Housing Health & Safety Rating System

Buying to Let- Property Issues

LAW

There are several pieces of legislation controlling the condition of rented accommodation. A few of the more important tones are:-

Disrepair

Landlords & Tenants Act 1985

Landlord responsible for

- Structure and exterior of the dwelling e.g. collapsed drains, leaking roof, guttering etc....
- Water, gas & electricity supply & sanitation installations (including basins, sinks, baths and sanitary conveniences) but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity,
- Space heating and water heating e.g. faulty boiler

Landlord must be notified in writing of disrepair
Applies to all tenancies of less than 7 years (term fixed)

Management Of Houses in Multiple Occupation Regulations

HMO Manager has duty to: -

- To maintain common parts, water, drainage, fixtures and appliances
- To keep means of fire escape free from obstruction
- To protect people from injury e.g. from unsafe balconies etc.
- To supply and maintain gas and electricity (Installation checked every 5 years)
- To maintain external parts in safe state & free from rubbish

Applies to ALL HMO's (not just licensable)

Health & Safety

Housing Health & Safety Rating System (HHSRS)

The housing health and safety rating system (HHSRS) was introduced as a method for assessing housing conditions under the Housing Act 2004. The HHSRS is a risk-based assessment that places the emphasis on risks to health and safety and provides a system that allows any risks identified to be minimised or removed from a property. There is a total of 29 prescribed hazards that can be attributed to the condition and general state of a property.

the HHSRS is concerned with the potential risks associated under health and safety of both the occupiers and any visitors. HHSRS is not a standard in itself. However, the absence of a handrail on a flight of stairs, a failure to provide smoke alarms or the lack of adequate heating within a property may all result in hazards.

Until March 2019 action can only be taken against a landlord if a Council officer assesses the premises and decides having followed the prescribed methodology that action should be taken. The hazard may not be as a result of any disrepair or structural problems but maty be due to the absence of a health and safety requirement e.g. inadequate heating, radon gas, trips and fall hazards etc.

From 20 March the tenant may sue a landlord if there is a serious hazard premises under the Homes (Fitness for Habitation) Act 2019 – see below.

Guidance on Housing Health & Safety Rating System

Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals

Housing health and safety rating system (HHSRS) operating guidance: housing inspections and assessment of hazards

Energy Efficiency

Energy Performance of Buildings (England & Wales) Regs 2012

Introduced Energy Performance Certificates - Required to rent, sell or construct a dwelling

Energy Efficiency (Private Rented Property) (England & Wales) Regs 2015.

Premises currently must be EPC Band E or above in order to rent out

29 Hazards under HHSRS – Housing Act 2004 Part 1

	Hazard	Health Effects
1	**Damp and mould growth** Health threats due to dust mites, mould or fungal including mental and social wellbeing health threats associated with damp, humid and mouldy conditions	Allergies, asthma, effects of toxins from mould and fungal infections
2	**Excess cold** Threats to health from cold indoor temperatures. A healthy indoor temperature is 18°C to 21°C	Respiratory conditions: flu, pneumonia and bronchitis Cardiovascular conditions: heart attacks and strokes
3	**Excess heat** Threats due to high indoor temperatures	Dehydration, trauma, stroke, cardiovascular and respiratory
4	**Asbestos and MMF** Exposure to asbestos fibres and Manufactured Mineral Fibres (MMF)	Asbestos: Damage to lungs MMF: Damage to skin, eyes and lungs
5	**Biocides** Threats to health from chemicals used to treat timber and mould growth	Risk from breathing in, skin contact and swallowing of the chemical
6	**Carbon Monoxide and fuel combustion products** Excess levels of carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke	Dizziness, nausea, headaches, disorientation, unconsciousness and breathing problems
7	**Lead** Threats to health from lead ingestion from paint, water pipes, soil and fumes from leaded petrol	Lead poisoning causing nervous disorders, mental health and blood production issues
8	**Radiation** Health threats from radon gas and its daughters, primarily airborne but also radon dissolved in water	Lung cancer caused by exposure, which increases amount and length of exposure

	Hazard	Health Effects
9	**Uncombusted fuel gas** Threat from fuel gas escaping into the atmosphere within a property	Suffocation
10	**Volatile organic compounds** Threat to health from a diverse group of organic chemicals including formaldehyde that are gaseous at room temperature and can be found in a wide variety of materials in the home	Allergies, irritation to the eyes, nose and skin, headaches, nausea, dizziness and drowsiness
11	**Crowding and space** Hazards associated with lack of space for living, sleeping and normal household or family life	Psychological distress and mental disorders, increased risk of hygiene issues, accidents and personal space and privacy compromised
12	**Entry by intruders** Problems keeping a property secure against unauthorised entry and maintaining defensible space	Fear of burglary occurring, stress and anguish caused by burglary and injuries caused by the intruder
13	**Lighting** Threats to physical and mental health associated with inadequate natural or artificial light, including the psychological effects associated with the view from the property through glazing	Depression and psychological effects due to lack of natural light. Eyestrain from glare and inadequate light
14	**Noise** Threats to physical and mental health due to exposure to noise within the property or within its curtilage	Psychological and physiological changes resulting from lack of sleep, poor concentration, headaches and anxiety
15	**Domestic hygiene, pests and refuse** Health hazards due to poor design, layout and construction making it hard to keep clean and hygienic, attracting pests and inadequate and unhygienic provision for storing household waste	Stomach and intestinal disease, infection, asthma, allergies, disease from rats and physical hazards
16	**Food safety** Threats of infection from poor provision and facilities to store, prepare and cook food	Stomach and intestinal disease, diarrhoea, vomiting, stomach upset and dehydration
17	**Personal hygiene, sanitation and drainage** Threats of infections and threat to mental health associated with personal hygiene, including personal and clothes washing facilities, sanitation and drainage	Stomach and intestinal disease, skin infections and depression
18	**Water supply** Threats to health from contamination by bacteria, parasites, viruses and chemical pollutants due to the quality of water supply for drinking household use such as cooking, washing and sanitation	Dehydration, fatigue, headaches, dry skin, bladder infections and legionnaires disease

	Hazard	Health Effects
19	**Falls associated with baths** Falls associated with a bath, shower or similar facility	Physical injuries: cuts, lacerations, swellings and bruising.
20	**Falls on the level surfaces** Falls on any level surface such as floor, yards and paths, including falls associated with trip steps, thresholds or ramps where the change in level is less than 300mm	Physical injuries: bruising, factures, head, brain and spinal injuries
21	**Falls associated with stairs and steps** Falls associated with stairs and ramps where the change in level is greater than 300mm. It includes internal stairs or ramps within a property, external steps or ramps associated with the property, access to the property and to shared facilities or means of escape from fire and falls over stairs, ramp or step guarding	Physical injuries: bruising, factures, head, brain and spinal injuries
22	**Falls between levels** Falls from one level to another, inside or outside a dwelling where the difference is more than 300mm. Including falls from balconies, landings or out of windows	Physical injuries
23	**Electrical hazards** Hazards from electric shock and electricity burns	Electric shock and burns
24	**Fire** Threats to health from exposure to uncontrolled fire and associated smoke. It includes injuries from clothing catching fire, a common injuring when trying to put a fire out.	Burns, being overcome by smoke or death
25	**Flames, hot surfaces and materials** Burns or injuries caused by contact with a hot flame or fire, hot objects and non-water based liquids. Scalds caused by contact with hot liquids and vapours.	Burns, scalds, permanent scarring and death.
26	**Collision and entrapment** Risks of physical injuries from trapping body parts in architectural features such as trapping fingers in doors and windows and colliding with objects such as windows, doors and low ceilings	Physical injuries such as cuts and bruising to the body
27	**Explosions** Threats from the blast of an explosion, from debris generated by the blast and from partial or total collapse of a building as a result of the explosion	Physical injuries, crushing, bruising, puncture, fractures, head, brain and spinal injuries.
28	**Ergonomics** Threats of physical strain associated with functional space and other features at the dwelling	Strain and sprain injuries
29	**Structural collapse and falling elements** The threat of the dwelling collapsing or part of the fabric being displaced or falling due to inadequate fixing or disrepair or as a result of adverse weather conditions.	Physical injuries

Premises Issues

- Age of Building - *Building Regulation Compliance*
  - Excess Cold
  - Excess Heat
  - Falls
  - Asbestos
  - Lead
  - Collision & entrapment
  - Electrical
- Building Type – *No. of Storeys, Flats, Block Flats*
  - Fire
  - Falls
  - Water
  - Dampness & Mould
  - Lighting
  - Collision & entrapment
  - Noise
- Size, Location & Orientation
  - Fire
  - Excess Cold
  - Excess Heat
  - Radiation
  - Crowding & Space

Building Regulation Indemnity Insurance

The indemnity insurance protects the purchaser (and subsequent owners) against legal action if the local authority take legal action for failing to comply with building regulations. The Council may require can force the owner to alter, reinstate or remove any non-complaint work that does not comply with building regulations. The insurance covers the legal costs associated with this, but the Council can only take enforcement action if the works have been completed in the last 12 months.

Planning indemnity insurance is also available, but more expensive

Homes (Fitness for Human Habitation) Act 2018

The Homes (Fitness for Human Habitation) Act will amend the Landlord and Tenant Act 1985 by extending its obligations to cover almost all landlords and strengthen the fitness for habitation test.

The Act is made up of 2 clauses and provides that:
• there is to be an implied covenant in a lease that a landlord must ensure that their property is fit for human habitation at the beginning of the tenancy and for the duration of the tenancy; and

• where a landlord fails to let/maintain a property that is fit for human habitation, the tenant will have the right to take legal action for breach of contract (covenant) on the grounds that the property is unfit for human habitation

The Act amends the Landlord and Tenant Act 1985 Section 8 and the new section 8(1) will introduce an implied covenant applying to the landlord to ensure that the dwelling is fit for human habitation at the time of the grant and kept in this condition thereafter.

There are some exemptions from the implied covenant. Landlords would not be liable for unfitness arising in certain circumstances, e.g. as a result of natural disaster or the tenant's failure to use the dwelling in a tenant-like manner. Landlords would not be obliged to maintain property belonging to a tenant. There would also be a limitation to the landlord's duty to carry out works where this would put him/her in breach of any other legal obligation (subsection 8(2)(d)), or where consent is required from a superior landlord and that consent is refused (subsection 8(2)(e).

The Act extends to England and Wales; however, the amendments to the 1985 Act will only apply to tenancies in England.

Relevant Matters in deciding whether a premises fit
• Repair
• Stability
• Freedom from damp
• Internal arrangement
• Natural lighting
• Ventilation
• Water supply
• Drainage and sanitary conveniences
• Facilities for preparation and cooking of food and for the disposal of waste water.
PLUS
any prescribed hazard (HHSRS hazard - Housing Act 2004 Part 1)

A landlord will be liable if the premises is "not reasonably suitable for occupation in that condition.'

DISREPAIR

Hopefully any survey undertaken related to the sale should highlight any disrepair items and these will need to be rectified and will form part of the negotiations around the price.

HAZARDS

Some of the Hazard which landlords should be aware of when purchasing a new premises are detailed below. Much of the information is taken from the official guidance **Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals**

Energy Performance certificate (EPC)

Although not a hazard in itself the EPC is a very important document which can give information on the likelihood of certain hazards as well as reporting the applicable Asset Rating Band (Band F & G affected)

An EPC is a standardised document which rates properties in terms of energy efficiency, and which must be provided whenever a property is constructed, sold or rented (exemption for bedsit HMOs).

EPCs include information about the property's energy use and costs as well as recommendations about how to improve the energy efficiency. Properties are ranked from A to G, A being the most energy efficient and since April 2018 properties ranked F or G are not able to be let to on new tenancies. From April 2020 the restriction will apply to all tenancies, including existing ones.

The rating is VERY important to landlords looking to buy a property to let and landlords should be aware that the Government have indicated in their Green Growth Strategy that the minimum energy efficacy band will be increased from Band E to Band C.

If your premises cannot reach the minimum band (and from Aril 2019?) without spending more than £3000 then and exemption can be registered on an online database. 3 quotes will be required and will have to be renewed every 3 years.

The EPC rating is now a one of the most important considerations when buying a property to rent for a long term.

Specific Checks include :

- Current Asset Rating (rainbow coloured chart) is above or equal to Band E
- For longer investment – Asset rating is above or equal to Banc C or can be bought to Band C ever, or at reasonable cost

- Recommended Works

Damp and Mould

This category covers threats to health associated with increased prevalence of house dust mites and mould or fungal growths resulting from dampness and/or high humidities. It includes threats to mental health and social well-being which may be caused by living with the presence of damp, damp staining and/or mould growth.

Preventive measures and the ideal

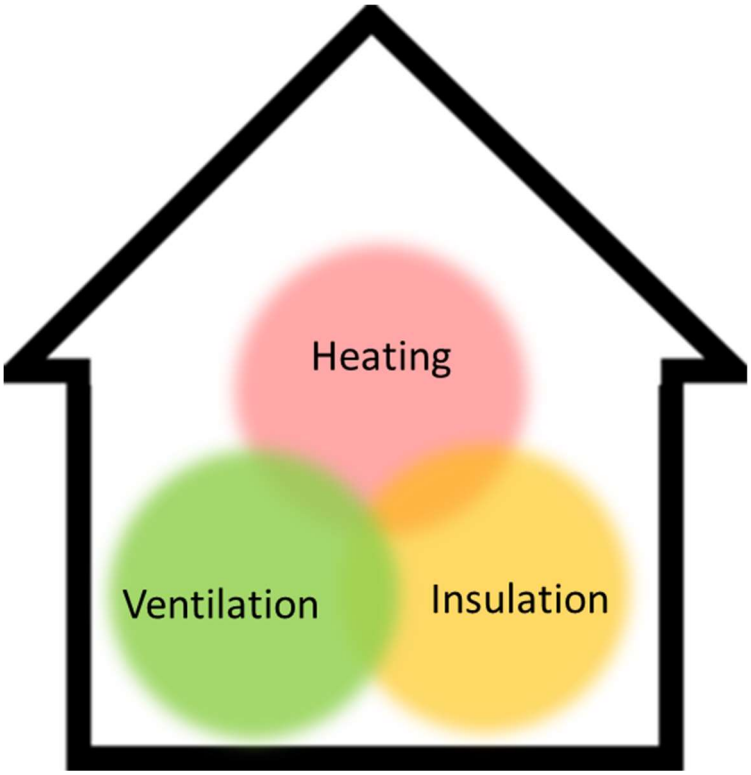
The structure and finishes of a dwelling should be maintained free from rising, penetrating and traumatic dampness, or persistent condensation
Roof and underfloor spaces should be properly ventilated to ensure timber remains airdry to minimize the chance of fungal infection.
There should be sufficient and appropriate means of ventilation to deal with moisture generated by normal domestic activities without the need to open windows. Opening windows can result in heat loss, noise, and may be a security risk. There may be no need for additional background ventilation where windows are ill-fitting, no draught stripping, and/or where there are open chimney flues. Where there is draught-stripping, or tight fitting windows, provision for background ventilation may be necessary via trickle vents in replacement windows, insertion of high-level airbricks, or by a passive stack or a MHRV system.
For further information see in particular – British Standards *BS 5250 Code of practice for control of condensation in buildings, BS 8102: Code of Practice for protection of structures against water from the ground,* Building Regulation *Approved Documents: C (site preparation and resistance to moisture), F (Ventilation of Buildings), and L (Conservation of Fuel and Power).*

Relevant matters

Matters relevant to the likelihood of an occurrence and the severity of the outcomes include:
a) Energy efficiency – inadequate heating and insulation of the dwelling.
b) Background ventilation – lack of controllable background ventilation.
c) Extract ventilation – lack of safe and accessible means for the extraction of moisture laden air during cooking, bathing or showering.
d) Clothes drying facilities – lack of facilities ventilated to the external air.
e) Damp proofing – in disrepair or inadequate, resulting in rising or penetrating dampness.
f) Disrepair – floors, walls or roofs allowing water penetration.
g) Exposed water tanks and pipework – inadequate frost protection.
h) Water using appliances – inadequately installed and sealed facilities, such as baths, showers, wash hand basins and WC basins which may permit splashing.
i) Plumbing and waste pipes – inadequately installed, or disrepair to, waste pipes or plumbing serving water using appliances (such as baths, showers, wash hand basins, bidets and sinks).
j) Rain water goods – inadequate or defective.

k) Roof and sub-floor spaces – inadequate ventilation.
l) Small rooms sizes – may result in high occupant density.

In order to reduce the risk of condensation there needs to be a adequate heating, ventilation and insulation



Specific Checks include :

- Extractor fans in kitchen and bathroom
- Clothes drying facilities
- Heating and insulation
- Any tumble driers piped to exterior

Excess Cold

This category covers the threats to health from sub-optimal indoor temperatures.

Preventive measures and the ideal

- Structural thermal insulation should be provided to minimise heat loss. The level of insulation necessary is in part dependent on geographical location and exposure, position in relation to other dwellings and buildings, and orientation. South facing glazing can be used to increase solar heat gain and so save energy.

- Heating should be controllable by the occupants, and safely and properly installed and maintained. It should be appropriate to the design, layout and construction, such that the whole of the dwelling can be adequately and efficiently heated.
- There should be means for ensuring low level background ventilation without excessive heat loss or draughts. It should be controllable, properly installed and maintained, and appropriate to the particular part of the dwelling. There should be means for rapid ventilation at times of high moisture production in kitchens and bathrooms.
- In multi-occupied buildings provision for space heating may be centrally controlled. Such systems should be operated to ensure that occupants are not exposed to cold indoor temperatures and should be provided with controls to allow the occupants to regulate the temperature within their dwelling

Specific Checks include :

- EPC rating
- Central Heating present
- Adequate Controls
- Heating can reach 18C minimum
- Heating not from peak electrical heating only

Entry by Intruders

This covers difficulties in keeping a dwelling secure against unauthorised entry and the maintenance of defensible space.

Specific Checks include :

- Presence of adequate locks to accessible windows and entry doors
- Doors and windows are substantial and in good condition

Lighting

This category covers the threats to physical and mental health associated with inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.

Specific Checks include :

- Adequate natural and artificial lighting – especially for basements.
- Artificial lighting with 2 way switches to stairs
- Overhanging trees etc.

Noise

This hazard category covers threats to physical and mental health resulting from exposure to noise inside the dwelling or within its curtilage

Relevant Matters

Matters relevant to the likelihood of an occurrence and the severity of the outcomes include:

a) Site of dwelling – located in a particularly noisy environment.
b) Internal insulation – inadequate construction and/or insulation of floor/ceiling structure within the dwelling or between the dwelling and other premises.
c) External insulation – inadequate levels of sound insulation to external structure.
d) Disrepair – despair of windows and/or external or internal doors allowing increased
noise penetration.
e) Siting of plumbing – inappropriate siting of plumbing fittings and/or facilities.
f) Equipment – noisy equipment or facilities.
g) Door closers – overly powerful mechanisms resulting in banging

Preventive measures and the ideal

- To prevent problems from traffic and other outside noise, the level of insulation should be appropriate to the ambient noise levels. Where noise levels are high, double or secondary glazing and lobbies to external doors may be necessary. Triple glazing may be necessary close to airports or other sources of very high noise levels. Insulation of the upper floor ceiling and roof space will be important where aircraft noise is likely. However, where double or triple glazing is provided to protect occupiers from noise there must be adequate alternative provision for ventilation.
- Noise from plumbing, including from water closets and cisterns, can be reduced by siting them away from a separating wall. Bathrooms and WC compartments in flats should not be sited above living rooms or bedrooms. Separating walls and floors, particularly in flats and maisonettes, should be properly constructed to reduce impact and airborne sound transmission.
- Minimum requirements for new dwellings is Building Regulations *Approved Document E*. However, in some circumstance, the minimum may not be adequate to prevent indoor noise pollution. the sources of information include the World Health Organization.

Specific Checks include :

- Location with respect to road, aircraft, neighbour noise
- Sound insulation between flats

Water Supply (which includes Legionella)

This hazard is affected by both Housing Acts (HHSRS) and the Health and Safety at Work Act. The Health and Safety Executive require a risk assessment of all domestic water supplies in rented accommodation specifically for the risk of Legionella. Please see HSE Website – Legionnaires' disease and associated guidance on Legionella risk rating.

This HHSRS hazard category covers the quality and adequacy of the supply of water within the dwelling for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation. As well as the adequacy, it includes threats to health from contamination by bacteria, protozoa, parasites, viruses, and chemical pollutants. (Contamination by radon and lead are dealt with separately.)

Relevant Matters

Matters relevant to the likelihood of an occurrence and the severity of the outcomes include:

a) Water supply tap – lack of a tap for drawing wholesome water for drinking within the dwelling.
b) Intermittent supply – regular or prolonged interruption of supply.
c) Water pressure – water delivered to taps at inappropriate pressure.
d) Water temperature – water stored at an inappropriate temperature.
e) Defective pipework etc – inappropriate materials used for pipework, storage tanks, or fittings.
f) Contamination of tanks – inadequate protection against contamination of water storage tanks.
g) Water filter defects – poor maintenance of water filters.
h) Water softening system – poor maintenance of water softening system.

Preventive measures and the ideal

- Drinking water should be wholesome, and should not be interrupted, except in emergencies.
- The entire installation (taps, pipes, any storage tanks) should not adversely affect the quality of the water:
    a) by allowing ingress of contamination (e.g. cover tanks to prevent contamination) ;
    b) by stagnation, particularly at high temperatures (e.g. there should not be any dead ends in pipework, particularly for the supply of hot water);
    c) by materials in contact with the water being unsuitable for the purpose (e.g. tar lined tanks are not allowed);
    d) as a result of backflow of water from water fittings,
    e) by cross-connection between pipes conveying water supplied for drinking water with pipes conveying water from some other source.
- All dwellings should have at least one tap for drawing drinking water, direct from the supply pipe. The water should be supplied at a pressure adequate for appliances at a dwelling, if necessary, with the use of a booster pump.

- To prevent *Legionella* growth hot water tanks should be set store hot water at above 60ºC. and cold water at least below 20ºC.
- Typically water softeners introduce sodium into the water, which should not be used for infants in the preparation of powdered milk for feeds, or for those on a low-sodium diet. There is a link between cardiovascular disease and consumption of naturally soft water. No link is proven with artificially softened water. However, as a precaution it is usually recommended that softened water is not used for drinking.
- Any filters attached to taps, or plumbed in, should be fitted properly and the filter cartridge changed regularly according to the manufacturer's instructions.
- If rainwater or grey water replaces mains water for toilet flushing, then it should be treated by filtration and disinfection. Maintenance is required to ensure that treatment remains effective.
- For further information see – British Standards BS6700 *Specification for design, installation, testing and maintenance of services*, Building Regulation *Approved Document H* on reuse of grey-water and rainwater, and the Water Regulations Advisory Scheme Information and Guidance Note: *Reclaimed Water Systems – Information about installing, modifying or maintaining reclaimed water systems.*

Specific Checks include :

- Hot water system can reach 60C
- Water supply adequacy

Asbestos (and MMF –Manufactured Mineral Fibre)

This category covers the presence of, and exposure to, asbestos fibres and manufactured mineral fibres (MMF) within dwellings.

Preventive measures and the ideal

- Asbestos should not be present in dwellings. However, where it is, as removal is likely to result in an increase in airborne fibre levels, existing asbestos should be managed *in situ* if it is:
    - in good condition;
    - not likely to be damaged; and/or
    - not likely to be worked on or disturbed.
- Management of asbestos materials involves:
    - identifying the location and condition of asbestos;
    - ensuring it is effectively sealed;
    - making inaccessible to prevent occupiers damaging the sealing surface;
    - labelling; and
    - keeping a record of the location of asbestos in the building.
- Where existing asbestos is damaged or is likely to be damaged or disturbed, an assessment needs to be made and action taken to repair, seal, enclose or remove it.

- To avoid the possibility of adverse health effects, high peak exposures to asbestos fibres should always be avoided. Most work on asbestos insulation, asbestos insulating board and lagging, including sealing and removal, should normally be done by a contractor licensed by the Health and Safety Executive (HSE).
- Where MMF based materials are present, the material should be in good condition, sealed, inaccessible, labelled and the location recorded. Unnecessary exposure to any fibre should be avoided and exposure likely to result from maintenance, installation or removal of MMFs should be avoided or minimised.

Relevant matters

Matters relevant to the likelihood of an occurrence and the severity of the outcomes include:

a) Date of construction – housing, particularly flats, built between 1946 and 1979 or between 1920 and 1945.
b) Presence of asbestos – particularly in accessible positions.
c) Unsealed asbestos – unsealed asbestos based materials.
d) Unlabelled asbestos – unlabelled asbestos based materials.
e) Disrepair – damage or disrepair to asbestos based material.
f) Presence of MMF – in accessible positions.

Specific Checks include :

- Age of property
- Presence of possible asbestos materials
- If concerned arrange survey

Radiation

This category covers the threats to health from radon gas and its daughters, primarily airborne, but also radon dissolved in water.
Concern has been expressed about the possible health effects of electromagnetic fields (EMFs). Low frequency fields are produced whenever an electric current is flowing and can be found in the vicinity of power lines, electricity sub-stations and electrical appliances. High frequency fields are produced by mobile telephones and their masts, television and radio transmitters, microwave ovens and radar. At present, there is no clear evidence of a risk to health from low level exposure to the EMFs normally found in the domestic environment. Leakage from microwave ovens might also be considered under this hazard category where the oven is provided by a landlord in furnished accommodation. However, the incidence of significant microwave leakage is extremely rare.

For Radon check UKRadon website http://www.ukradon.org/ . If ion an affected area consider a radon risk report which costs £3.90 and further consider installing radon measurement equipment to see the actual level in the premises

Falling on Level Surfaces

This category covers falling on any level surface such as floors, yards, and paths. It also includes falls associated with trip steps, thresholds, or ramps, where the change in level is less than 300mm.

Preventive measures and the ideal

Effective drainage of surface water is important for outdoor paths and yards to reduce the chances of occurrences because of ponding of water, and in adverse weather, patches of ice.

Each room and part of a dwelling should have sufficient space and be laid out so as to allow for the carrying out of appropriate tasks and manoeuvres without increasing the chances of a slip.

Adequate lighting will enable users to identify any obstructions and any trip steps or projecting thresholds. Artificial lights and windows should be sited to avoid shadows and dark corners where users cannot clearly see where they are going. Switches or controls for artificial lighting should be sited for ease of use. Glare from windows should be avoided.

In common parts in multi-occupied buildings, the owner or manager is responsible for floor coverings as well as the other factors discussed.

For further information see – Building Regulations *Approved Document A: Structure*, and British Standards *BS 5385* and *6431*.

Relevant matters

Matters relevant to the likelihood of an occurrence include:

a) Lack of floor surface – no properly constructed floor, path, or yard where needed.
b) Excessive slope – to the floor, path or yard.
c) Uneven surface – to the floor, path, or yard.
d) Trip steps/threshold – the presence of such steps or projecting thresholds.
e) Disrepair – to the structure and surface of the floor, path or yard.
f) Poor slip resistance – to the surface of the floor, path or yard.
g) Inadequate drainage – of surface water from the path or yard.
h) Inadequate space – for the carrying out of appropriate tasks and manoeuvres.
i) Poor lighting or glare – both artificial and natural.
j) Thermal efficiency – inadequate heating and insulation at the dwelling.

Matters relevant to the severity of the outcome include:

a) Hard surfaces – unforgiving or abrasive surface to the floor, path or yard.
b) Projections etc – the presence of sharp edges, heat producing appliances, or glass, in the area where a fall might occur.
c) Nature of area – and of the activities which will be undertaken in the area where a fall might occur.
d) Thermal efficiency – inadequate heating and insulation at for the dwelling.

Specific Checks include :

- Ill-defined changes in floor level
- Lighting
- Loose paving and garden hazards

Falling on Stairs

This category covers any fall associated with a stairs, steps and ramps where the change in level is greater than 300mm. It includes falls associated with:
a) internal stairs or ramps within the dwelling;
b) external steps or ramps within the curtilage of the dwelling;
c) internal common stairs or ramps within the building containing the dwelling and giving access to the dwelling, and those to shared facilities or means of escape in case of fire associated with the dwelling; and
d) external steps or ramps within the curtilage of the building containing the dwelling and giving access to the dwelling, and those to shared facilities or means of escape in case of fire associated with the dwelling.

Preventive measures and the ideal

- The likelihood of missteps is reduced where tread and rise dimensions are 280-360mm and 100-180mm respectively. It is estimated that the risk of an accident is decreased by 10% for every 10mm increase in going between 180mm and 280mm.
- Carpets generally reduce the severity of injury should a fall occur, both on stairs and at the foot of stairs.
- To prevent small children falling (or becoming trapped), there should not be any openings on stairs, either to the stairs themselves or to the guarding, which allow a 100mm diameter sphere to pass through.
- Narrow stairs may cause problems in emergencies. Ideally, stair width should be a minimum of 900mm clear width to allow the stairs to be negotiated by a child and adult side-by-side.
- Handrails provide assistance in ascent and descent, and offer a hand-hold if there is a misstep and so can help prevent a fall. Handrails to both sides of the stairs provide the safest arrangement. Handrails should be sited between 900mm and 1,000mm measured from the top of the handrail to the pitch line or floor. They should be shaped so that they are easy to grasp and extend the full length of the flight.
- Where the is no wall to one or both sides of the stairs, guarding (e.g. balustrade) should be provided to prevent falls off the sides of stairs. It should be designed and constructed so as to discourage children climbing.
- The headroom to stairs themselves should be a minimum of 2,000mm. In some situations, such as loft conversions, where this is not possible the headroom should be 1,900mm at the centre reducing to a minimum of 1,800mm at the side.
- Good lighting at the top and bottom of stairs will enable users to identify the first step and the dimensions of the stairs, reducing the possibility of a misstep or slip. Artificial lights and windows should be sited to avoid shadows and dark corners where users cannot clearly see where they are going. There should be switches or controls for artificial lighting at both the top and foot of stairs. Glare from windows should be avoided.
- There should be reasonable space at the top and bottom of any stairs to enable users
- to appraise the start and dimensions of the steps and stairs. Architectural features (e.g. doors) which create an obstruction on stairs or at the head of stairs can increase the likelihood of a fall. Projections and sharp edges on stairs and glass or

radiators at the foot of stairs will increase the seriousness of the health outcome of a fall.

- Cold impairs movement and sensation, and a lowered body temperature affects mental
- functioning, such that falls are more likely in the cold. The thermal efficiency of the dwelling is therefore relevant. It may also be more hazardous using external steps in cold weather, irrespective of whether they are wet or icy.
- In multi-occupied buildings, the owner or manager is also responsible for the stair covering (e.g. carpet) and for ensuring that stairs are kept free from obstructions.
- For further information see – Building Regulations Approved Document Part K, Approved Document Part N, and British Standards BS5395, 585, 6180, 5588, and 6262-4. Also, see Building Regulations Approved Document Part M which deals with the welfare and convenience for building users.

Relevant matters

Matters relevant to the likelihood of an occurrence include:

a) Tread lengths – of less than 280mm or greater than 360mm.
b) Riser heights – of less than 100mm or greater than 180mm.
c) Variation in tread or riser – dimensional variation producing an uneven pitch.
d) Nosing length – projecting more than 18mm beyond any riser.
e) Poor friction quality – of treads and nosings.
f) Openings – in stairs or guarding through which a 100mm diameter sphere can pass.
g) Alternating treads – stairs so constructed, particularly those not conforming to current regulations.
h) Lack of handrails – the absence to both sides of the staircase.
i) Height of handrails – set below 900mm or above 1,000mm.
j) Lack of guarding – the absence where there is no wall to both sides of the staircase.
k) Height of guarding – not extending to at least 900mm above the treads.
l) Easily climbed guarding – constructed so as to facilitate climbing.
m) Stair width – less than 1,000mm.
n) Length of flight – long flights may increase the likelihood of a fall.
o) Inadequate lighting – natural and/or artificial, particularly to the top and foot of a flight.
p) Lighting controls – inadequate or inconvenient means of controlling the artificial lighting.
q) Glare from lighting – whether natural or artificial.
r) Door(s) onto stairs – doors opening directly onto the stairs.
s) Inadequate landing – inadequate floor space leading to the stairs.
t) Construction/disrepair – inadequate construction or disrepair to any element of the stairs.
u) Thermal efficiency – inadequate heating and insulation of the dwelling.

Matters relevant to the severity of the outcome include:
a) Length of flight – long flights increase the severity of the outcome.
b) Pitch of stairs – stairs which are of above average steepness or shallowness.

c) Projections etc – the presence of sharp edges, heating installations, or glass, to the stairs or at the foot of the flight.
d) Hard surfaces – unforgiving surfaces at the foot of the flight.
e) Construction/disrepair – inadequate construction of, or disrepair to, any element of the stairs.

f) Thermal efficiency –inadequate heating and insulation of the dwelling.

Specific Checks include :

- Steepness, handrails and step surface
- Lighting
- Central heating (reduces risk of falls)

Falling Between Levels

This category covers falls from one level to another, inside or outside a dwelling, where the difference in levels is more than 300mm. It includes, for example, falls out of windows, falls from balconies or landings, falls from accessible roofs, into basement wells, and over garden retaining walls.

It does not include falls associated with stairs, steps or ramps. Nor does it include falls from furniture or from ladders.

Preventive measures and the ideal

- Safety catches will reduce the likelihood of children being able to open a window unsupervised. Catches which restrict the distance a window can be opened to 100mm should be fitted to windows above ground floor level to reduce the possibility of an accident involving a child. Any opening limiter should be easy to over-ride by an adult in the event of fire. While, ideally, there should be a catch to at least one window in a room accessible to wheelchair users, such a window should still be fitted with a restrictor.
- Falls are least likely when internal sills are at least 1,100mm from the finished floor level. However, where a window in a roof serves the function of a means of escape in case of fire, then the bottom of the openable area may be 600mm above the floor (a trade-off between the likelihood of a fall and fire safety).
- To allow views from a seated position (see Lighting) the height of glazing above floor level should not be more than 800mm. Where there is any glazing extending to within 800mm of the floor level, it should be guarded or of safety glass.
- In multi-storey buildings there is a need for increased safety precautions to upper storey windows, because of the increased risk posed by the more severe harms resulting from distance of fall. In such buildings, and preferably from the second floor upwards, glazing below 1,100mm from floor level should be guarded with a safety rail.
- The design of the windows should facilitate safe cleaning of the outer surface. It should be such that there is no reason to climb on a chair or stepladder to clean it. Where there is a high level opening light above the main opening light, the high level lights should be easily cleanable on both sides without opening the main light.

- Guarding (e.g. balustrade) should be provided to balconies and landings to prevent falls. It should be at least 1,100mm high and designed and constructed so as to discourage children climbing and strong enough to support the weight of people leaning against it. There should be no openings to the guarding which would allow a 100mm sphere to pass through.
- For further information on windows see – Building Regulations *Approved Document L1: conservation of fuel and power, Approved Document K: protection from falling, collision and impact, Approved Document N: Glazing – safety in relation to impact, opening and cleaning, Approved Document B: fire safety*, and British Standards *BS 8213: Part 1*, and *BS6262*. On balconies etc, see – Building Regulations *Approved Document K: protection from falling, collision and impact*, and British Standards *BS6180*, and *BS6399 Part 1*.

Relevant matters

- For windows, matters relevant to the likelihood of an occurrence include:

  a) Ease of window operation – degree of difficulty to use window catches and opening lights.
  b) Safety catches – lack of such catches or features to catches.
  c) Opening limiters – no restriction preventing windows being opened more than 100mm.
  d) Sill heights – less than 1,100mm above floor level and/or lack of safety glass or guarding.
  e) Disrepair of window – to frame, catches, hinges, sashes, safety devices and opening lights.
  f) Ease of cleaning – outer surfaces that are difficult to clean.

- For balconies, landings, roof parapets, basement wells, etc, matters relevant to the likelihood of an occurrence include:

  a) Height of guarding – extending less than 1,100mm above the balcony, roof surface or floor.
  b) Easily climbed guarding – constructed so as to facilitate climbing by young children.
  c) Openings in guarding –openings greater than 100mm.
  d) Construction/repair of guarding – insufficient strength and fixing.

- For windows, balconies, landings, roof parapets, basement wells, etc, matters relevant to the severity of the outcome include:

  a) Height above ground – the distance of a fall to the ground or next level.
  b) Nature of ground – the nature of the surface and any features which may be collided with.
  c) Non-safety glass – the lack of safety glass where appropriate in the window or guarding.

Specific Checks include :

- Garden and retain walls
- Window catches on all upper windows
- Balcony barrier heights

Electrical Hazards

This category covers hazards from shock and burns resulting from exposure to electricity, including from lightning strikes. (It does not include risks associated with fire caused by deficiencies to the electrical installations, such as ignition of material by a short-circuit.)

Specific Checks include :

- Check any Electrical Inspection Condition Report

Fire

This category covers threats from exposure to uncontrolled fire and associated smoke at a dwelling.

It includes injuries from clothing catching alight on exposure to an uncontrolled fire, which appears to be common when people attempt to extinguish such a fire. However, it does not include injuries caused by clothing catching alight from a controlled fire or flame, which may be caused by reaching across a gas flame or an open fire used for space heating.

For fire safety standards in most rented premises – see LACORS fire safety guidance
In the Upper tribunal case Vaddaram v East Lindsey District Council [2012] UKUT 194 (LC) the Tribunal sated that the guide should be used when assessing the fire hazard.

Specific Checks include :

- LACORS Fire safety guide

Collision & Entrapment

This category includes risks of physical injury from:
a) trapping body parts in architectural features, such as trapping limbs or fingers in doors or windows; and
b) striking (colliding with) objects such as architectural glazing, windows, doors, low ceilings and walls.

Position and Operability of Amenities etc

This category covers threats of physical strain associated with functional space and other features at dwellings.