



**FIRST-TIER TRIBUNAL AND
PROPERTY CHAMBER (RESIDENTIAL
PROPERTY)**

Case reference : **BIR/OOFN/HIN/2023/0051**

Property : **9 Upper Charnwood Street
Leicester
LE2 0AW**

Applicant : **Suhail Rashid**

Representative : **None**

Respondent : **Leicester City Council**

Representative : **Mr M Elliott
Environmental Health Officer**

Type of application : **Application under paragraph 10(1) of Schedule
1 of the Housing Act 2004 to appeal against an
Improvement Notice**

Tribunal and members : **Mr G S Freckelton FRICS
Mr A McMurdo MSc, MCIEH**

Venue : **The property was inspected on 22nd March
2024. There was no hearing as the matter was
dealt with by a paper determination**

Date of decision : **12th April 2024**

DECISION

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BACKGROUND

1. This is an Application by Suhail Rashid (“the Applicant”) under the Housing Act 2004 (“the Act”) against an Improvement Notice (“the Notice”) served by Leicester City Council (“the Respondent”) in respect of 9 Upper Charnwood Street, Leicester, LE2 0AW (“the Property”).
2. On 1st September 2023, the Respondent wrote to the Applicant following an inspection of the property on 31st August 2023. The letter alerted the Applicant to the presence of Category 2 hazards at the property.
3. On 25th September 2023 the Respondent spoke to the Applicant and informed him of its intention to serve an Improvement Notice in respect of the various defects.
4. On 4th October 2023 an Improvement Notice was served by the Respondent by hand on the Applicant. This was accompanied by a Statement of Reasons and a demand for the recovery of costs in determining the necessary works and accompanying letter. The costs demanded amounted to £135.00.
5. On 8th November 2023 the Respondent again wrote to the Applicant confirming all the works noted during the initial inspection but acknowledging that some of the works required had been carried out.
6. However, some works remained outstanding and the Respondent reminded the Applicant of the Improvement Notice dated 4th October 2023 and that all the works should be carried out. There were two Category 2 Hazards which still required attention.
7. On 20th October 2023, the First-tier Tribunal (Property Chamber) (“the Tribunal”) received an application from the Applicant appealing against the Notice dated 4th October 2023 and the demand for payment.
8. Directions were issued by the Tribunal and on 24th October 2023 following which submissions were made by both parties.

THE PROPERTY INSPECTION

9. The Tribunal inspected the property on 22nd March 2024 in the presence of the Tenant. The Applicant was not present. Mr Matthew Elliott and Mr Dale Spence, from Leicester City Council Environmental Health Department attended but both waited outside the property while the Tribunal carried out its inspection.
10. The property was found to comprise a flush fronted mid-terraced house in an area of predominantly similar type and style properties.
11. The accommodation comprises of front lounge, small lobby with cellar access off, rear dining room with stairs off to the first floor and small rear kitchen (contained within a double storey back addition) with door to the rear yard. The kitchen has an open access to a small lobby area with window and in turn the lobby leads to a shower room with three-piece sanitary suite.

12. On the first floor, the stairs lead to a landing which gives access to double bedroom 1, double bedroom 2 having clothes closet off and bathroom being fitted with a three-piece sanitary suite.
13. The property has UPVC double glazing and gas fired central heating.
14. As stated, the property is flush fronted (built up to the pavement) and to the rear is a small yard/garden area.
15. During the inspection the Tenant pointed out to the Tribunal the smoke alarm in the dining room, which she said had recently been installed by the Landlord together with a further smoke alarm also recently installed on the landing. There was a further smoke alarm on the landing which the tenant confirmed was not operational. According to the Tenant, the smoke alarms were operated by a sealed battery having a life of approximately five years.
16. There were therefore, two working non interlinked, battery-operated smoke alarms at the property at the time of the Tribunals inspection.

THE APPLICABLE LAW

17. The Act introduced a new system for the assessment of housing conditions and for the enforcement of housing standards. The Housing Health and Safety Rating System ('HHSRS') replaces the system imposed by the Housing Act 1985, which was based upon the concept of unfitness. The HHSRS places the emphasis on the risk to health and safety by identifying specified housing related hazards and the assessment of their seriousness by reference to (1) the likelihood over the period of 12 months of an occurrence that could result in harm to the occupier and (2) the range of harms that could result from such an occurrence. These two factors are combined in a prescribed formula to give a numerical score for each hazard. The range of numerical scores are banded into ten hazard bands, with band A denoting the most dangerous hazards and Band J the least dangerous. Hazards in Bands A to C (which cover numerical scores of 1000 or more) are classified as 'category 1 hazards' and those in bands D to J (which cover numerical scores of less than 1000) are classified as 'category 2 hazards.'
18. Where the application of the HHSRS identifies a category 1 hazard the local housing authority has a duty under section 5 (1) of the Act to take appropriate enforcement action. Section 5 (2) sets out the courses of action (which include the serving of an enforcement notice) which may constitute appropriate enforcement action.
19. Where the application of the HHSRS identifies a category 2 hazard the local housing authority has a power under section 7(1) of the Act to take enforcement action. The serving of an Improvement Notice is one of the types of enforcement action which may be taken.
20. Section 9 of the Act requires the local authority to have regard to any guidance for the time being given by the appropriate national authority about the exercise of their functions in connection with the HHSRS. In February 2006 the Secretary of State issued 'Housing Health and Safety Rating System – Operating Guidance' ('Operating Guidance') which deals with the assessment and scoring of HHSRS hazards. At the same time the Secretary of State also issued 'Housing Health and Safety Rating System – Enforcement Guidance' ('Enforcement Guidance') which is intended to assist local housing authorities in deciding which is the most appropriate course of action under section 5 of the Act and how they should exercise their discretionary Powers under section 7 of the Act.

21. The person upon whom an Improvement Notice is served may appeal to a First-tier Tribunal and (Property Chamber), who may by order confirm, quash or vary the Improvement Notice under Part 3 of Schedule 1 to the Act.

THE IMPROVEMENT NOTICE

22. The items identified in the Notice as being outstanding on 8th November 2023 were:

1) Flames, hot surfaces and other matters which may cause burns, scalds.

23. The location of a cooker in front of the rear entrance door and adjacent to the doorway leading to the toilet and shower, was likely to result in injuries.

The Remedial action required to be taken was:

- 1) Remove the rear entrance doorway, brick-up the opening with new or reclaimed sound bricks set in cement mortar, suitably pointed and properly jointed into the existing brickwork. As far as is practicable, new brickwork and pointing are to match the existing. Apply render coat to the internal wall surface, skim with plaster to a smooth and even surface.
- 2) Remove the rear living room window and create an opening for a doorway and opening light. The radiator to be relocated from beneath the original window to another wall within the room.
- 3) The door and window to be complete with fittings and glazing, having a minimum area combined of 1/10th of the floor area of the room and an opening window light of minimum area 1/20th of the floor area of the room.
- 4) Re-configure the layout of the kitchen. (The remedial action specifies the new layout including minimum specification for the worksurfaces, sink and cooker locations, storage cupboards and their locations, electrical sockets, splashback, water supply and drainage).
- 5) In the event of alterations being carried out to the gas supply, this must be carried out by a Gas Safe Registered engineer.
- 6) Power supply to the cooker may require to be moved in addition to relocating any electrical apparatus which may be at risk of damage from the new location of the cooker.
- 7) Remove all bricks and miscellaneous building debris from the site and leave in a clean and tidy condition.

OR

Carry out not less effective works with the agreement of Leicester City Council.

The date on which the remedial action is to be started is 1st April 2024.

The remedial action is to be completed by 15th April 2024.

2) Fire

24. The fire precautions at the property and means of escape in the event of a fire from the first floor were inadequate. There were no working fire alarms; the stairs led into the living room which was an inner room with no alternative safe exit from the first floor.

The remedial action required to be taken was:

- 1) Provide and fit mains powered and interlinked fire alarms as follows:
Smoke alarm in the ground floor front living room.
Smoke alarm in the ground floor rear living room.
Smoke alarm to the first-floor landing.
The fire alarm system to be a Grade D, LD3 system, which is interlinked mains powered smoke alarms with battery back-up. When one alarm sounds, they must all sound.

Please note, the fire alarms must be mains powered - not battery operated.

OR

Carry out not less effective works with the agreement of Leicester City Council.

The date on which the remedial action is to be started is 31st October 2023.

The remedial action is to be completed by 7th November 2023.

THE APPLICANT'S SUBMISSIONS

25. The Applicants submissions were contained in the application to the Tribunal and received on 20th October 2023 and in the further submissions received by the Tribunal on 28th November 2023.

26. In summary, the Applicant submitted:

- 1) The Applicant was willing to install a sealed unit fire alarm with a 10-year warranty. In support of this the Applicant submitted that the Regulations did not stipulate the type of alarm (mains or battery powered) that should be installed. Landlords should choose the type of smoke alarm based on the needs of the building and their tenants and that those alarms should be compliant with British Standards BS 5839-6. Where battery powered alarms are selected, alarms with 'sealed for life' batteries rather than alarms with replaceable batteries are the better option.
- 2) It was unreasonable to change the whole layout of the kitchen.
- 3) The Applicant believed it would be hazardous to replace the door in the kitchen as if there was a fire, there would need to be access to the garden.
- 4) That the tenant was happy with the kitchen layout.
- 5) That the Applicant could not afford to carry out all the works but if they were required then a grant or other financial help should be given.

THE RESPONDENT'S SUBMISSIONS

27. The Respondent forwarded its written submission to the Tribunal by email on 14th November 2023 and on 10th January 2024 submitted its response to the Applicant's Statement of Case. The submissions included copies of various letters between the parties and photographs.

28. The Respondent submitted that it had carried out an inspection on 31st August 2023 and that the property comprised of a two story mid-terraced Victorian house. The accommodation is as described by the Tribunal and in paragraphs 9 – 15 above. The Respondent stated that it had used the principles of the Housing Health and Safety Rating System and had identified various hazards within the property. For the purpose of this determination the Tribunal will confine its remarks to those works which still remain outstanding.

29. With regards to *Flames, hot surfaces etc.*, the cooker was noted to be located next to a doorway which location the Respondent considered was likely to result in injuries from burns and scalds.
30. With regards to the hazard of Fire, the Respondent submitted that there were two battery operated smoke alarms, one on each floor. At the time of the inspection neither smoke alarm was working as there were no batteries fitted in them. It was also noted that the front bedroom door (at the top of the stairs) was ill fitting and did not close properly. In the event of a fire, it was considered that this would provide no protection to prevent its spread, including smoke.
31. On 1st September 2023 the Respondent hand-delivered a letter addressed to the Applicant including a notice served under Section 16 of the Local Government and Miscellaneous Provisions Act 1976 requiring confirmation of his interest in the property. In the letter the Respondent confirmed that it was considering the most satisfactory course of action under the Housing Act 2004 and invited the Applicant to make contact to discuss the issues before it made its decision.
32. On 12th September 2023 the Applicant telephoned the Respondent following receipt of the Respondent's letter. The Respondent explained what the letter and report meant and it was agreed that the Respondent would meet with the Applicant's father on 8th September 2023.
33. Although the time of the appointment was altered the Respondent met with the Applicant's father on 8th September 2023 to be told that works had already been started but that the tenant was making access difficult as she did not want the works to be carried out. On the same date the Respondent was given a completed Section 16 Notice.
34. At the meeting on 8th September the Respondent inspected the property with the Applicant's father and discussed the service of an Improvement Notice and an accompanying notice to recover costs in deciding and taking enforcement action.
35. The Respondent submitted that a joint inspection of the property was then carried out and the Respondent's concerns regarding the various items were discussed. It was noted that works inside the property to remedy the damp issue had been carried out but none outside. The Respondent was not satisfied with the quality of works and at the same time additional works inside were agreed as were works to ensure the roof guttering was overhauled to prevent damp penetration. The Respondent informed the Applicant's father that these works should be carried out immediately.
36. During the inspection the Respondent noted that a new rear bedroom window had been fitted and the opening light fitted with a restrictor. However, no works had been carried out to provide a working fire alarm. The Respondent informed the Applicant's father that fire alarms were required to be interlinked covering the two ground floor reception rooms and the first-floor landing. The Respondent advised the Applicant's father that the earliest possible warning of a fire was necessary due to the unsafe layout in terms of escape in case of fire which in this case was as a result of stairs exiting into a living room which was an inner room.
37. The Respondent submitted that the changes in layout of the kitchen due to the unsafe location of the cooker were discussed and the various options considered. The Respondent confirmed it was of the opinion that the rear entrance needed to be relocated to the living room as there was considered to be insufficient space within the kitchen to safely relocate

the cooking facilities. This was resisted by the Applicant's father and it was suggested that the cooker could be moved to the opposite side of the kitchen thus retaining the rear entrance. The Respondent confirmed it would consider the proposals but that any works carried out within the next six months would require confirmation in writing from the Respondent prior to commencement of those works.

38. The Respondent submitted that it assessed the risk of Burns and Scalding hazard on site using the HHSRS Operating Guidance, Hazard Number 25, "*Flames and Hot Surfaces etc.*". The hazard scored came out as Band D which was a category 2 hazard under the Housing Act 2004. The Respondent considered that this was significant and warranted further action.
39. The Respondent further submitted that the cooking facilities comprise of a four-ring gas hob mounted on a work surface above a base unit which housed an electric oven. The cooking facilities were in front of the rear entrance door. The door itself opened inwards with a gap of 340mm between the edge of the door and the front of the cooking facilities. The Respondent was of the opinion that the limited clearance between the opening door and the cooking facilities posed a danger of knocking the cooking pots and/or the person using the facilities. The limited clearance in front of the oven also made it difficult when placing and moving pots in and out of the oven itself. In the opinion of the Respondent, these conditions made the chances of scalding and burn occurring much more likely.
40. In the submission of the Respondent the risk of injury associated with the cooking facilities was further increased by their location next to the doorway leading into the shower/toilet room as persons using the shower would have to potentially squeeze past a person using the cooking facilities as well as negotiating the rear entrance door when in use.
41. The Respondent stated that the gas hob was located close to a wall on the left-hand side, with limited clearance to allow for cooker pot handles. The gas hob was 600mm deep and on the right-hand side the worktop was only 265 mm leaving 335 mm depth of the gas hob having no work surface adjacent to it. In the opinion of the Respondent the lack of adequate work surface increased the risk of scalding burns and a minimum width of work surface of 300mm was to be expected match the depth of the gas hob.
42. The Respondent submitted that taking all these matters into account it considered the present location of the cooking facilities a significant category 2 hazard which warranted formal action to reduce the risk.
43. Having considered the matter further the Respondent discussed with the Applicant's father and the tenant the possible solution but did not consider relocating the cooking facilities in the kitchen without removing the rear entrance door a suitable solution when considering the risk.
44. The Respondent therefore considered the service of an Improvement Notice was the most satisfactory course of action to remedy the risk of burns and scalding from the cooking facilities.
45. The Respondent confirmed that it also assessed the fire hazard on site using the HHSRS Operating Guidance, Hazard Number 24, "*Fire*". The hazard scored 357 and came out as Band E which was a significant Category 2 hazard and warranted formal action to reduce the risk. The Respondent considered that formal action was proportionate considering the

cost of fitting a suitable fire alarm system and the benefits in protecting life when occupiers are given early warning of a fire, sufficient to allow a safe escape.

46. The Respondent submitted that mains powered fire alarms are not reliant on working batteries being maintained and that the positioning and the interlinking of the alarms was also crucial to aid a safe exit. Having a working smoke alarm in each of the living rooms was considered important as they are high-risk and a place where a fire is likely to occur and the positioning of the kitchen, which is also a high-risk fire area directly off the rear living room.
47. The Respondent considered it necessary to give the occupiers the best chance of ensuring a safe exit from the building. In the opinion of the Respondent having the fire alarms interlinked to a smoke alarm on the first floor gives the earliest warning in the event of a fire as a sounding alarm downstairs was unlikely to be sufficiently loud to effectively warn the occupiers upstairs, if they were asleep and the doors between the rooms were shut.
48. The Respondent noted that there were openable windows to both the front and rear bedrooms which were suitable as a means of escape in case of fire and they could be used as a last resort in the event of occupiers becoming trapped upstairs.
49. The Respondent confirmed that it had applied the Risk Rating Scheme and considered it necessary for this particular property to have three mains powered and interlinked smoke alarms to provide adequate warning to the occupiers in the event of a fire. To achieve this aim, the Respondent considered the service of an Improvement Notice was the most satisfactory course of action.
50. In making its decision the Respondent stated that it had regard to LACORS guidance; Guidance on Fire Safety Provisions for Certain Types of Existing Premises. Page 25, table C4 states “Single household occupancy up to 4 stories. Grade D: LD3 coverage (interlinked)”. LD3 coverage is a system which incorporates detectors in circulation spaces that form part of the escape routes from the dwelling only. In this case the means of escape route was through the first-floor landing, stairs and both the front and rear living rooms.
51. The Respondent further submitted that page 24 of the guidance describes a grade D system as follows: “... a system of one or more mains powered smoke or heat alarms with integral battery standby supply. These are designed to operate in the event of mains power failure and therefore could be connected to the local lighting circuit rather than an independent circuit at the dwelling’s main distribution board. There is no control panel”.
52. The Respondent submitted that this is what was prescribed in the Improvement Notice. In the opinion of the Respondent, it was unlikely that a battery-operated smoke alarm on the ground floor would wake persons sleeping upstairs and that this situation would be made worse if the bedroom and living room doors were shut.
53. The Respondent stated that it also had reference when making its decision on the necessary works to the guidance issued by Decent and Safe Homes East Midlands (DASH), entitled ‘Fire Safety Plans for Houses in Multiple Occupation and Other Dwellings’ dated February 2009. This mirrored the guidance issued by LACORS.
54. On 25th September 2023 the Respondent spoke to the Applicant and advised him of its decision to serve an Improvement Notice. The required works to provide the mains powered and interlinked fire alarms was to be completed within two months and changes

to the kitchen including moving the rear entrance door to the rear living room was to be completed within six months. The Applicant informed the Respondent that the other works listed by the Respondent has been completed with the exception of alterations to the alleyway gate which was to be carried out within the following two weeks.

55. Based on the above the Respondent was satisfied that the most satisfactory course of action under the Housing Act 2004 was the service of an Improvement Notice requiring works be carried out. The Respondent considered that service of the notice was proportionate having regard to the risk.
56. On 4th October 2023 the Respondent served an Improvement Notice reference: MPE/PSH/IMPRO/9UPPER on the Applicant requiring the changes in layout of the kitchen to allow for the safe location of the cooker and for the fitting of mains powered and interlinked smoke alarms. Accompanying the Improvement Notice was a statement of reasons for the action taken and a demand for the recovery of costs in determining the necessary works and the covering letter.
57. On 4th October 2023 the Respondent had a telephone conversation with the Applicant in which the Applicant informed the Respondent that his electrician had advised there was no need for mains powered smoke alarms and that a battery type system would be acceptable. The Respondent informed the Applicant that a battery-operated system would not be acceptable and referred him to the Notice. In relation to the kitchen, the Respondent informed the Applicant that if the tenant required to be moved whilst the works were carried out, then this would be the Applicant's responsibility. At the same time Section 21 possession proceedings were discussed.
58. On 10th January 2024 the Respondent responded to the Applicant's statement of case which briefly stated:
 1. The Smoke and Carbon Monoxide Alarm (Amended) Regulations 2022 do not preclude enforcing authorities taking action under the Housing Act 2004.
 2. The cost of fitting interlinked mains powered smoke alarms was approximately £420.00 plus VAT which the Respondent considered proportionate when considering their benefit in protecting life.
 3. The location of the rear exit is to be changed from the kitchen to the rear living room hence the access to the rear yard will be maintained.
 4. The tenants proposed satisfaction with the current layout of the kitchen was not an overriding factor which should prevent action being taken to remove a category 1 hazard or a significant category 2 hazard.
 5. That the Applicant operates as a commercial landlord and should make financial provision to ensure that unforeseen repairs/matters can be dealt with as they arise. It was not for the local authority to subsidise the commercial interests of landlords.

DETERMINATION

59. As described by the Respondent, the Tribunal and accepts that the Hazards of "*Flames, hot surfaces and other matters which may cause burns, scalds*" and "*Fire*" are Category 2 hazards.
60. The Tribunal accepts that the Respondent sent a letter to the Applicant dated 1st September 2023 alerting the Applicant to the presence of Category 2 hazards at the property.

61. The Tribunal also accepts that the Respondent entered dialogue with the Applicant both verbally and by letter to confirm the position regarding the outstanding works.
62. The Tribunal accepts that a formal Improvement Notice was served by the Respondent on the Applicant dated 4th October 2023.
63. The Tribunal agrees with the Respondent that the service of an Improvement Notice is the appropriate course of action in this case especially having regard to the letter dated 1st September 2023 previously sent to the Applicant detailing the works required to the property.
64. However, it is evident that some of the works specified in the original Notice have been carried out and these are not disputed by the Applicants. They do not therefore form part of this Decision.
65. The present position to be considered by the Tribunal is therefore as follows:
66. The item “*Flames, hot surfaces and other matters which may cause burns, scalds*” is challenged by the Applicant for the reasons stated in paragraph 23 (2-5) above.
67. The Tribunal considered the submissions of both parties and agrees, in principle with the Respondent that the location of the cooker does pose a real risk to the safety to the occupants. The kitchen was noted to be small, dated and the few units fitted were in poor condition.
68. There was found to be only a space of some 360mm between the open external door and the front of the cooker. There was opaque glazing in the external door which would prevent anyone entering from seeing who was behind the door and this could result in a collision between them and the cooker and particularly with any protruding pan handles.
69. It was noted that the worktop (which was only fitted to one side of the cooker) was only some 260mm deep. This does not give adequate depth for the handles of pans on the cooker to be safely located so they could not be easily ‘knocked’. The Tribunal is of the opinion that there should be worktops to either side of the cooker having a minimum width of 300mm and a depth of 600mm.
70. The Applicant submits that the cost of the works proposed by the Respondent are too expensive but offers no submission on the cost of carrying them out which might support this submission.
71. The Tribunal confirmed the presence of the hazard as set out on page 4 of the Improvement Notice but determined that the remedial action contained in paragraphs 1, 2, 3, 4, 5, 6, and 7 were overly prescriptive and afforded the Applicant no opportunity to explore a range of solutions with the advice of contractors.
72. As such, the Tribunal determines that paragraphs 1, 2, 3, 4, 5, 6 and 7 be removed from the Improvement Notice and be amended to read:

‘Redesign and install kitchen facilities to allow the safe storage, preparation and cooking of food. All facilities shall be arranged in such a manner so that they can be conveniently, easily and safely used. Ensure all base units, wall units, and worktops are correctly and securely fixed in position. Surfaces of worktops and kitchen units must be readily capable

of being cleansed. The junction between the worktops and any sink or wall must be sealed and watertight. Lighting must be provided at such an intensity and in such a position to permit occupiers to safely prepare meals. Ventilation must be provided to permit the extraction of moisture laden air from cooking. All electrical works must be completed by a competent electrician & comply with BS7671 18th Edition where applicable’.

As a minimum, the kitchen must be provided with the following amenities:

- a) A suitable stainless steel sink top and base unit (including a drainer), with hot and cold water supply and all required drainage connections.*
- b) At least two metres of worksurface, of which at least 300mm must be placed either side of the cooker. Worktops must not have exposed/raw edges and must be fitted with appropriate edging strips to ensure the entire worktop is capable of being readily cleansed.*
- c) A hygienic splashback to the sink and all worksurfaces.*
- d) The design must incorporate 600mm of space for a standard size cooker and the provision of a gas or electric cooker point (to be completed by a Gas Safe registered engineer or to comply with BS7671 18th Edition in the case of electrical work). The wall behind the cooker shall be provided with a hygienic splashback.*
- e) Have a competent electrician install a minimum of 3 x double sockets at appropriate spacing above the worktop level to permit safe and convenient use of appliances.*
- f) The floor surface shall be smooth, level, impervious and capable of being readily cleansed.*
- g) The provision of base and wall units suitable for the size of the dwelling (family of four based on two double bedrooms).*

Prior to the commencement of any works agreement must be obtained from the Respondent as to the type, layout and number of units to be fitted. The work shall commence no later than 1st September 2024 and be completed no later than 30th September 2024.

73. The Tribunal is of the opinion that this time scale will give the Applicant ample opportunity to agree the work with the Respondent and complete it satisfactorily.

69. The Tribunal appreciates that the overall suggestion of the Respondent may be the ultimate practical solution but has varied the Notice so that the Applicant should have greater opportunity to consider alternatives.

The Tribunal therefore varies the Improvement Notice for *Flames, hot surfaces and other matters which may cause burns, scalds.*

70. The item “Fire” is challenged by the Applicant for the reason noted in paragraph 23 (1 and 5) above.

71. The Tribunal considered the various submissions and agrees with the Respondent. In particular the Tribunal had regard to the following matters observed during the inspection:

- 1) There are no 'Fire Doors' in any part of the property.
 - 2) The only exit to either the front or rear of the property from the first floor is through an 'inner room'.
 - 3) The Tribunal agrees with the Respondent that the present layout of the kitchen is a factor in increasing the probability of a fire starting.
 - 4) The category 1, 2 and 3 outcomes noted by the Respondent in its survey would now be lower as at the time of inspection the Tribunal found that there were now smoke alarms on both levels (albeit only non-integrated sealed battery-operated units). In addition, fire escape windows had been fitted to both the front and rear bedrooms.
72. Whilst the Tribunal accepts there has been a change of circumstances it does not accept that a non-integrated system would achieve the required decibel levels to wake a sleeping occupier.
73. The Guidance given in the '*LACORS Housing – Fire Safety Guidance Provisions*' issued by The Chief Fire Officers Association is that for a property of this configuration a Grade D, LD3 system, which comprises interlinked mains powered smoke alarms with battery back-up is appropriate.
74. The Tribunal therefore confirms the Category 2 hazard '*Fire*' as detailed on page 6 of the Improvement Notice. For the avoidance of doubt, the Tribunal also confirms the specification of the works specified in the Notice.
75. As the Tribunal has determined that the Improvement Notice was the appropriate action for the Respondent to take it confirms that the fee of £135.00 is reasonable and allowable under section 49 of the Act and payable by the Applicant.

APPEAL

76. Any appeal against this Decision must be made to the Upper Tribunal and (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal and for permission to appeal within 28 days of the date of issue of this Decision, (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Graham Freckelton FRICS
Chairman
First-Tier Tribunal and Property Chamber (Residential Property)