</sup>.
- Placements in temporary accommodation can lead to social isolation from friends and support networks, this is particularly likely where households are placed a long way from family and friends or where families are placed in B&B accommodation. Behavioural problems such as aggression, bed-wetting and over-activity have been found to be higher among homeless children<sup>3</sup>. Communication skills among homeless children have been found to be much lower than those of housed children from similar backgrounds<sup>4</sup>.
- The poor facilities and design of some forms of temporary accommodation can increase the likelihood of accidents; this is particularly problematic in B&B accommodation where the lack of space and use of inappropriate cooking facilities can put families and children at greater risk of accidents. Homeless children are almost twice as likely to be admitted to hospital than children in settled housing, with particularly high admission rates for accidents and infectious diseases<sup>5</sup>.

18. There is a powerful case for avoiding the use of B&B accommodation for homeless families with children. Many councils already manage to achieve this. In areas where B&B accommodation is used, the Government is working closely with housing authorities to minimise its use. Indeed, working closely with the Homelessness Directorate, some authorities which had felt dependent on the use of B&B accommodation have drastically reduced their use of such accommodation over the last year and many already meet the 6 week commitment for homeless families with children.

1 Sheila Laslett-O'Brien. Bayswater Families Centre – Extracts from ‘Room For Improvement’ Community Care magazine, 1st November 2001 – Rachel Downey reporter

2 Power, S., White, G and Youdall, D. (1996) No place to learn: Homelessness and education, London: Shelter

3 Health Visitors’ Association and the General Medical Services Committee, *Homeless Families and their Health*, London HVA and GMSC (1988)

4 Vostanis P. and Cumella S., *Homeless Children: problems and needs*, Jessica Kingsley (1999)

5 Lissauer T. et al *Influence of Homelessness on Acute Admission to Hospital*, Archives of Disease in Childhood 69, 423-429 (1993)

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19. **The Government believes that specific provision should be made in the homelessness legislation itself to ensure the use of B&B accommodation is limited in this way and proposes to achieve this by an Order under s.210 of the 1996 Housing Act.**
  20. The Government notes that some hostel or other forms of temporary accommodation provided directly by local authorities (LAs), registered social landlords (RSLs) or charitable and voluntary bodies may provide a similar type of accommodation to B&B accommodation provided on a commercial basis, notably the requirement to share one or more basic facilities such as toilet, bathroom or kitchen.
  21. Such non-commercial hostel-type accommodation has been separately counted for many years now in the Government's homelessness statistics and it is also treated differently in housing benefit regulations in relation to subsidy levels. There is a clear distinction in Government policy between commercially operated B&B accommodation and social/charitable and voluntary sector hostels or similar accommodation.
  22. The Government is persuaded that, while there will be some exceptions, management of this kind of accommodation within the social/voluntary sector is generally more caring, sensitive and supportive to the needs of a vulnerable client group than is often the case in the private/commercial sector. The Government's view also takes account of the public service ethos of the social/voluntary sector and the fact that RSLs are regulated by the Housing Corporation, and housing authorities by the Audit Commission. Additionally, housing authorities are democratic bodies, overseen by councillors and responsive to public opinion. It is therefore proposed that the Order should only apply to B&B accommodation provided on a commercial basis.

### **Suitability of temporary accommodation**

23. Success in meeting the commitment to end the use of B&B accommodation for families with children for longer than six weeks by March 2004 will be a major achievement and will improve the lives of thousands of people each year.
24. However, even success in tackling this very severe manifestation of homelessness could still leave a significant number of childless households being placed in B&B accommodation for indeterminate lengths of time. Families with children and expectant mothers could still be placed in B&B accommodation for less than 6 weeks. And many thousands of households would still be placed in other forms of temporary accommodation of varying quality.
25. The Government is determined to see a step change in the quality of provision of temporary accommodation so that all such accommodation used to house homeless households reaches appropriate minimum standards.
26. Housing authorities already have a wide range of powers to control standards in houses in multiple occupation, together with powers relating to housing standards generally. However, the complexity of these provisions and the mechanisms for enforcing the standards has resulted in the standards themselves being largely ignored. In fact the homelessness legislation specifically requires that these standards are borne in mind when assessing the suitability of accommodation. This failure to have regard to these specific standards is of great concern to the Government. If such standards are ignored how can accommodation which is suitable for homeless households be properly identified? How can minimum standards be monitored and enforced effectively if nobody knows what they are? And how can homeless people be expected to know whether they are being treated reasonably?
27. **In order to make minimum standards for temporary accommodation clearer, the Government proposes to issue guidance that will bring together all the relevant sections of legislation, so that they are readily accessible and their application in relation to the question of suitability understood.**

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28. As already outlined above, B&B accommodation is generally acknowledged as being the least acceptable form of temporary accommodation in which to house homeless people. It is the sharing of basic amenities for long periods of time in accommodation not generally designed for such long-term occupancy that is of greatest concern. The Government considers that existing minimum standards that apply to temporary accommodation do not sufficiently address the particular circumstances faced by those placed in B&B accommodation.
- 29. Therefore, in addition to the guidance on minimum standards for all temporary accommodation outlined above, the Government is proposing to issue guidance on additional standards that should apply to B&B accommodation.**
30. It is proposed that detailed guidance should set out the minimum standards for B&B accommodation in regard to the size and occupancy levels of rooms, the location of cooking, toilet and bathing facilities, and the management regime of the establishment.
31. It is recognised that issues relating to acceptable standards of accommodation, which cut across all housing stock, are currently being addressed through proposals such as Decent Homes Standards, mandatory licensing of HMOs and the introduction of a new Housing Health and Safety Rating System (HHSRS) to replace the current fitness standards at s.604 of the Housing Act 1985. Measures to replace the fitness standard, including the separate HMO fitness powers, by the Housing Health and Safety Rating System (HHSRS), form part of the draft Housing Bill, published for consultation and Parliamentary scrutiny on 31st March 2003.
32. However in the interim, the Government is determined to see an improvement in standards in temporary accommodation as soon as possible. It is intended, therefore, to expand the current Homelessness Code of Guidance to illustrate more clearly what should be considered suitable as accommodation for homeless households. Once legislation relating to HHSRS and HMOs becomes law, the homelessness guidance will be revised appropriately.

### **Supporting homeless households in temporary accommodation**

33. While the provision of accommodation is essential to those who have become homeless, so is the provision of support (with regard to health, education, social services, for example). Homeless households can become detached from everything that is familiar to them and disorientated in the process. If they are to establish themselves fully in their temporary accommodation and to function properly as a household they will often need support to do so and there is concern that a lack of such support leads many to fall into a pattern of recurring homelessness.
- 34. The Government wants to ensure that households placed in temporary accommodation by housing authorities have the support to ensure that their health, education and social services needs are met and proposes to issue guidance setting out how this can be achieved.**

### **The Proposals**

35. In order to meet the Government's policy aims described above, there are three proposals set out in more detail in the rest of this paper:
- i. To make an order, under s.210 of the 1996 Housing Act, to end the use of B&B accommodation as temporary accommodation for homeless families with children or with a member of the household who is pregnant except where the case is urgent and even then for no more than six weeks.
  - ii. To give guidance, under s.182 of the 1996 Act, on the suitability of temporary accommodation generally and in particular in relation to B&B accommodation, with specific reference to the fitness standards.
  - iii. To give guidance, under s.182 of the 1996 Act, on objectives in the Homelessness Strategy relating to the need for support of homeless persons and how they should be achieved.

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36. It is intended to bring the Order into force on the 1st April 2004 and to issue the Guidance as part of the revised main homelessness guidance to replace the interim Code of Guidance. The Order, however, will be made at least 3 months ahead of coming into force in order to give as much certainty as possible to housing authorities.

### **The Consultation**

37. This consultation paper invites comments on the proposed Order and the statutory guidance under three separate chapters.
38. It would be helpful if respondents could offer comments on the proposals as set out in the first four chapters in this consultation document. This will make it easier to analyse the responses. Chapter 5 offers a framework of specific issues to consider, but views on any relevant issues raised by these proposals would be welcomed. Responses should be sent no later than **5th August 2003**:

By e-mail to: [BBU@odpm.gsi.gov.uk](mailto:BBU@odpm.gsi.gov.uk)

Or by post/fax to:

**Kate Madley**  
**Office of the Deputy Prime Minister**  
**Homelessness Directorate**  
**Bed and Breakfast Unit**  
**1/A1 Ashdown House**  
**123 Victoria Street**  
**London SW1E 6DE**  
**(Fax: 020 7944 6499)**

39. For general enquiries about the proposals please contact Kate Madley (020 7944 8786), Hannah Cromarty (020 7944 8783) or Ashley Horsey (020 7944 8782).
40. Further copies of this consultation paper can be obtained free of charge from:

ODPM Free Literature Service, PO Box 236, Wetherby LS23 7NB  
Tel: 0870 1226 236 (fax: 0870 1226 237).

The consultation paper (and a response questionnaire) is also available on the Department's website: <http://www.homelessness.odpm.gov.uk/bedandbreakfast/index.htm>

41. There are no objections to the content of this paper being reproduced, in whole or in part, for non-commercial purposes provided the source is acknowledged and any extract is put in its proper context. The Department may wish to publish the responses to the consultation. All responses received may be published, unless a respondent specifically asks the Department to treat their comments as confidential. Confidential comments will, nevertheless, be included in any statistical survey of comments received or views expressed.
42. This consultation paper follows the criteria laid down in the Cabinet Office's "Code of practice on written consultation" which is included at Annex 1. Any comments or complaints about the consultation process should be addressed to Siobhan Benita, Office of the Deputy Prime Minister (ODPM), Room 3/17, 26 Whitehall, London SW1A 2WH.

[Siobhan.Benita@odpm-dft.gsi.gov.uk](mailto:Siobhan.Benita@odpm-dft.gsi.gov.uk)

### **Partial Regulatory Impact Assessment**

43. This can be found at Annex 2.

### LIMITING LENGTH OF STAY IN BED AND BREAKFAST ACCOMMODATION

#### Background

1. Since December 1996 the Secretary of State has made clear in statutory guidance (issued under s.182 of the Housing Act 1996) that he regards B&B accommodation as the least likely to be suitable for homeless families and that it should only be used as a last resort.
2. The current Homelessness Code of Guidance for Local Authorities published in July 2002 recommends that housing authorities should only use B&B accommodation, particularly for families with children, in an emergency and where no other form of accommodation is available.

Para. 12.5 “Bed and breakfast accommodation caters for very short-term stays only and generally will afford residents only limited privacy and may lack certain important amenities such as cooking and laundry facilities. Consequently, where possible, housing authorities should avoid using bed and breakfast hotels to discharge a duty to secure accommodation for all homeless applicants, unless in the very limited circumstances where it is likely to be the case, it is the most appropriate option for the applicant.”

Para. 12.6 “Living in bed and breakfast accommodation can be particularly detrimental to the health and development of children. Housing authorities should, therefore, use bed and breakfast hotels to discharge a duty to secure accommodation for families with children only as a last resort. Where no suitable alternative accommodation is available, placement in bed and breakfast accommodation for this client group should be kept to the minimum period possible and housing authorities should ensure that homeless applicants are allowed to use their rooms during the day and have adequate access to cooking facilities. In the case of families with young children, the facilities should include safe play areas which are located away from sleeping accommodation and cooking areas.”

3. Despite this guidance, in December 2002 still around 5,600 homeless families with children were placed in B&B accommodation. In some areas these families stay in B&B accommodation for significant lengths of time, sometimes for over a year and in a small number of cases over 2 years. This is unacceptable.
4. In March 2002 the then Secretary of State gave a commitment that by March 2004 housing authorities would ensure that no homeless family with children would be in B&B accommodation for more than 6 weeks. At the same time, £35 million was made available to housing authorities in 2002/03 to help meet that commitment. A further £15 million is available in 2003/04. In addition, changes have been made to housing benefit (HB) subsidy rates, worth an estimated £10 million, to make renting self-contained accommodation more financially viable for housing authorities. The Office of the Deputy Prime Minister (ODPM) continue to work closely with colleagues in the Department for Work and Pensions (DWP) on further changes to this system to encourage greater use of good quality self-contained alternatives to B&B accommodation. Furthermore guidance has also been issued by DWP to clarify the HB subsidy position on properties provided by Registered Social Landlords (RSLs) as temporary accommodation.
5. Housing authorities are already using a number of alternatives to B&B accommodation. These include leasing self-contained property directly from the private sector (Private Sector Leasing – PSL); increasing the use of Housing Association Leasing (HALS); better use of redundant stock; use of local authority or housing association hostels; better management of voids and increasing permanent allocation to homeless families. Such initiatives have helped reduce the number of families with children in B&B accommodation by over 1,000 over the period September to December 2002. The success and achievements made to date by many housing authorities and the general commitment by authorities to reduce B&B usage is recognised by Government.

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6. The Government accepts that B&B accommodation can have a role to play in an efficient and effective homelessness system. However, for families with children and expectant mothers this should only be only as a last resort for very short periods. Many authorities across the country are already successfully avoiding the use of B&B accommodation for families with children, including some in London. Therefore, the intention now is to legislate to limit its use for families with children and for those who are pregnant to situations where there is an urgent need to find accommodation and even then for no more than 6 weeks.
  7. Section 210 (2) (a) 1996 Act gives the Secretary of State the power to make an Order specifying 'circumstances in which accommodation is or is not to be regarded as suitable for a person'.

## **The Proposal**

8. It is proposed to make an Order under s.210 (2)(a) of the 1996 Act to come into force on 1st April 2004 specifying the circumstances in which accommodation is not to be regarded as suitable.
9. The Order is to apply to applicants who come within the categories of those having a priority need for accommodation set out in section 189 (1) (a) and (b) of the Housing Act 1996, namely:
  - A pregnant woman or a person with whom she resides or might reasonably be expected to reside.
  - A person with whom dependant children reside or might reasonably be expected to reside.
10. The basic principle is that accommodation will not be suitable for such a person if it is not self-contained and if the members of the household which includes such a person do not have exclusive use of a kitchen, bathroom or toilet.
11. However some accommodation is to be excluded from this basic principle. It will not apply where such accommodation is owned or managed by a housing authority, a registered social landlord or a voluntary organisation (defined in section 180(3) of the 1996 Act to mean a body (other than a public or local authority) whose activities are not carried on for profit).
12. It is also accepted that, where the situation is urgent and where there is no alternative to B&B accommodation, it will be necessary to provide that B&B accommodation is to be regarded as suitable, but it is felt that this should be for a period of no more than six weeks. The Government is of the view that where the housing authority has less than 21 days notice of impending homelessness, the situation can be regarded as urgent.
13. It is fully appreciated that the mere fact that a family is homeless, or will shortly become so creates an urgency that requires action. However, there will be occasions where a housing authority has been made aware of a family's impending homelessness and indeed may well have been working to avoid it. A housing authority owes duties to persons who are "threatened with homelessness" (defined in section 175(4) of the 1996 Act as likely to become homeless within 28 days) as well as those that are currently homeless.
14. The Government believes that where a housing authority has been advised in advance that a household is threatened with homelessness the authority should be using that time to try wherever possible to prevent homelessness occurring. This could be by seeking to maintain the current housing situation if appropriate or by ensuring the household's housing needs are satisfactorily met if their current housing situation cannot be maintained. Government acknowledges that preventing homelessness can be time consuming and is not always possible where a housing authority has little prior warning. However, Government feels that if authorities have more than 21 days notice of impending homelessness, that even if it cannot be prevented in a particular case the authority has sufficient time to identify alternative accommodation other

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than B&B accommodation for families with children or where there is a pregnant member of the household.

15. The order can only apply where an application has been made under Part 7. Equally there will be no duty to house until the housing authority has reason to believe that the applicant is homeless or is satisfied that they are threatened with homelessness. The Government nonetheless sees no reason why this should interfere with good administrative practices. Furthermore it believes that any attempt to circumvent the provisions of the Order by discouraging an application until such time as homelessness is imminent could well be regarded as mal-administration.

## **DRAFT ORDER**

### **The Homelessness (Suitability of Accommodation) (England) Order**

[Order made under sections 210(2)(a) and 215(2) of the Housing Act 1996]

[Application only to England]

1. Subject to article 4, accommodation to which article 2 applies is not to be regarded as suitable for an applicant to whom article 3 applies.
2. This article applies to accommodation –
  - (a) which is not in separate and self-contained premises; and
  - (b) in which any of the following amenities is shared by more than one household –
    - (i) a toilet;
    - (ii) personal washing facilities;
    - (iii) cooking facilities.
3. This article applies to an applicant who is –
  - (a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
  - (b) a person with whom dependent children reside or might reasonably be expected to reside.
4. (1) Article 1 does not apply –
  - (a) to accommodation which is owned or managed by a local housing authority, registered social landlord or a voluntary organisation; or
  - (b) where –
    - (i) in the case of an applicant who is or may be homeless, the conditions in paragraphs (2) and (3) below are met; and
    - (ii) in the case of an applicant who is threatened with homelessness, the conditions in those paragraphs and paragraph (4) are met.
  - (2) This condition is met if no accommodation is available for the applicant's occupation other than accommodation to which article 2 applies.
  - (3) This condition is met if, and so long as, the applicant occupies accommodation to which article 2 applies for a period, or a total of periods, which does not exceed 6 weeks.
  - (4) This condition is met if it is likely that the applicant will become homeless within 21 days from the date of his application.

**SUITABILITY OF TEMPORARY ACCOMMODATION****Background**

1. Housing authorities currently use a range of accommodation to house homeless households prior to finding them a settled home. Such accommodation includes PSL, HALS, authorities' and RSLs' own stock, hostels, refuges, and B&B accommodation. It is acknowledged that any housing authorities with responsibilities for the homeless under Part 7 of the 1996 Act will need to continue to use temporary accommodation. The Government is however determined to ensure that such temporary accommodation is suitable for the applicant and that the standard of temporary accommodation continues to rise.
2. Suitability of accommodation is governed by Section 210 of the Housing Act 1996, and in determining whether accommodation is suitable, a housing authority must take into account the law governing unfit, overcrowding and houses in multiple occupation (part 9, 10 and 11 of the Housing Act 1985). Section 604 of the Housing Act 1985 details what must be considered by housing authorities in determining whether premises are unfit for human habitation.
3. Section 182 (1) of the Housing Act 1996 gives the Secretary of State the power to issue guidance to housing authorities who are required to have regard to such guidance in exercising their functions under Part 7 of the Housing Act 1996 and under the Homelessness Act (2002).
4. The Government notes that a number of housing authorities (or groups of authorities) have adopted local classification, amenity specification or minimum standards for B&B accommodation used as temporary accommodation for homeless households.
5. In particular the Government notes the Bed and Breakfast Information Exchange (BABIE) grading system operated by the London Boroughs which places B&B establishments in one of five grades A to E. The grading is dependent upon a wide range of considerations and detailed factors relating to the facilities and the services provided by an establishment.
6. The voluntary BABIE system has been in operation across London Boroughs now for a number of years and has helped to establish clear benchmarks for accommodation standards. The London Boroughs, again voluntarily, have come together and agreed a joint code of practice on the placement of homeless people in B&B hotel accommodation. Government welcomes this approach and would encourage all housing authorities to consider such standards (or to adopt an alternative local model) when placing any homeless household in B&B accommodation.
7. The BABIE grading standards for B&B accommodation are set out at Annex 3. The full details of the Joint London Boroughs Code of Practice on the use of Hotel/Hostel Accommodation for the placement of homeless people – code of guidance is set out at Annex 4.
8. The Government notes that certain factors in B&B accommodation such as room sizes/ occupancy levels and the location and accessibility of kitchen, toilet and bathing facilities as well as the management regime are of particular importance in determining whether accommodation is suitable. Whilst drawing attention to the wider range of factors incorporated in local voluntary schemes, Government aims to set out clearly within Statutory Guidance the standards it would encourage in relation to these key areas.

**The Proposal**

9. The Secretary of State intends to issue guidance re-stating and specifying the minimum standards of accommodation that housing authorities should have regard to when considering whether temporary accommodation is suitable for homeless persons they seek to place in such accommodation.

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10. Section 210(1) requires a housing authority to have regard to Parts 9, 10 and 11 of the Housing Act 1985 when assessing the suitability of accommodation for an applicant. It is proposed that the Guidance should draw attention to these provisions and their importance in assessing suitability.

### **Part 9 of the Housing Act 1985 – “Fitness for human habitation”**

11. Part 9 of the 1985 Act is specifically concerned with dwelling houses or houses in multiple occupation which are unfit for human habitation. Section 604 of the Act states that for a dwelling house to be considered fit for habitation it must not fail any of the tests set out in the section and if it does is not reasonably suitable for occupation. Therefore, before any establishment is first used for the placement of any homeless household as temporary accommodation, the placing housing authority should ensure that fitness standards contained in s.604 apply. (Section 604 is set out in Annex 5 to this Consultation Paper). In the case of an out-borough placement, the host authority may already have ensured such standards apply, but it is nonetheless the responsibility of the placing authority to ensure that the necessary inspections have taken place. (Further details of legislative and regulatory measures on acceptable standards are also set out in Annex 5).
12. In assessing whether temporary accommodation is suitable, it is necessary for a housing authority to consider whether the accommodation would be considered fit for human habitation. If there is any possible doubt as to the fitness of the accommodation, the housing authority would need to be able to show that it had nonetheless acted reasonably if it assessed that accommodation as suitable.

### **Part 10 of the 1985 Act – “Overcrowding”**

13. Part 10 of the Act is intended to tackle the problems of overcrowding in dwellings. Section 324 provides a definition of overcrowding which in turn relies on the room standard specified in s.325 and the space standard in s.326. (See Annex 6, a, b and c) Once again a housing authority must have regard to these standards in deciding whether temporary accommodation is suitable. In the event of the use of the accommodation contravening the standards relating to overcrowding, it will be for the housing authority to show that despite the arrangements it made contravening the standards, the accommodation nonetheless remained suitable.

### **Part 11 of the 1985 Act – “Fitness for number of occupants”**

14. Part 11 of the 1985 Act relates specifically to houses in multiple occupation. In particular s.352 (see Annex 7) sets out particular requirements that must exist for HMOs. Again, in having regard to Part 11, it must be for the housing authority to show that it has considered the requirements of Part 11. Furthermore if there is any failure to meet the necessary standards it is for the housing authority to justify the failure.

### **General**

15. Under s.210 of the 1996 Act it is the standards set in Parts 9, 10 and 11 of the Housing Act 1985 which a housing authority must have regard to in establishing whether accommodation is suitable. The mechanics of these provisions and the enforcement powers in these Parts do not relate to suitability.
16. Where any soft furnishings are supplied as part of the letting that these comply with provisions of the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

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## **B&B accommodation**

17. Shared facility B&B accommodation provided on a commercial basis in buildings specifically built or converted for short term occupancy only, entails higher occupancy levels frequently with whole households having to share one room. Residents will often have to share toilet or bathing facilities as well as cooking facilities – if indeed cooking facilities are provided at all for use by residents.
18. It is this sharing of basic amenities for long periods of time in accommodation not generally designed for such long term occupancy that is of greatest concern to the Government. This is the case for all homeless households who by definition have no other housing options available to them at that time and are therefore reliant upon the housing authority for their accommodation. This is especially of concern in relation to homeless families with children or an expectant mother where such minimal accommodation and private space particularly mitigates against the ability to maintain a normal family life.
19. The Government is persuaded that, while there will be some exceptions, management and standards of hostel or other forms of temporary accommodation provided directly by local authorities (LAs), registered social landlords (RSLs) or charitable and voluntary bodies is generally of a higher standard than in B&B accommodation provided on a commercial basis. Therefore in addition to the guidance on general standards of fitness outlined above, the Secretary of State is proposing to issue guidance where the temporary accommodation intended to be used is B&B accommodation provided on a commercial basis. The housing authority will be obliged to have regard to the additional specific standards when considering the suitability of such accommodation. In particular regard will have to be given to the size and occupancy levels of rooms, the level of sharing and the location of cooking, toilet and bathing facilities. It is proposed that this guidance, which is set out below, will provide a detailed set of criteria as to the suitability of B&B accommodation. The intention behind providing such detail is to make assessing whether the standard has been complied with as precise an exercise as possible.

## 20. Space Standards for Sleeping Accommodation

### Room sizes where cooking facilities provided in a separate room/kitchen

Floor Area of Room	Maximum No of Persons
Less than 70 sq ft (6.5 m <sup>2</sup> )	Nil persons
Not less than 70 sq ft (6.5 m <sup>2</sup> )	1 person
Not less than 110 sq ft (10.2 m <sup>2</sup> )	2 persons
Not less than 160 sq ft (14.9 m <sup>2</sup> )	3 persons
Not less than 210 sq ft (19.6 m <sup>2</sup> )	4 persons
Not less than 260 sq ft (24.2 m <sup>2</sup> )	5 persons

### Room sizes where cooking facilities provided within the room

Floor Area of Room	Maximum No of Persons
Less than 110 sq ft (10.2 m <sup>2</sup> )	Nil persons
Not less than 110 sq ft (10.2 m <sup>2</sup> )	1 person
Not less than 150 sq ft (13.9 m <sup>2</sup> )	2 persons
Not less than 200 sq ft (18.6 m <sup>2</sup> )	3 persons
Not less than 250 sq ft (23.2 m <sup>2</sup> )	4 persons
Not less than 300 sq ft (27.9 m <sup>2</sup> )	5 persons

21. In no case should a room be occupied by more than 5 persons. The standard is to be applied irrespective of the age of the occupants. The Government does not in fact regard the sharing of rooms in B&B accommodation as in any way desirable, but accept that where accommodation is not self-contained families may find it preferable to share.
22. Sharing of rooms shall be avoided unless the individuals concerned consent to share the room. No persons of the opposite sex who are aged 12 years or over shall share a room unless they are living together as partners and both are above the age of consent.
23. All rooms must have a minimum floor to ceiling height of at least 7 feet (2.14 metres) over not less than 75% of the room area. Any floor area where the ceiling height is less than 5 feet (1.53 metres) shall be disregarded.
24. Separate kitchens and bathrooms are deemed unsuitable for sleeping accommodation.

### **Installation for Heating**

25. The premises shall have adequate provision for heating. All habitable rooms and baths or shower rooms shall be provided with a fixed space-heating appliance. The appliance must be capable of efficiently maintaining the room at a minimum temperature of 18°C when the outside temperature is -1° C. "Fixed space heating appliance" means fixed gas appliance, fixed electrical appliance or an adequate system of central heating, operable at all times.

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## Facilities for the Storage, Preparation and Cooking of Food and Disposal of Waste Water

26. Wherever practicable, each household shall have exclusive use of a full set of kitchen facilities including:
- cooking facilities – a gas or electric cooker with four hobs, oven and grill. In single person lettings, a cooker with a minimum of two burners, oven and grill is permissible. Where the establishment caters for less than 6 persons, small guest house for example, a microwave may be substituted for a gas or electric cooker for periods of stay not exceeding 6 weeks for any homeless household.
  - sink and integral drainer – with a constant supply of hot and cold water and properly connected to the drainage system.
  - storage cupboard, minimum capacity 0.4 cubic metres (15 cubic feet). This provision is in addition to any base unit cupboards provided below the sink/drainers.
  - refrigerator – minimum capacity 0.14 cubic metres (5 cubic feet).
  - electrical power sockets – minimum of two double 13 amp sockets situated at worktop height. These are in addition to electrical power sockets provided elsewhere in the letting.
  - worktop – minimum surface area 1000 mm x 600 mm.
27. There may be circumstances where the housing authority is satisfied that the provision of kitchen facilities for exclusive use is not practicable or appropriate. These circumstances could, for example, include where a property is very small, no more than two or three letting rooms or where the overall standard of the property is considered reasonable in all other respects and the costs of provision of exclusive use kitchens would be prohibitive or detrimentally affect the remaining amenity space. In circumstances such as these, the following standards for communal kitchens may be applied.
28. Kitchen facilities may be provided in the ratio of one set for every 10 persons, irrespective of age. Such kitchen facilities shall comprise a minimum of shared:
- Gas or electric cooker with four burners, oven and grill. Where the establishment caters for less than 6 persons, small guest house for example, a microwave may be substituted for a gas or electric cooker for periods of stay not exceeding 6 weeks for any homeless household.
  - sink and integral drainer – with a constant supply of hot and cold water and properly connected to the drainage system.
  - storage cupboard, minimum capacity 0.4 cubic metres (15 cubic feet). This provision is in addition to any base unit cupboards provided below the sink/drainers.
  - electrical power sockets – minimum of two double 13 amp sockets situated at worktop height. These are in addition to electrical power sockets provided elsewhere in the letting.
  - worktop – minimum surface area 1000 mm x 600 mm.
  - Lockable storage cupboards, minimum capacity 0.14 m<sup>3</sup> (5 ft<sup>3</sup>) for each bedroom whose occupants use the kitchen. In calculating the required provision of storage cupboards, base unit cupboards below sinks/drainers should be discounted.
29. In addition, the following facilities shall be provided within each bedroom, or within the total accommodation occupied exclusively by each household:
- worktop – minimum surface area 1000 mm x 600 mm.
  - refrigerator – minimum capacity 0.14 m<sup>3</sup> (5 ft<sup>3</sup>).
  - storage cupboard – minimum capacity 0.4 m<sup>3</sup> (15 ft<sup>3</sup>).

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30. The kitchen used by management to provide breakfast may be included when calculating the one in ten ratio, unless it is not available, does not meet the conditions above or is deemed unsuitable for use by residents because:
- of the size of the kitchen and the equipment provided in it. In a commercial kitchen some equipment may be dangerous or unsatisfactory for use by residents.
- Or
- the unsatisfactory location of the kitchen in relation to the accommodation it is supposed to serve.
31. In schemes providing a mix of kitchens for shared and exclusive use, one set of kitchen facilities shall be provided for every 10 persons sharing. The number of persons who have kitchen facilities provided for their exclusive use shall not be included in the calculations. Again, the kitchen used by management to provide breakfast may be included in the one in ten calculation subject to the above conditions.
32. Government is particularly concerned to ensure that cooking facilities which are provided shall be reasonably located in relation to the room(s) occupied by the person(s) for whom they are provided and in any event not more than one floor distant from these rooms. Please note the exception for smaller establishments described below.
33. In smaller establishments of not more than three storeys and not more than 30 bed spaces, communal cooking facilities may be provided in one area of the premises more than one floor distant from some bedrooms. In such cases, these kitchens must be provided in association with a suitable dining room or dining rooms of adequate size calculated on the basis of 1 m<sup>2</sup> per bed space. This shall include one area of at least 15 m<sup>2</sup>. Only effective usable space will be considered when calculating the areas for the purpose of this requirement. Dining room facilities shall be provided with adequate seating provision.
34. Kitchen facilities shall be made available for use 24 hours per day, subject to any representation from the owner/manager, which must be agreed by the receiving and placing authorities.

### **Toilet and personal washing facilities**

35. One internal water closet shall be provided for every five persons irrespective of age. The water closet must be within a reasonable distance from its users and not more than one floor distant and, where practicable, a water closet shall not be situated within a bathroom. At least 50% of the water closets that are required to be provided shall be situated in separate accommodation. The number of persons occupying a bedroom where this facility is provided for their exclusive use shall not be included in the calculations.
36. A suitable wash hand basin (minimum dimensions 500 mm x 400 mm) with constant hot and cold water supplies, shall be provided in every bedroom, except where an en suite bathroom is available, when the wash hand basin may be provided in that bathroom.
37. Each separate water closet compartment and bathroom shall be provided with a suitable wash hand basin (minimum dimensions 500 mm x 400 mm), together with constant supplies of hot and cold running water. A tiled splashback (minimum 300 mm high) is to be provided to each wash hand basin.
38. One bath (minimum dimensions 1700 mm x 700 mm) or one shower (minimum dimensions 800 mm x 800 mm) shall be provided for every eight persons, irrespective of age. These facilities must be within a reasonable distance of each user and not more than one floor distant. Not less than half of the facilities which are required to be provided shall be baths and a minimum of one bath shall be provided in every property. The number of persons having the exclusive use of a bath or shower shall not be included in the calculations.

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39. Where the operator chooses to provide showers for the exclusive use of each separate household or the majority of households, a minimum provision of baths, rather than showers will always be required. In such circumstances a minimum of one communal bath should be provided for every 20 persons, irrespective of age. These facilities must be within a reasonable distance of each user and not more than one floor distant.

### Management Standards

40. The Government also takes the view that, in any B&B accommodation, suitability will also depend upon the management standards operated within an establishment as well as the adequate provision of basic amenities. The Government is concerned to ensure that for B&B accommodation used for any homeless households the following minimum management standards are complied with. It will be for the housing authority to monitor the management of the property. The property would only be deemed unsuitable under section 210 of the Housing Act 1996 in respect of a breach of management standards if managers fail to rectify any such breach within a reasonable period following formal notification of the breach by the housing authority.

- Residents should have access to their rooms at all times except when rooms are being cleaned. Provision should be made to accommodate residents at these times.
- A clear emergency evacuation plan is in place setting out action upon hearing the fire alarm, escape routes and safe assembly points. The managers must ensure that each person newly arriving at the premises is told what to do in the event of a fire and about the fire precautions provided.
- The supply of gas or electricity to any resident is never interfered with.
- Refuse and litter are cleared from the property and not allowed to accumulate in, or in the curtilage, of the property, except in adequately sized and suitable bulk refuse container(s).
- Access is allowed for the appropriate officers of the authority in whose area the premises are situated to inspect the premises as and when they consider necessary, to ensure that the requirements are being complied with; and that the manager will allow such inspections to take place, if necessary without notice.
- Access is allowed for the officers of the area health authority, local authority and authorised community workers for the area in which the premises are situated, to visit the occupiers of the premises and interview them in private in the room(s) they occupy.
- A manager with adequate day to day responsibility to ensure the good management of the property can be contacted at all times and that a notice giving the name, address and telephone number of the manager shall be displayed in a readily visible position in the property.
- That procedures are in place to deal with any complaints relating to harassment on racial, sexual or other discriminatory grounds by either residents or staff.
- That there should be available within the premises a working telephone available for use by the occupiers and a notice shall be displayed by the telephone with information on the address and telephone numbers of: the local Environmental Health Department, Fire Brigade, Gas Company, Electricity Company, Police Station and local doctors.

## CHAPTER 4

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### SUPPORTING HOMELESS HOUSEHOLDS IN TEMPORARY ACCOMMODATION

#### Background

1. There has been concern for some time that homeless households in temporary accommodation, particularly those with children, are not able to establish themselves as fully functioning households attaining a reasonable quality of life. To achieve this households need to receive support to ensure that their health, education and social services needs are met. Such support is also vital in order to avoid repeat homelessness. This is particularly the case where the authority place a household out-borough and the support network is more difficult to maintain.
2. Under s.1 of the Homelessness Act 2002 housing authorities must produce a homelessness strategy. Section 3 of the that Act provides that a homelessness strategy must include provisions for securing the satisfactory provision of support for people who have been homeless and need support to prevent them becoming homeless again.

#### The Proposal

3. The Secretary of State intends to issue statutory guidance under section 182 of the Housing Act 1996 in relation to the need for support. This support should help ensure that homeless households are caught within the system and as a consequence are able to lead stable lives.
4. The guidance will require housing authorities to outline in their Homelessness Strategies how they will ensure the necessary support for homelessness households in securing the provision of relevant education, health, and social services.

#### Statutory Guidance

5. In formulating their strategies, housing authorities must consider what support should be offered to homeless households in temporary accommodation, in borough or out, to ensure that they benefit from all the relevant support services, including health, education and social services. In order to do this, authorities will need to consult the relevant health, education and social services departments with the aim of establishing collaborative working relationships with them. Homeless Strategies should detail how they aim to establish such working relationships and how such arrangements will offer the support required by homeless persons to access
  - Primary Care services such as health visitors and G.P.s
  - appropriate education services
  - relevant social services
6. To achieve this, as a minimum, placing authorities will need to consider what systems are needed to ensure that notifications of placement in temporary accommodation are made to relevant health, education and social service departments in the borough in which the households are temporarily housed. Recording such details as a household's G.P. registration details at an early assessment interview prior to placement in temporary accommodation greatly assists any attempts to provide support in any new locations. However **these procedures must include seeking the agreement of the household concerned for permission to pass their details onto relevant services**. It is insufficient for an authority to claim it is providing support by simply giving such a household the details of health centres in an area.
7. Details of the NOTIFY system that is being developed for London boroughs, by the Association of London Government (ALG) and the Greater London Authority (GLA), to ensure such notifications take place in an accurate and timely fashion can be found at Annex 8.

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## **Review of Arrangements**

8. The placing and host authorities will also need regularly to review the arrangements set out above to ensure that they are being implemented and will need to monitor them to ensure that they are effective.
9. The placing and host authorities (including as applicable the service providers such as health, education and social services) shall periodically review operational arrangements to ensure they remain appropriate and effective.

## CHAPTER 5

### SUMMARY OF CONSULTATION PROPOSALS AND ISSUES TO BE CONSIDERED

#### CHAPTER 1: INTRODUCTION

This section provides background to the issue and summarises the Government's proposals contained in this consultation paper. We welcome any general comments on the paper.

##### Key issues

**Bed and Breakfast accommodation – paragraph 13 and paragraphs 20 – 22.** The Government sets out what is considered as B&B accommodation and in particular the type of accommodation NOT to be considered B&B. This does not include local authority accommodation such as hostels, nor other accommodation owned by not for profit organisations such as registered charities, RSLs etc.

##### Question:

*Is the definition outlined clear and does it cover the right categories of accommodation?*

**The proposals – paragraph 35.** The three main proposals contained in the consultation paper are set out here.

##### Question:

*Are these proposals covered adequately in the consultation document?*

**Date of implementation – paragraph 36.** The Government intends to bring the time limit Order into force on 1st April 2004 and to issue the Guidance as part of the revised main homelessness guidance to replace the interim Code of Guidance at the earliest possibility.

##### Question:

*Is 1st April 2004 appropriate for the main Order to come into effect? This date coincides with the target date for reduction of B&B usage for families with children announced in March 2002. The Government has stated that in any respect it will give at least 3 months notice by making the Order 3 months before it comes into force. Is this adequate notice? Should the Order be effective before 1st April 2004?*

#### CHAPTER 2: LIMITING LENGTH OF STAY IN BED AND BREAKFAST ACCOMMODATION

##### Key issues

**The role of B&B – paragraph 6.** The Government accepts that B&B has a role to play in an efficient and effective homelessness system. This should be as a flexible emergency form of accommodation for short periods only.

##### Question:

*Do you agree with this view?*

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**Households to whom Order would apply – paragraph 9.** The Government proposes that the limit on B&B being used in an urgent situation and then only for a maximum of 6 weeks should apply only to households including pregnant women and/or dependent children.

**Question:**

*Is this the right definition and is it clear? If not how can it be amended?*

**The type of accommodation – paragraphs 10 and 11.** The Government proposes to exclude from the Order accommodation owned or managed by a local housing authority, a registered social landlord or a voluntary organisation.

**Question:**

*Do you agree that public, social and voluntary sector accommodation should be excluded from the Order?*

*Clearly the Government does not accept the avoidance of the Order merely by the transfer of ownership or management of shared facility B&B accommodation into the public, social or voluntary sector without any improvement in quality. Do you believe this is a major concern and if so how should the Government prevent any possible avoidance of the Order in this manner?*

**Period of placement – paragraph 12.** The emergency placements in B&B and 6 week time limit should only apply to homeless households which include either dependent children or an expectant mother. The 6 week time limit starts on the date of first placement in B&B, probably whilst an assessment of the homelessness application is being made.

**Question:**

*Is this clear and workable? If not how should it be amended?*

*Is it appropriate for the time limit to count from day one? If not when would be appropriate and how can Government ensure current long periods in B&B for families are not repeated in the future?*

**Urgent situations – paragraphs 12 to 15.** An urgent situation is described as where the housing authority has less than 21 days notice of impending homelessness.

**Question:**

*Is 21 days sufficient time to find accommodation? If not what would be, or what other definition should be used, bearing in mind that we want to ensure that families with children and expectant mothers only go into B&B in emergencies?*

**The Draft Order – following paragraph 15.** The proposed draft order is set out here.

**Question:**

*Is this clear? Does it cover all the points set out in the Chapter? Does it accord with the initial proposal set out at paragraph 35(i) of Chapter 1?*

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## CHAPTER 3: SUITABILITY OF TEMPORARY ACCOMMODATION GUIDANCE

### Key issues

**Suitability of accommodation – paragraph 2.** The document sets out the existing key criteria and legislation to which housing authorities need to give consideration when determining suitability.

**Question:**

*Do you believe housing authorities give adequate consideration to these factors?*

**Existing voluntary codes of practice and B&B rating schemes – paragraphs 4 to 7 (and Annexes 3 and 4).** The Government welcomes such schemes. The BABIE grading system in particular goes in to a lot of detail on the specific nature of B&B accommodation. The Government believes that whilst this is entirely acceptable (and to be welcomed) where housing authorities are singularly or jointly agreeing local standards this represents too much detail to be included in statutory guidance.

**Question:**

*Do you agree with this statement? If not, what in particular do you disagree with?*

**Key factors for inclusion in statutory guidance – paragraph 8.** The Government believes for B&B accommodation the main factors affecting suitability are room sizes/occupancy levels and the location and accessibility of kitchen, toilet and bathing facilities as well as the management regime of the establishment.

**Question:**

*Do you agree that these are the key factors? If not, what in particular do you disagree with or what alternatives should Government be focusing on?*

**The proposal – paragraph 9.** The responsibility for considering issues of suitability lies with the housing authority placing the homeless household in temporary accommodation.

**Question:**

*The guidance would cover all households placed in temporary accommodation by local housing authorities. Should there be any exceptions?*

**The existing legislation – paragraphs 10 to 16.** The Government is intending to simply set out in one place the key factors from existing legislation regarding basic minimum standards against which local housing authorities are required to assess suitability of accommodation. The Government is not through this process proposing to alter these basic minimum standards that apply to all forms of relevant accommodation but is especially here concerned with the standards ensuring suitability as temporary accommodation. The Government believes bringing these key factors together in one place in guidance will assist homeless households and their advisers determine whether they feel any accommodation into which they have been placed by a housing authority is suitable.

**Question:**

*Do you feel the Government's proposal to restate key elements of existing legislation clearly within guidance is helpful? If not what, if any, further guidance is required?*

**Standards in B&B accommodation – paragraphs 17 to 40.** The Government has set out in detail what it considers to be the minimum standards that should normally be considered as acceptable for all homeless households placed in B&B accommodation. The proposals include space standards; Installation for Heating; Facilities for Storage, Preparation and Cooking of Food and Disposal of Waste Water; Drainage and Sanitary Conveniences and Personal Washing Facilities. The Government has also set out the basic management regime it would expect in such accommodation used for homeless households.

**Question:**

*Comments are invited on all aspects of the proposed minimum standards. Including whether they provide appropriate levels of accommodation for residents; whether they can be met and at what cost; how they should be enforced and whether anything else should be included in the standards. For instance, provision of play and homework areas have not been included because families with children should only be placed in such accommodation for no more than 6 weeks – is this reasonable?*

*The Government would also be interested in receiving comments on whether these standards should be extended to cover all non-self contained temporary accommodation such as local authority, RSL and voluntary sector hostels?*

## **CHAPTER 4: SUPPORTING HOMELESS HOUSEHOLDS IN TEMPORARY ACCOMMODATION**

### **Key issues**

General principles – paragraph 1 and 2.

**Question:**

*Do you agree with the Government's view on the importance of support services for homeless households?*

**Households to whom the guidance applies – paragraph 3.** The Government believes all homeless households in temporary accommodation, single people, childless couples, other adult households as well as families and expectant mothers should receive support to ensure that their health, education and social services needs are met.

**Question:**

*Do you agree with this principle?*

Draft statutory guidance including review of arrangements – paragraphs 5 to 7.

**Question:**

*Comments are invited on the coverage and appropriateness of the proposals.*

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## **ANNEX 2: PARTIAL REGULATORY IMPACT ASSESSMENT**

### **Key issues**

**Question:**

*Comments are invited on the costs and benefits of the proposals set out in the consultation document. It would, in particular, be helpful to have any additional quantified evidence of costs and benefits.*

**CABINET OFFICE CONSULTATION CRITERIA<sup>6</sup>**

Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.

It should be clear who is being consulted, about what questions, in what timescale and for what purpose.

A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.

Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.

Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.

Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.

Departments should monitor and evaluate consultations, designating a consultation co-ordinator who will ensure the lessons are disseminated.

<sup>6</sup> From the Cabinet Office's "Code of practice on written consultation" (November 2000)

### PARTIAL REGULATORY IMPACT ASSESSMENT

#### THE ISSUE

This consultation is published in the context of the negative impact upon homeless households, especially those with children or a pregnancy, living in temporary accommodation (TA). Although a wide range of powers are available to local authorities (LAs) to ensure minimum standards for houses in multiple occupation (HMOs), experience has not always shown these to be fully effective. There is also evidence that homeless families in TA “fall through” the net of services to support them, for example health and social services.

The consultation focuses, in the main, on the use of Bed and Breakfast (B&B) hotels, as B&B is generally seen as the least acceptable form of TA because of the adverse impacts on the education, health and well-being of homeless households and their children. More recent data are not available, but in a 1987 study<sup>7</sup> surveyors judged the physical conditions of 60% of TA properties to be substandard, rising to 91% for B&B hotels. The study also found that 24% of families in B&Bs had to share their bed with their children.

#### OBJECTIVE

The objective of the Government proposals contained in this paper is to ensure that homeless families with children are not placed in B&B accommodation, except in an emergency, and even then, for no more than six weeks. The paper further proposes to give guidance on standards in TA, in relation to both the physical conditions of the accommodation and the access to relevant services. The legislation and guidance will apply only in England.

#### BACKGROUND

B&B accommodation is the most expensive as well as the least satisfactory form of temporary accommodation.

The Chartered Institute of Public Finance and Accountancy (CIPFA) showed that the gross expenditure on homelessness services for councils in England and Wales in 2000/01 was £313 million. Expenditure on B&B accounted for approximately 55% of this cost although it made up only 15% of all temporary accommodation used. This implies that the average cost of B&B is about 3.7 times as high as the average cost of all types of TA.

In 2001/2 the average number of homeless households in B&B nationally (England only) at any one time was 11,900. London alone accounted for an average of 8,400 homeless households in B&B (i.e. 70% of all homeless households in B&B). Approximately 60% of all households placed in B&B were families with children.

For financial year 2001/02 the average weekly cost of B&B accommodation nationally per household was £300. This figure was greatest in London with an average of £318 per household per week. These average cost figures are for all sizes of accommodation. Single-person B&B accommodation will tend to cost less than the average; accommodation for families typically requiring 3 or 4 bed spaces will tend to cost more than the average.

For instance, figures from the Association of London Government suggest that the weekly cost of B&B by number of bed spaces booked for 2001/2 was:

2 beds	£247
3 beds	£313
4 beds	£466.

<sup>7</sup> Thomas, A and Niner, P. (1989) *Living in Temporary Accommodation: A Survey of Homeless People*, London: HMSO.

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The Bed & Breakfast Unit undertook a survey of London Boroughs in 2002 and found the average lease cost for 3 bed property (i.e. able to accommodate 5 or 6 people depending upon room sizes) in London of £275 per week. Leasing good quality self contained accommodation from the private sector is generally the next most expensive form of temporary accommodation after B&B – however the nature of the accommodation is far more appropriate for families with children.

The average length of stay for all households in B&B in England was 32 weeks rising in London to an average of 35 weeks.

As at December 2002 approximately 3,600 homeless families with children had been in B&B accommodation in excess of the target 6-week period.

In London figures supplied by the GLA Housing and Homelessness unit showed that as at December 2002, out of 5,930 homeless households placed in B&B accommodation inspected and graded under the BABIE categorisation 70% (4,002) were in hotels graded C1 or above, i.e. accommodation likely to be considered suitable under the proposed guidance. The remaining 30% of graded hotels will not necessarily be unsuitable under the proposed guidance as their BABIE grading takes into account a wide range of factors whereas the guidance will focus on key issues of room sizes, and the location and accessibility of cooking, toilet and washing facilities.

## RISK ASSESSMENT

If action is not taken to ensure that the use of B&B hotels for homeless families with children is halted (except where the case is urgent) and the standard of TA is not addressed, the lives of many vulnerable people, especially children, will be damaged.

Protracted stays in substandard TA can affect:

- Support networks, leading to social isolation<sup>8</sup>
- Health – physical, mental and emotional – Infectious respiratory and gastro intestinal diseases. Homeless children are almost twice as likely to be admitted to hospital<sup>9</sup>
- Dental health due to poor diet and dislocation from previous services<sup>10</sup>
- Education – Development and communication skills – behavioural problems and delayed language development<sup>11</sup>
- Incidence of household accidents<sup>12</sup>
- Higher rates of contact with social workers and increased evidence of being on the Child Protection Register<sup>13</sup>
- A London report found that half of families in TA had social work support at some point and 9% of the children were on the “at risk” register<sup>14</sup>

This is not an exhaustive list.

For these reasons, Government has committed to work with LAs to ensure that this issue is tackled effectively.

8 Sawtell M: Lives on Hold – Maternity Alliance (2001)

9 Health Visitors Association and the General Medical Services Committee: Homeless Families and their Health, London HVA and GMSC (1988)

10 Walters S E Exploring the impact of homelessness on the lives of young mothers (Unpublished thesis – Nottingham University) (1997)

11 Walters S E (ibid.)

12 Walters S E & East L; The cycle of homelessness in the lives of young mothers: the diagnostic phase of an action research project – Journal of Clinical Nursing 10: 171-179 (2001)

13 Cumella 1998, Powers 1995, Vostanis 1998, Surviving Homelessness 2002

14 Opening the Doors, 1995

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## **PURPOSE AND INTENDED EFFECTS**

### **The Benefits**

The following groups would benefit from the proposals in this paper:

#### **Homeless Households**

Would benefit directly from:

- An improved quality of life.
- Improved accommodation.

#### **Housing Authorities**

Would benefit directly from:

- A reduction in costs as B&B is generally the most expensive form of TA (and is not eligible for the same level of subsidy from central government as, for example, private sector leasing).
- A reduction in “repeat homelessness”. Estimates from LAs suggest that 20-30% of applications are received from households who have previously been through the LA’s homelessness route. Feedback from LA colleagues suggests that access to appropriate support will reduce these repeat applications, saving the authority time and resources.

#### **Health Authorities, Education and Social Services**

- Generally improved health and welfare of homeless families in more stable, better quality TA will reduce pressure on and demand for services.
- Notification will assist in ensuring that they are able to provide appropriate and effective support.

#### **The Community at Large**

- More settled and less chaotic communities.
- Freeing up of LA resources.
- Reduced demand and pressure in health and welfare services.

### **The Costs**

The following groups would bear costs associated with these proposals:

#### **The Government**

- The first proposal will require secondary legislation. The costs of drafting and implementing this legislation, as well as providing information on it, will be borne by the Government.
- Accessing alternative forms of accommodation will allow housing authorities to claim more attractive levels of housing benefit subsidy<sup>15</sup>. This cost will be borne by the Government.

#### **Housing authorities**

- There may be some initial costs incurred in establishing networks for procuring alternative forms of accommodation. Hard evidence is lacking, but the high usage of B&B for longer-term TA by some LAs – despite its higher costs and generally poorer standards – suggests that these costs may be non-negligible. More information on these initial costs would be extremely helpful.

<sup>15</sup> DWP HB circular HB/CTB S2/2002

- In areas where the overall supply of short-term accommodation is relatively limited compared to demand, the reduced usage of B&B will tend to lower its price and the higher usage of leased TA will tend to raise its price. It is impossible to state in advance how significant this adverse “relative price” impact will be – but it would be a useful area to investigate in any evaluation of the measures.
- Overall, despite this relative price impact, once networks for alternative forms of TA are in place it is expected that the initial costs will generally still be offset by savings made through reduced usage of more expensive B&B hotels.
- As the proposed guidance on standards in TA restates the current statutory minimum fitness and regulatory standards set out in existing legislation and regulations, housing authorities should already be having due regard to such standards under a general duty of care when considering potential TA. This is the case whether it be a) stock within their ownership, e.g. hostels or permanent stock used on licence, or b) stock in other ownership procured specifically for use as temporary accommodation. This should mean that there are no additional costs incurred in bringing TA up to the minimum standard.
- There may be some additional costs associated with establishing appropriate notification procedures for households placed in TA.

#### **B&B Proprietors**

- B&B proprietors may incur costs where their accommodation is currently below proposed minimum standards if they wish to improve accommodation to meet the standards and continue renting to this client group.
- More generally, B&B proprietors will suffer from reduced demand. Conversely the owners of other forms of TA will benefit from increased demand.

## **THE PROPOSALS IN DETAIL**

The following are the Government’s preferred proposals. They are set out in detail below, along with their associated costs and benefits. In all cases, our view is that the benefits outweigh the potential costs. The costs of inaction can be seen in the ‘Risk Assessment’.

- 1. To make an order under s.210 of the 1996 Act to end the use of B&B establishments as temporary accommodation for homeless families with children or with a member of the household who is pregnant except where the case is urgent and even then for no more than six weeks.**

This will affect homeless families with children and housing authorities.

*Benefits:* Homeless families with children will benefit from improved accommodation and the associated improvement in quality of life. Housing authorities will benefit from the savings made from the reduced use of B&B.

*Costs:* Housing authorities may bear initial costs from procuring alternative forms of TA – some direct grant funding is being made by ODPM to assist LAs develop and implement such strategies. Private sector B&B proprietors may incur costs due to reduction in business as LAs reduce their use of B&B accommodation for homeless families with children. Conversely, the owners of other forms of TA will benefit from increased business.

- 2. To give guidance on the suitability of accommodation generally and in particular in relation to B&B with specific reference to the fitness standards under s.182 of the 1996 Act.**

This will affect homeless households in priority need (or those being housed whilst their application is being assessed) and housing authorities.

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*Benefits:* Homeless Households will benefit from improved standards in temporary accommodation. Housing authorities will be aided in their assessment of suitability of TA by clear guidance.

*Costs:* Property owners and B&B proprietors may incur costs where their accommodation is currently below proposed minimum standards if they wish to improve accommodation to meet the standards and continue renting to this client group. LAs may incur costs in reviewing current TA provision to ensure it is of an appropriate standard, some of this cost may also fall to housing associations or private sector agents where they are managing such accommodation on behalf of a local authority. Data are currently not available to assess the extent of these costs – further evidence received during the consultation period would be helpful.

### **3. To give guidance on objectives in the Homelessness Strategy relating to the need for support of homeless persons and how they should be achieved under s.182 of the 1996 Act.**

This will affect homeless households placed in TA, housing authorities, and service providers.

*Benefits:* Homeless households will benefit from better support (e.g. from Health Services, Social Services). Service providers will be able to ensure that their clients are able to get appropriate and timely service.

*Costs:* Housing authorities may incur some costs relating to setting up systems to ensure that information is passed effectively. Primary Care Trusts, Education and Social Services departments may incur costs in processing referral notifications. However these are all clients that would be entitled to services anyway and this is not a direct increase or requirement for additional services.

*[Nb. Chapter 5 invites comments and additional quantified information on the costs and benefits of these proposals.]*

## **IMPACT ON BUSINESS**

Some property owners and B&B proprietors may incur costs where their accommodation is currently below proposed minimum standards if they wish to improve accommodation to meet the standards and continue renting to this client group.

## **COMPETITION ASSESSMENT**

Although the proposals, if implemented, will affect a number of closely interrelated markets in the private letting/provision of temporary accommodation sectors, we have been unable to identify any markets in which there are likely to be any significant competition effects.

Restricting the extent to which Bed and Breakfast establishments may be utilised to provide accommodation for those registered as homeless may have the effect of reducing the total number of competing providers in this sector if it results in an oversupply of this type of accommodation. It is possible that some providers will, as a consequence, exit the market. The introduction of minimum standards with which all B&B suppliers must comply if they wish to continue in the homelessness temporary accommodation market, is likely to contribute further to this effect, where small providers are either unwilling, or unable, to meet the standards. At the same time, barriers to new entry will be raised slightly by the introduction of minimum standards. A possible longer-term outcome of these effects could be some increase in prices at the low-price end of the temporary accommodation market. The ability of suppliers to compete at the lower levels of quality will also be restricted. However, given the highly fragmented nature of the markets involved, these effects are not considered likely to have any impact on the current structure of competition in any of the affected markets. Overall the barriers to entry to this market segment would appear to remain very low even after the measures.

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## **COMPLIANCE**

Where compliance is specifically required, e.g. for Proposal 1 (an order to end the use of B&B establishments as temporary accommodation for homeless families with children) compliance could be monitored and enforced by homeless families and their representatives. Compliance can also be monitored through the existing regime of Best Value inspections and central government data collection.

## **CONSULTATION**

The consultation will be available on the ODPM website and as a published document. Key stakeholders will be notified, including all housing authorities in England, local government representative bodies, voluntary sector organisations and housing groups. A full list can be found at Annex 9 of the consultation document.

## **FULL REGULATORY IMPACT ASSESSMENT**

Proposals will be finalised and a full Regulatory Impact Assessment produced in the light of the results of the consultation.

### **BED AND BREAKFAST INFORMATION EXCHANGE (BABIE) HOTEL GRADING SYSTEM**

Further information on the BABIE grading system including details on the joint London Boroughs Code of Practice can be obtained from:

BABIE,  
The Greater London Authority (GLA)  
City Hall, The Queen's Walk, London SE1 2AA  
020 7983 4000

#### **GRADE A**

##### PREMISES WHICH PROVIDE SATISFACTORY TEMPORARY ACCOMMODATION TO A HIGH STANDARD

These premises provide good temporary accommodation for use by homeless households. Any deficiencies in fire precautions, management and health and safety are insignificant having regard to the size of the premises. Overcrowding is absent and amenities are provided to the required levels. Premises having in excess of 50 bedspaces, irrespective of age, must achieve the standard of '7. Other Facilities'. Premises having less than 50 bedspaces, irrespective of age, must achieve c) Cots for babies and d) Telephone for residents' use, and not less than one other facility listed at 7.

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|--|--|
| 1. Fire Precautions and Means of Escape in Case of Fire  | Having regard to the size of the premises any defects are insignificant and easily rectified.  |
| 2. Health and Safety                                     | Having regard to the size of the premises any defects are insignificant and easily rectified.  |
| 3. Management, Repair and Cleanliness                    | A high standard of management, clean and in good repair.   |
| 4. Provision of Baths/ Showers, WCs and Wash Hand Basins | <p>Where practicable, baths/showers and WCs should be provided for the exclusive use of each household. If shared, baths/showers and WCs should be provided in the ratio of 1:5 persons, irrespective of age. The provision of baths/showers and WCs should comply in all other respects with the Joint London Boroughs Code of Practice in terms of location and separation.</p> <p>Wash hand basins should be provided in accordance with the requirements of the Joint London Boroughs Code of Practice.</p>  |
| 5. Provision of Cooking Facilities                       | <p>Where practicable, cooking facilities should be provided for the exclusive use of each household.</p> <p>If shared, cooking facilities should be provided in the ratio of 1:5 persons, irrespective of age. The provision of cooking facilities should comply in all other respects with the Joint London Boroughs Code of Practice in terms of size, location and number provided in each kitchen.</p> <p>The kitchen used by management to provide breakfast may be included when calculating the numbers above, unless it is deemed unsuitable for use by residents due to:-</p> |

- a) The size of the kitchen and the equipment provided in it. (In a commercial kitchen some equipment may be unsatisfactory or dangerous for use by residents.)
- b) The unsatisfactory location of the kitchen in relation to the accommodation it is supposed to serve.
- c) The necessary food storage facilities are not provided for residents using the management kitchens.

6. Overcrowding

There should be no overcrowding.

7. Other Facilities

- a) A lounge/dining room should be provided for residents' use. The area (or aggregate areas, if more than one is provided) shall be calculated on the basis of 1m<sup>2</sup> per bed space. This shall include one area of at least 15m<sup>2</sup>. Only effective usable space will be considered when calculating the areas for the purpose of this requirement.
- b) A children's play area of suitable size should be provided in the hotel/garden. If the area is in the hotel it should be specifically designated for children's use. The area can be included in the aggregate for the lounge area.
- c) Cots for babies should be readily available on request at no extra cost.
- d) A telephone should be available for residents' use.
- e) Laundry facilities should be provided.
- f) There should be a room for use by visiting GPs/Health Visitors/Social Workers.
- g) 24 hour management should be available on site.

**GRADE B**

PREMISES WHICH PROVIDE SATISFACTORY TEMPORARY ACCOMMODATION

These premises provide satisfactory temporary accommodation for use by homeless households. Any deficiencies in fire precautions, management and health and safety are insignificant having regard to the size of the premises. Overcrowding is absent and amenities are provided to the required levels. Regardless of the size of the premises they must achieve the standard of '7. Other facilities' that is a) Cots for babies and b) Telephone for residents' use.

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|---|--|
| 1. Fire Precautions and Means of Escape in Case of Fire | Having regard to the size of the premises any defects are insignificant and easily rectified.  |
| 2. Health and Safety                                    | Having regard to the size of the premises any defects are insignificant and easily rectified.  |
| 3. Management, Repair and Cleanliness                   | A good standard of management, clean and, having regard to the size of the premises, any defects are insignificant and easily rectified. |

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| 4. Provision of Baths/<br>Showers, WCs and<br>Wash Hand Basins | <p>Where practicable, baths/showers and WCs should be provided for the exclusive use of each household. If shared, baths/showers and WCs should be provided in the ratio of 1:5 persons, irrespective of age. The provision of baths/showers and WCs should comply in all other respects with the Joint London Boroughs Code of Practice in terms of location and separation.</p> <p>Wash hand basins should be provided in accordance with the requirements of the Joint London Boroughs Code of Practice.</p>  |
| 5. Provision of Cooking<br>Facilities                          | <p>Where practicable, cooking facilities should be provided for the exclusive use of each household.</p> <p>If shared, cooking facilities should be provided in the ratio of 1:5 persons, irrespective of age. The provision of cooking facilities should comply in all other respects with the Joint London Boroughs Code of Practice in terms of size, location and number provided in each kitchen.</p> <p>The kitchen used by management to provide breakfast may be included when calculating the numbers above, unless it is deemed unsuitable for use by residents due to:-</p> <ol style="list-style-type: none"> <li>a) The size of the kitchen and the equipment provided in it. (In a commercial kitchen some equipment may be unsatisfactory or dangerous for use by residents.)</li> <li>b) The unsatisfactory location of the kitchen in relation to the accommodation it is supposed to serve.</li> <li>c) The necessary food storage facilities are not provided for residents using the management kitchens.</li> </ol> |
| 6. Overcrowding  | There should be no overcrowding.   |
| 7. Other Facilities  | <ol style="list-style-type: none"> <li>a) Cots for babies should be readily available on request at no extra cost.</li> <li>b) A telephone should be available for residents' use.</li> </ol>  |

## **GRADE C1**

### PREMISES SUITABLE FOR SHORT-TERM PLACEMENTS ONLY

These premises provide satisfactory temporary accommodation for use by homeless households for a short period of time only. There are deficiencies with regard to one or more of the grading criteria (fire precautions, health and safety etc) but these are minor, having regard to the size of the premises. The provision of amenities may not comply with the standards contained in the Joint London Boroughs Code of Practice.

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|---|---|
| 1. Fire Precautions and<br>Means of Escape in Case<br>of Fire | <p>Having regard to the size of the premises, minor defects are present, e.g. one or two self-closers missing, defective/ inadequate door stops, large gap between fire door and door threshold, missing lightbulbs, missing/ inadequate fire notices, cracked glass in break glass call point, discharged fire extinguisher, fire blanket missing.</p> |
|---|---|

2. Health and Safety	Having regard to the size of the premises, minor defects are present, e.g. loose switches, defective socket outlets, inadequate/missing balusters, holed/worn/ loose carpeting, poor lighting to common parts.
3. Management, Repair and Cleanliness	<p>Minor/sporadic instances of decorative disrepair to room or common parts. Minor disrepair to a room or common part. Lack of proper standards of cleanliness in areas, but not of major proportions. Pest infestation, if under active treatment.</p> <p>Minor drainage defects, e.g. gully grid missing, leaking waste pipe. Roof in disrepair, but not leaking.</p>
4. Provision of Baths/ Showers, WCs and Wash Hand Basins	<p>The provision of baths/showers and/or WCs is in a ratio of no worse than 1:8 persons, irrespective of age. There may be slight deficiencies in the location of facilities or the number of separate WCs.</p> <p>There are slight deficiencies with regard to the provision of wash hand basins.</p>
5. Provision of Cooking Facilities	<p>The provision of kitchens is in the ratio of no worse than 1:10 persons, irrespective of age. There may be slight deficiencies in the number of sets of cooking facilities per kitchen.</p> <p>The kitchen used by management to provide breakfast may be included when calculating the numbers above, unless it is deemed unsuitable for use by residents due to:</p> <ol style="list-style-type: none"> <li>a) The size of the kitchen and the equipment provided in it. In a commercial kitchen some equipment may be dangerous or unsatisfactory for use by residents.</li> <li>b) The unsatisfactory location of the kitchen in relation to the accommodation it is supposed to serve.</li> <li>c) The necessary food storage facilities are not provided for residents using the management kitchens.</li> </ol>
6. Overcrowding	There should be less than 10 per cent overcrowding, taking into account the permitted number for the premises. This should be reported at once to the placing authority.

## **GRADE C2**

PREMISES SUITABLE FOR SHORT-TERM PLACEMENTS ONLY. THEIR USE FOR HOUSEHOLDS WITH CHILDREN SHOULD BE AVOIDED WHEREVER POSSIBLE

The premises provide satisfactory temporary accommodation for use by homeless households for a short period of time only. The provision of standard amenities (wash hand basins, baths, showers, water closets and kitchens) falls well below the minimum Joint London Boroughs' Code of Practice standard. The lack of standard amenities makes the premises particularly unsuitable for households with children.

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|--|--|
| 1. Fire Precautions and Means of Escape in Case of Fire  | Having regard to the size of the premises, minor defects are present, e.g. one or two self-closers missing, defective/ inadequate door stops, large gap between fire door and door threshold, missing lightbulbs, missing/ inadequate fire notices, cracked glass in break glass call point, discharged fire extinguisher, fire blanket missing.                 |
| 2. Health and Safety                                     | Having regard to the size of the premises, minor defects are present, e.g. loose switches, defective socket outlets, inadequate/missing balusters, holed/worn/loose carpeting, poor lighting to common parts.  |
| 3. Management, Repair and Cleanliness                    | Minor/sporadic instances of decorative disrepair to room or common parts. Minor disrepair to a room or common part. Lack of proper standards of cleanliness in areas, but not of major proportions. Pest infestation, if under active treatment.<br><br>Minor drainage defects, e.g. gully grid missing, leaking waste pipe. Roof in disrepair, but not leaking. |
| 4. Provision of Baths/ Showers, WCs and Wash Hand Basins | The provisions of baths/showers and WCs is in a ratio of worse than 1:8 persons irrespective of age. There are major deficiencies with regard to provision of wash hand basins.  |
| 5. Provision of Cooking Facilities                       | The provision of kitchens is in a ratio of worse than 1:10 persons irrespective of age or are absent.  |
| 6. Overcrowding  | There should be less than 10 per cent overcrowding, taking into account the permitted number for the premises. This should be reported at once to the placing authority.   |

## GRADE D

PREMISES WHERE NO FURTHER PLACEMENTS SHOULD BE MADE AND EXISTING HOUSEHOLDS SHOULD BE REHOUSED AS SOON AS POSSIBLE

These premises should not be used as temporary accommodation for homeless households. They represent a clear health and safety risk or are poorly managed or there are significant instances of overcrowding. Homeless Persons Officers are expected to make no further placements in these premises and to relocate existing households in alternative suitable accommodation.

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|---|--|
| 1. Fire Precautions and Means of Escape in Case of Fire | The premises are defective in an accumulation of small items. Having regard to the size of the premises, there are a significant number of missing/defective self-closers to doors, discharged extinguishers, missing instruction notices, defective door stops, missing lightbulbs etc. There is a major deficiency, e.g. emergency lighting not working, alarm system not working. |
| 2. Health and Safety                                    | The premises are defective in an accumulation of small items. There is a major deficiency, e.g. unguarded drops, exposed wiring.   |
| 3. Repair, Management and Cleanliness                   | Premises fall below the fitness standard. There is persistent failure to carry out routine repair and maintenance. Pest control not adequately dealt with. The premises are defective in an accumulation of small items.   |

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|-----------------------|---|
| 4. Overcrowding       | 10 per cent or more overcrowding, taking into account the permitted numbers for the premises. Persistent overcrowding.  |
| 5. Additional Reasons | <ul style="list-style-type: none"><li>a) The owner/manager/housekeeper refuses for Grade D Inspecting Officer entry to carry out a routine grading inspection.</li><li>b) The owner/manager/housekeeper does not supply on request to the Inspecting Officer sufficient information necessary to assess the appropriate grading.</li><li>c) The premises do not possess the appropriate planning permission, at the discretion of the receiving Local Authority</li></ul> |

## **GRADE E**

### PREMISES FROM WHICH HOUSEHOLDS SHOULD BE RELOCATED AS A MATTER OF URGENCY

These premises are not suitable to be used as temporary accommodation for homeless households. They represent an immediate and serious threat to the occupants. Homeless Persons Officers are expected to make no further placements and to withdraw households from such premises.

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|---|--|
| 1. Fire Precautions and Means of Escape in Case of Fire | There are no protected stairways/escape routes. There is a lack of fire resisting and/or self-closing doors. There is a dangerous electrical supply, serious bad internal arrangement, e.g. use of remote rooms as bedrooms. The property is defective in an accumulation of many items. An emergency lighting/alarm system is not provided. |
| 2. Health and Safety                                    | The property is a dangerous structure, living conditions are such that the health and safety or welfare of the occupants are seriously threatened.   |
| 3. Management, Repair and Cleanliness                   | There is a very serious pest infestation requiring a major treatment programme. Premises fall well below the fitness standard. There are serious deficiencies in management of the property. There is general squalor in the rooms and/or common parts.  |

### **JOINT LONDON BOROUGH'S' CODE OF PRACTICE THE USE OF HOTEL/HOSTEL ACCOMMODATION FOR THE PLACEMENT OF HOMELESS PEOPLE – CODE OF GUIDANCE**

#### **PURPOSE:**

This document sets out a common code of guidance and set of standards to be used in respect of privately-managed hotels or hostels and similar residential accommodation being used for temporary accommodation of the priority homeless. It is intended to be used by:-

- a) Boroughs within whose area such temporary accommodation falls; and
- b) Boroughs placing homeless persons in temporary accommodation whether it is in their own borough or another.

#### **GENERAL AIM:**

The main objective is to discontinue the use of such premises for the accommodation of homeless persons in priority need, but for some councils this objective is clearly unobtainable in the short-term. Homeless households will often be placed in hotels and hostels located outside their own borough boundaries. Wherever possible, authorities should place homeless persons in hotels and hostels within the borough. It is clearly desirable to establish agreed procedures and standards as a basis for local authority co-operation in relation to the use of such accommodation for homeless households. Effective co-operation between authorities requires agreement on the standards of the hotels and hostels used for homeless persons, the procedures for notification between authorities and relevant health and education authorities and arrangements, where necessary, for social services support.

#### **CODE OF GUIDANCE: STANDARDS**

1. Before any establishment is first used for the placement of any homeless person, the placing authority shall notify the authority in which the premises are situated (the receiving authority) of its intention to use those premises for the accommodation of the priority homeless and give two weeks' notice for the receiving authority to comment on the proposal. Initial notification should be made by telephone. The placing authority should also contact the Bed and Breakfast Information Exchange (BABIE) to find out any information held by them on a property.
2. If they have not done so within the previous six months, the receiving authority shall inspect the premises to ensure that they comply with the Standards as to minimum space and provision of amenities, as set out in Appendix 1 to this Code of Practice, and that they are in good repair, properly managed, hygienic and in a safe condition. They shall also satisfy themselves that the premises have planning consent for the purpose for which they are being used and that the area fire authority is satisfied that the fire precautions and means of escape are satisfactory, taking into account the proposed use of the premises for the placement of homeless persons. The receiving authority should then notify the placing authority in respect of all these matters. This notification may be through BABIE.
3. If the notifying authority is unable to give two weeks' notice to the receiving authority, it may then be required by the receiving authority to inspect the premises and satisfy themselves as to the requirements set out above. If, in exceptional circumstances, such as several notifications being received in the same week, the receiving authority is unable to inspect the notified premises within the two week period, it should advise the placing authority immediately. In these circumstances, the placing authority should then satisfy themselves as to the standards of the premises.

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4. If the notifying authority decides, in the light of the above enquiries, to proceed with a placement, it shall give advance notification to the authority in which the premises are situated. If the notifying authority decides not to proceed with a placement because of inadequate standards, it shall advise the hotel or hostel that it will not consider making any placement at the premises concerned until the standards are improved as necessary.
  5. Before any establishment is first used for the placement of any homeless person, the placing authority shall enter into an agreement with the owner or operator of the premises which shall contain provisions to enforce the following standards of management:
    - i) that the facilities required by Appendix 1 to this Code of Practice shall be provided and maintained and made available for use at all reasonable times. Residents should have access to their rooms at all times except when rooms are being cleaned. Provision should be made to accommodate residents at these times;
    - ii) that the operator shall provide effective management to ensure the maintenance of fire and other safety precautions;
    - iii) that the operator accepts that the appropriate officers of the authority in whose area the premises are situated may inspect the premises as and when they consider necessary, to ensure that the requirements are being complied with;
    - iv) that the operator will allow such inspections to take place, if necessary without notice;
    - v) that the operator accepts that officers of the area health authority, local authority and authorised community workers for the area in which the premises are situated, may visit the occupiers of the premises and interview them in private in the room(s) they occupy;
    - vi) that a manager with adequate day to day responsibility to enforce the provisions of the agreement shall be contactable at all times;
    - vii) that the operator shall not either directly or indirectly contravene the provisions of the Race Relations Act 1976 with particular regard to the selection of clients or treatment of residents;
    - viii) that there should be available within the premises a working telephone available for use by the occupiers and a notice shall be displayed by the telephone with information on the address and telephone numbers of: the local Environmental Health Department, Fire Brigade, Gas Company, Electricity Company, Police Station and local doctors.
  6. The placing authority shall ensure that sufficient rooms are provided for each homeless person's use, so that those rooms would not be overcrowded, in accordance with the standards contained in Appendix 1. They shall also have regard to the regime of management at the premises, to the need for people to have access to their rooms throughout the day and to any special needs of particular homeless households or categories of households. If there is any evidence of discriminatory practices by the management, the operator should be advised that the premises will not be used, unless such practices are ended.
  7. Further inspections by receiving authorities. Further inspections should be made following any incident or change of circumstances that suggests that a hotel or hostel is no longer complying with the standards. All hotels and hostels should also be regularly inspected while they continue to be used for homeless persons and all premises should be inspected not less than twice a year.

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## **CODE OF GUIDANCE: NOTIFICATION**

1. Within one week of any homeless person being placed in such premises, the placing authority shall notify the placement to the receiving authority. The health authority should be notified where the placement involves a move to the district of another health authority.
2. Each authority shall nominate a named officer to receive these notifications. The Association of London Government shall ensure that up to date records of the names, contact addresses and telephone numbers of the nominated officers are maintained and made available to all authorities in London.
3. As soon as a homeless person vacates such premises the placing authority shall notify the other authorities concerned and indicate the homeless person's new address, if possible.
4. When an authority ceases to use an establishment for homeless persons, it should notify the receiving authority. In particular, it should notify the receiving authority and BABIE if it has ceased to use the establishment because of any failure to comply with the required standards. In such a case the receiving authority or BABIE should then notify any other authority known to be using the same establishment for homeless persons.

## **REVIEW OF ARRANGEMENTS**

The placing and receiving authorities shall regularly review the arrangements set out above to ensure that they are being implemented. The Code of Guidance, its operation and its effectiveness, shall be reviewed after one year from its date of implementation.

## APPENDIX 1

### HOUSES IN MULTIPLE OCCUPATION

Standards relating to minimum space and fitness for occupation - Housing Act 1985 Section 358, Sections 352 and 604 (as amended).

Standards relating to Bed and Breakfast Establishments, Guest Houses, Hotels and similar residential accommodation, adopted by the Association of London Government.

#### 1. (a) Space Standards for Sleeping Accommodation

Cooking facilities provided in a separate room/kitchen

Floor Area of Room	Maximum No of Persons
Less than 70 sq ft (6.5 m <sup>2</sup> )	Nil persons
Not less than 70 sq ft (6.5 m <sup>2</sup> )	1 person
Not less than 110 sq ft (10.2 m <sup>2</sup> )	2 persons
Not less than 160 sq ft (14.9 m <sup>2</sup> )	3 persons
Not less than 210 sq ft (19.6 m <sup>2</sup> )	4 persons
Not less than 260 sq ft (24.2 m <sup>2</sup> )	5 persons

Cooking facilities provided within the room

Floor Area of Room	Maximum No of Persons
Less than 110 sq ft (10.2 m <sup>2</sup> )	Nil persons
Not less than 110 sq ft (10.2 m <sup>2</sup> )	1 person
Not less than 150 sq ft (13.9 m <sup>2</sup> )	2 persons
Not less than 200 sq ft (18.6 m <sup>2</sup> )	3 persons
Not less than 250 sq ft (23.2 m <sup>2</sup> )	4 persons
Not less than 300 sq ft (27.9 m <sup>2</sup> )	5 persons

In no case shall a room be occupied by more than 5 persons.

The standard is to be applied irrespective of the age of the occupants.

Sharing of rooms shall be avoided unless the individuals concerned consent to share the room. No persons of the opposite sex who are aged 12 years or over shall share a room unless they are living together as partners.

Irrespective of the floor area, consideration shall be given to the shape and usable living space within the room to determine whether it is suitable for occupation and to what occupancy level.

All rooms must have a minimum floor to ceiling height of at least 7 feet (2.14 metres) over not less than 75% of the room area. Any floor area where the ceiling height is less than 5 feet (1.53 metres) shall be disregarded.

Separate kitchens and bathrooms are deemed unsuitable for sleeping accommodation.

#### (b) Notices in Sleeping Accommodation

There shall be prominently displayed in each room used or suitable for use as a bedroom, a clearly legible notice in the following prescribed form:

“(Location and/or room number)

This room is not to be used for sleeping purposes by more than ..... persons”.

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Where rooms are used by persons whose first language is not English, then the appropriate language in common use shall be used in addition to the statement in English.

## **FITNESS STANDARD**

### 2. Stability

The premises shall be structurally stable.

### 3. Repair

The premises shall be free from serious disrepair that would render it unsuitable for occupation.

#### NOTE:

Under part VI of the Housing Act 1985, the premises should be maintained in a reasonable state of repair and free from defects which would materially affect the comfort of the occupiers.

### 4. Freedom from Dampness

The premises shall be free from dampness prejudicial to the health of the occupants.

### 5. Natural and Artificial Lighting

All habitable rooms shall have an adequate level of natural lighting.

All habitable rooms shall be provided with a glazed window. The glazed area to be equivalent to at least one-tenth of the floor area. Adequate electric lighting is also to be provided.

All staircases, landings, passageways, bathrooms and water closets are to be provided, where practicable, with a window.

Windows to bathrooms and water closets are to be glazed with obscured glass.

Adequate electrical lighting points are to be provided to all staircases, landings, passages, bathrooms and water closets. All lighting to these common parts is to be provided, maintained and paid for by the owners or their agent.

Artificial lighting to staircases, landings and passages shall be controlled from a sufficient number of appropriately placed switched outlets. If a time switch system is used, the time period shall be reasonable and appropriate to the circumstances of the occupants.

### 6. Ventilation

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area equivalent to one-twentieth of the floor area.

All bathrooms, shower rooms, water closet compartments and kitchens shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least one-twentieth of the floor area of the room. Where this is not practicable, mechanical ventilation supplying a minimum of three air changes per hour shall be provided, operated from the lighting circuit of the room and fitted with a 20 minute overrun.

All habitable rooms, kitchens, bathrooms and water closet compartments shall be provided with a permanent means of ventilation.

## 7. Water Supply

There shall be a supply of cold running water suitable for drinking, complying with statutory standards, labelled as such, provided to each bedroom direct from the rising main. Where this is not practicable, then such a supply shall be at a tap reasonably accessible on each floor, but not in a bathroom or water closet compartment. In all cases, the supply shall be sited over a wash hand basin/sink. The water supply shall be protected as necessary from frost damage. Stop taps are to be provided for each floor.

## 8. Installation for Heating

The premises shall have adequate provision for heating.

All habitable rooms and baths or shower rooms shall be provided with a fixed space heating appliance. The appliance must be capable of efficiently maintaining the room at a minimum temperature of 18°C when the outside temperature is -1°C.

“Fixed space heating appliance” means fixed gas appliance, fixed electrical appliance or an adequate system of central heating, operable at all times.

Each bedroom shall be provided with a minimum of two suitably positioned double 13 Amp electrical power sockets.

## 9. Drainage

The premises shall have an effective system, both above and below ground for the drainage of foul, waste and surface water.

## 10. Facilities for the Storage, Preparation and Cooking of Food and Disposal of Waste Water.

Wherever practicable, each household shall have exclusive use of a full set of kitchen facilities as described in (a) below. In circumstances where the Local Authority is satisfied that the provision of kitchen facilities for exclusive use is not practicable or appropriate, the lesser standards may be applied, as described in sub-paragraphs (b) to (d) below.

### (a) Kitchen facilities for exclusive use by households

Kitchen facilities shall meet the fire safety standards described in Appendix 2.

A full set of kitchen facilities shall be provided for each household.

Kitchen facilities shall be provided in a separate kitchen (of minimum size 5.5 m<sup>2</sup>/60 sq ft) wherever possible.

A set of cooking facilities shall comprise:

- An electric cooker with four burners, oven and grill. (In single person lettings, a cooker with a minimum of two burners, oven and grill is permissible.)
- A stainless steel sink and integral drainer (minimum size 1000 mm x 600 mm), set on a base unit. The sink is to be provided with a constant supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 450 mm high) shall be provided to the sink and drainer.
- A storage cupboard, minimum capacity 0.4 cubic metres (15 cubic feet). This provision is in addition to any base unit cupboards provided below the sink/drainer.
- A refrigerator, minimum capacity 0.14 cubic metres (5 cubic feet).

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– Two double 13 amp electrical power sockets situated at worktop height. These are in addition to electrical power sockets provided elsewhere in the letting.

– A suitable worktop (minimum surface area 1000 mm x 600 mm).

(b) Kitchens for communal use

Where the Local Authority is satisfied that the provision of kitchen facilities for exclusive use is not practicable or appropriate, kitchen facilities may be provided in the ratio of one set for every 5 persons, irrespective of age.

Such kitchen facilities shall comprise a minimum of shared:

– Gas or electric cooker with four burners, oven and grill.

– Stainless steel sink and integral drainer (minimum size 1000 mm x 600 mm), set on a base unit. The sink is to be provided with a constant supply of hot and cold water and properly connected to the drainage system. A tiled splashback (minimum 450 mm high) shall be provided to the sink and drainer.

– Two double 13 amp electrical power sockets situated at worktop height.

– A suitable worktop (minimum surface area 1000 mm x 600 mm).

– Lockable storage cupboards, minimum capacity 0.14 m<sup>3</sup> (5 ft<sup>3</sup>) for each bedroom whose occupants use the kitchen. In calculating the required provision of storage cupboards, base unit cupboards below sinks/drainers should be discounted.

In addition, the following facilities shall be provided within each bedroom, or within the total accommodation occupied by each household:

– A suitable worktop (minimum surface area 1000 mm x 600 mm).

– A refrigerator, minimum capacity 0.14 m<sup>3</sup> (5 ft<sup>3</sup>).

– A storage cupboard, minimum capacity 0.4 m<sup>3</sup> (15 ft<sup>3</sup>).

(c) Schemes comprising both shared and exclusive facilities

In schemes providing a mix of kitchens for shared and exclusive use, one set of kitchen facilities shall be provided for every five persons sharing. The number of persons who have kitchen facilities provided for their exclusive use shall not be included in the calculations.

(d) Mixed tourist/homeless persons hotels and hostels

Where an establishment is used to cater for tourists, other visitors to an area and to accommodate homeless persons, cooking facilities shall be provided for the homeless persons in accordance with (a), (b) or (c) above, as appropriate. In such cases the hotel/hostel operator should clearly identify the maximum number of homeless persons to be accommodated.

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## GENERAL REQUIREMENTS FOR COOKING FACILITIES

### Location

Cooking facilities which are provided shall be reasonably located in relation to the room(s) occupied by the person(s) for whom they are provided and in any event not more than one floor distant from these rooms. Please note the exception for smaller establishments described below.

In smaller establishments of not more than three storeys and not more than 30 bedspaces, communal cooking facilities may be provided in one area of the premises more than one floor distant from some bedrooms. In such cases, these kitchens must be provided in association with a suitable dining room or dining rooms of adequate size.

Dining room facilities, where provided, should be of adequate size. The area (or aggregate areas, if more than one is provided) shall be calculated on the basis of 1 m<sup>2</sup> per bedspace. This shall include one area of at least 15 m<sup>2</sup>. Only effective usable space will be considered when calculating the areas for the purpose of this requirement. Dining room facilities should be in reasonable repair (including decorative repair) and provided with adequate natural lighting and ventilation. Dining room facilities shall be provided with adequate seating provision.

### Design/Layout

Each set of cooking facilities shall be provided in a kitchen with a minimum area of 5.5 m<sup>2</sup> (60 sq ft) provided for each set of facilities. No more than two sets of cooking facilities shall be provided in any one kitchen.

Each kitchen should be large enough and designed to allow for the safe provision and use of all necessary facilities. Kitchens should be a minimum of 6 ft (1.8 m) wide to allow for the safe circulation of occupants within the room. Cookers should not be located too close to doorways and there should be enough floorspace for items to be safely retrieved from the oven.

Where two sets of cooking facilities are provided in a kitchen, the two sets of facilities (i.e. cooker, sink, worktop) shall be reasonably separate from each other to allow their safe and simultaneous use by two or more households.

### Other requirements/considerations

Where a room is used for both cooking and sleeping purposes, a minimum of 3.7 m<sup>2</sup> (40 sq ft) shall be added to the relevant minimum floor area for each room so used. (See Overcrowding Standards for Sleeping Accommodation above.) In this case the cooking facilities shall comply with the Fire Safety Standards as set out in Appendix 2.

Kitchen facilities shall be made available for use 24 hours per day, subject to any representation from the owner/manager, which must be agreed by the receiving and placing authorities.

#### 11. Drainage and Sanitary Conveniences

The premises should be adequately drained.

One internal water closet shall be provided for every five persons irrespective of age. The water closet must be within a reasonable distance from its users and not more than one floor distant and, where practicable, a water closet shall not be situated within a bathroom. At least 50% of the water closets that are required to be provided shall be situated in separate accommodation.

The number of persons occupying a bedroom where this facility is provided for their exclusive use shall not be included in the calculations.

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Water closets should be provided in bathrooms or separate compartments of suitable size and layout. Where water closets are provided in separate compartments, these compartments should have minimum dimensions of 1300 mm x 800 mm.

## 12. Personal Washing Facilities

A suitable wash hand basin (minimum dimensions 500 mm x 400 mm) with constant hot and cold water supplies, shall be provided in every bedroom, except where an en suite bathroom is available, when the wash hand basin may be provided in that bathroom. A tiled splashback (minimum 300 mm high) is to be provided to each wash hand basin.

Each separate water closet compartment and bathroom shall be provided with a suitable wash hand basin (minimum dimensions 500 mm x 400 mm), together with constant supplies of hot and cold running water. A tiled splashback (minimum 300 mm high) is to be provided to each wash hand basin.

Where cooking facilities are provided within a bedroom, then a wash hand basin need not be required in addition to the sink which is provided. A wash hand basin will always be required where a letting is provided with an en suite water closet.

One bath (minimum dimensions 1700 mm x 700 mm) or one shower (minimum dimensions 800 mm x 800 mm) shall be provided for every five persons, irrespective of age. These facilities must be within a reasonable distance of each user and not more than one floor distant. Not less than half of the facilities which are required to be provided shall be baths and a minimum of one bath shall be provided in every property.

The number of persons having the exclusive use of a bath or shower shall not be included in the calculations.

Where the operator chooses to provide showers for the exclusive use of each separate household or the majority of households, a minimum provision of baths, rather than showers will always be required. In such circumstances a minimum of one communal bath should be provided for every 20 persons, irrespective of age. These facilities must be within a reasonable distance of each user and not more than one floor distant.

Each bath shall be situated in a separate bathroom of adequate size. Each shower shall be situated in a suitable shower room (minimum dimensions 1600 mm x 900 mm).

Each bath and shower shall be provided with a constant, freely available supply of hot and cold water. A tiled splashback (minimum 300 mm high) shall be provided to all baths. Shower cubicles shall have fully tiled walls. Showers shall be provided with a suitable water resistant shower curtain or door to the cubicle.

Shared amenities are to be accessible from a common area.

## 13. Means of Escape in Case of Fire

The premises shall be provided with a protected escape route and shall comply with the Department of the Environment's Circular 12/92 "Houses in Multiple Occupation, Guidance to Local Housing Authorities on Standards of Fitness under Section 352 of the Housing Act 1985". In the case of premises operating as hotels, the Fire Precautions Act 1971 enforced by the London Fire and Civil Defence Authority will apply in addition to HMO legislation.

### Further Information

1. DOE design bulletin 24 – "Spaces in the Home" HMSO 1972.
2. The Building Regulations 1985.

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## **APPENDIX 2**

### FIRE SAFETY STANDARDS TO BE ACHIEVED WHEN COOKING FACILITIES ARE PROVIDED IN HOTEL OR HOSTEL BEDROOMS

1. Cooking is to be by electricity only.
2. The cooking appliance must be sited remote from the room exit, against a wall/partition enclosing the room and away from draughts.
3. No furniture, bedding, drapes etc shall be within 600 mm of the cooker. To ensure this is obtained, screens finished with non-combustible materials or plasterboard shall be provided as follows:
  - (a) To the sides of the cooking appliance to the height of:
    - (i) Not less than 1.6 m where provided less than 400 mm from the appliance, or
    - (ii) Not less than 850 mm otherwise.
  - (b) Opposite the cooking appliance, to a height not less than 850 mm.
4. No drapes or curtains shall be provided within the area of the cubicle containing the cooking appliance.
5. Deep fat frying should not be permitted and notice to that effect should be displayed in the cubicle containing the cooking appliance in English and such other languages as are considered appropriate.
6. The walls/partitions enclosing the room containing the cooking appliance shall be to a standard of fire resistance of not less than half an hour. Any door therein shall be fire resisting and rendered effectively self-closing.

### **Housing Act 1985 – s.604 Fitness for human habitation**

604 (1) In determining for any of the purposes of this Act whether premises are unfit for habitation, regard shall be had to their condition in respect of the following matters –

- repairs
- stability
- freedom from damp
- internal arrangement
- natural lighting
- ventilation
- water supply
- drainage and sanitary conveniences
- facilities for the preparation and cooking of food and for the disposal of waste water;

and the premises shall be deemed to be unfit if, and only if, they are so far defective in one or more of those matters that they are not reasonably suitable for occupation in that condition.

(2) Subsection (1) does not affect the operation of sections 266 and 282 (special powers to close underground rooms deemed to be unfit for human habitation).

### **Current range of legislative and regulatory provisions on property standards**

Section 345 of the Housing Act 1985 defines a House in Multiple Occupation (HMO) as a 'house which is occupied by persons who do not form a single household'.

Housing authorities have a range of powers to take action to improve standards in HMOs. These are set out in Part XI of the Housing Act 1985 as amended, most recently by the Housing Act 1996. The most well known and commonly used is the power to serve a notice under section 352. An authority can use this to require a landlord to carry out works to ensure that the kitchen, washing and toilet facilities and the means of escape from fire and other fire precautions, are adequate for the number of occupants in an HMO.

In addition to, or instead of, serving a works notice, an authority may issue a direction limiting the number of occupants in an HMO. Authorities have separate powers to serve overcrowding notices limiting the number of occupants where they feel that there are, or may in the future, be too many occupants for the number of rooms available as sleeping accommodation.

The Housing (Management of Houses in Multiple Occupation) Regulations 1990 put a duty on HMO managers to maintain the common parts of and installations in HMOs. Failure to comply with this duty is a criminal offence. Local housing authorities may serve a notice under section 372 of the 1985 Act requiring works to remedy such failure.

In circumstances where the living conditions in the house threaten the health, safety or welfare of the occupants or they are at serious risk, an authority may make a control order which enables it to take over the management of an HMO. However, because of the time and resources involved with the use of this power, in practice it is very rarely used.

Housing authorities do have a duty, under the Housing (Fire Safety in Houses in Multiple Occupation) Order 1997, to ensure that there are adequate fire safety standards in certain types of HMO of three or more storeys.

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Housing authorities' powers to require works notices under section 352 or 372 of the 1985 Act, and their powers under control registration schemes, are subject to a right of appeal to the county court. Failure to comply with works notices or conditions of registration schemes is a criminal offence. The maximum fine for offences under HMO legislation can be up to £5,000. Where a landlord fails to complete works specified by a section 352 or 372 notice, the authority can also do the works themselves and recover the cost from the landlord.

Newly built or converted HMOs require Building Regulations approval. Gas appliances in HMOs must be maintained in accordance with the Gas Safety Regulations. In addition, if people are employed in the property, as may be the case in hostels and B&Bs, relevant provisions of the Health and Safety at Work etc Act 1974 and associated regulations will apply, as will the Fire Precautions (Workplace) Regulations 1997 as amended by the Fire Precautions (Workplace) (Amendment) Regulations 1999. Hotel type premises may also require a fire certificate under the Fire Precautions Act 1971.

Local Housing Authorities must also have regard to the Department of Environment Circular 12/92 on standards in HMOs, as subsequently amended by Annex A of the April 1999 'Licensing of Houses in Multiple Occupation – Consultation Paper'.

### Definition of overcrowding

#### a) s.324 Definition of overcrowding

A dwelling is overcrowded for the purposes of this Part when the number of persons sleeping in the dwelling is such as to contravene –

- (a) the standard specified in section 325 (the room standard), or
- (b) the standard specified in section 326 (the space standard).

### NOTES

#### Initial Commencement

Specified date

Specified date: 1 April 1986: see s 625(2).

#### Derivation

This section derived from the Housing Act 1957, s 77(1).

#### Extent

This Act does not extend to Scotland: see s 625(3).

#### b) s.325 The room standard

- (1) The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as husband and wife must sleep in the same room.
- (2) For this purpose –
  - (a) children under the age of ten shall be left out of account, and
  - (b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

### NOTES

#### Initial Commencement

Specified date

Specified date: 1 April 1986: see s 625(2).

#### Derivation

Sub-s (1) derived from the Housing Act 1957, s 77(1)(a); sub-s (2) derived from the Housing Act 1957, ss 77(1)(a), 87.

#### Extent

This Act does not extend to Scotland: see s 625(3).

### c) s.326 The space standard

- (1) The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.
- (2) For this purpose –
  - (a) no account shall be taken of a child under the age of one and a child aged one or over but under ten shall be reckoned as one-half of a unit, and
  - (b) a room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.
- (3) The permitted number of persons in relation to a dwelling is whichever is the less of –
  - (a) the number specified in Table I in relation to the number of rooms in the dwelling available as sleeping accommodation, and
  - (b) the aggregate for all such rooms in the dwelling of the numbers specified in column 2 of Table II in relation to each room of the floor area specified in column 1.

No account shall be taken for the purposes of either Table of a room having a floor area of less than 50 square feet.

TABLE I	
Number of rooms	Number of persons
1	2
2	3
3	5
4	7½
5 or more	2 for each room

TABLE II	
Floor area of room	Number of persons
110 sq ft or more	2
90 sq ft or more but less than 110 sq ft	1½
70 sq ft or more but less than 90 sq ft	1
50 sq ft or more but less than 70 sq ft	½

- (4) The Secretary of State may by regulations prescribe the manner in which the floor area of a room is to be ascertained for the purposes of this section; and the regulations may provide for the exclusion from computation, or the bringing into computation at a reduced figure, of floor space in a part of the room which is of less than a specified height not exceeding eight feet.
- (5) Regulations under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A certificate of the local housing authority stating the number and floor areas of the rooms in dwelling, and that the floor areas have been ascertained in the prescribed manner, is prima facie evidence for the purposes of legal proceedings of the facts stated in it.

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## NOTES

### Initial Commencement

Specified date

Specified date: 1 April 1986: see s 625(2).

### Derivation

Sub-s (1) derived from the Housing Act 1957, s 77(1)(b); sub-s (2) derived from the Housing Act 1957, ss 77(2), 87; sub-s (3) derived from the Housing Act 1957, Sch 6; sub-ss (4), (6) derived from the Housing Act 1957, ss 81(3), (4), 178(1); sub-s (5) derived from the Housing Act 1957, s 178(1), (2).

### Transfer of Functions

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

### Extent

This Act does not extend to Scotland: see s 625(3).

### **Fitness for the number of occupants**

s. 352 Power to require execution of works to render premises fit for number of occupants

- (1) [Subject to section 365] the local housing authority may serve a notice under this section where [in the opinion of the authority, a house in multiple occupation fails to meet one or more of the requirements in paragraphs (a) to (e) of subsection (1A) and, having regard to the number of individuals or households or both for the time being accommodated on the premises, by reason of that failure the premises are not reasonably suitable for occupation by those individuals or households.
- (1A) The requirements in respect of a house in multiple occupation referred to in subsection (1) are the following, that is to say, –
  - (a) there are satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water;
  - (b) it has an adequate number of suitably located water-closets for the exclusive use of the occupants;
  - (c) it has, for the exclusive use of the occupants, an adequate number of suitably located fixed baths or showers and wash-hand basins each of which is provided with a satisfactory supply of hot and cold water;
  - (d) subject to section 365, there are adequate means of escape from fire; and
  - (e) there are adequate other fire precautions.
- (2) [Subject to subsection (2A)] the notice shall specify the works which in the opinion of the authority are required for rendering the [house] reasonably suitable –
  - (a) for occupation by the individuals and households for the time being accommodated there, or
  - (b) for a smaller number of individuals or households and the number of individuals, or households, or both, which, in the opinion of the authority, the [house] could reasonably accommodate if the works were carried out [but the notice shall not specify any works to any premises outside the house].
- [(2A) Where the authority have exercised or propose to exercise their powers under section 368 to secure that part of the house is not used for human habitation, they may specify in the notice such work only as in their opinion is required to meet such of the requirements in subsection (1A) as may be applicable if that part is not so used.]
- (3) The notice may be served –
  - (a) on the person having control of the house, or
  - [(b) on the person managing the house;]

and the authority shall inform any other person who is to their knowledge an owner, lessee [occupier] or mortgagee of the house of the fact that the notice has been served.
- (4) The notice shall require the person on whom it is served to execute the works specified in the notice [as follows, namely, –
  - (a) to begin those works not later than such reasonable date, being not earlier than the twenty-first day after the date of service of the notice, as is specified in the notice; and
  - (b) to complete those works within such reasonable period as is so specified.]

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- (5) If the authority are satisfied that –
- a) after the service of a notice under this section the number of individuals living on the premises has been reduced to a level which will make the works specified in the notice unnecessary, and
  - (b) that number will be maintained at or below that level, whether in consequence of the exercise of the authority's powers under section 354 (power to limit number of occupants of house) or otherwise,
- they may withdraw the notice by notifying that fact in writing to the person on whom the notice was served, but without prejudice to the issue of a further notice.

[(5A) A notice served under this section is a local land charge.

(5B) Each local housing authority shall—

- (a) maintain a register of notices served by the authority under subsection (1) after the coming into force of this subsection;
- (b) ensure the register is open to inspection by the public free of charge at all reasonable hours; and
- (c) on request, and on payment of any such reasonable fee as the authority may require, supply copies of entries in the register to any person.]

[(6) Where a local housing authority serve a notice under this section in respect of any of the requirements specified in subsection (1A), and the works specified in the notice are carried out, whether by the person on whom the notice was served or by the local housing authority under section 375, the authority shall not, within the period of five years from the service of the notice, serve another notice under this section in respect of the same requirement unless they consider that there has been a change of circumstances in relation to the premises.

(7) Such a change may, in particular, relate to the condition of the premises or the availability or use of the facilities mentioned in subsection (1A).]

## NOTES

Initial Commencement

Specified date

Specified date: 1 April 1986: see s 625(2).

## Derivation

Sub-s (1) derived from the Housing Act 1961, s 15(1), and the Housing Act 1969, Sch 8, para 2; sub-ss (2), (3) derived from the Housing Act 1961, s 15(1), (4), and the Housing Act 1964, ss 64(6), 67(1), (2); sub-ss (4), (5) derived from the Housing Act 1961, s 15(3), (2), respectively; sub-s (6) derived from the Housing Act 1961, s 21(1), the Housing Act 1964, s 67(4), and the Housing Act 1969, Sch 8, para 3.

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## Amendment

Sub-ss (1), (2), (3), (4): words in square brackets substituted or inserted by the Local Government and Housing Act 1989, s 165, Sch 9, Part III, paras 49, 50.

Sub-ss (1A), (2A), (5A), (5B): inserted by the Local Government and Housing Act 1989, s 165, Sch 9, Part III, para 49.

Sub-s (6): repealed by the Local Government and Housing Act 1989, ss 165, 194, Sch 9, Part III, para 49, Sch 12, Part II.

Sub-ss (7), (8): inserted by the Housing Act 1996, s 71(1).

## Extent

This Act does not extend to Scotland: see s 625(3).

[352A Recovery of expenses of notice under s 352]

- (1) A local housing authority may, as a means of recovering certain administrative and other expenses incurred by them in serving a notice under section 352, make such reasonable charge as they consider appropriate.
- (2) The expenses are the expenses incurred in—
  - (a) determining whether to serve a notice under that section,
  - (b) identifying the works to be specified in the notice, and
  - (c) serving the notice.
- (3) The amount of the charge shall not exceed such amount as is specified by order of the Secretary of State.
- (4) A charge under this section may be recovered by the authority from any person on whom the notice under section 352 is served.
- (5) The provisions of Schedule 10 apply to the recovery by the authority of a charge under this section as they apply to the recovery of expenses incurred by the authority under section 375 (expenses of carrying out works required by notice).
- (6) An order under this section –
  - (a) may make different provision with respect to different cases or descriptions of case (including different provision for different areas), and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) This section has effect subject to any order under section 353(6) (power of court on appeal against s 352 notice).]

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## **NOTES**

Amendment

Inserted by the Housing Act 1996, s 72(1).

### **Transfer of Functions**

Functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Sch 1.

### **Extent**

This Act does not extend to Scotland: see s 625(3).

**DETAILS OF THE NOTIFY PROJECT**

NOTIFY is an online web-based information system being developed by the GLA and the ALG that will notify relevant services of the placement or movement of statutorily homeless households living in temporary accommodation in London. As well as providing operational management information, NOTIFY will also provide boroughs and other agencies with aggregate data compilation and associated analysis facilities, both at borough and London level.

The system will use information provided by London borough housing departments to notify housing, social services, education departments and primary care trusts (PCTs) about homeless households they have placed in temporary accommodation. It covers initial placements and subsequent moves between or departures from temporary accommodation, irrespective of the geographical area in which they are placed. Information on households will be contained in a central database ('the hub') and updated by boroughs. The relevant services will be notified on a weekly basis by the hub, through an automated email containing a link to the reports on the households relevant to that agency.

The system is being developed by GLA and ALG officers, with financial assistance (mainly to fund software and project development) from the GLA, the Bed and Breakfast Unit (BBU), the London Housing Unit Committee (LHU), London boroughs and London Connects. It will be administered by the GLA's Bed and Breakfast Information Exchange (BABIE).

### LIST OF MAIN ORGANISATIONS CONSULTED

All housing authorities in England  
Association of Directors of Social Services  
Association of Housing Advisory Services  
Association of London Government  
Association of Tenancy Relations Officers  
British Property Federation  
Chartered Institute of Environmental Health  
Chartered Institute of Housing  
Crisis  
Faculty of Public Health Medicine  
Federation of Small Business  
Government Offices  
Greater London Authority  
Homeless Link  
Housing Corporation  
Housing Inspectorate  
Housing Law Practitioners Association  
Institute of Legal Executives  
Institute of Professional Housing Managers  
Joseph Rowntree Foundation  
King's Fund  
Law Centres Federation  
Law Commission  
Law Society  
Local Government Association  
London Homeless Families Network  
National Federation of Residential Landlords  
National Housing Federation  
NHS Confederation  
Shelter  
Small Landlords Association



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