



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

**Case reference:** **MAN/30UH/HIN/2022/0010**

**Property:** **16 Townley Street, Morecambe  
LA4 5JH**

**Applicant:** **C.J.K.Simpson**

**Respondent:** **Lancaster City Council**

**Type of Application:** **Housing Act 2004 – Schedule 1,  
Paragraph 10(1)**

**Tribunal Members:** **Judge J.M.Going  
J.Faulkner FRICS**

**Date of  
Hearing:** **15 February 2023**

**Date of Decision:** **20 February 2023**

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**DECISION**

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## **The Decision and Order**

### **The Tribunal orders :-**

- 1. the Variation of the Improvement Notice in accordance with the Schedule to this Decision, with the remedial action specified therein to be started within 30 days, and completed within 8 weeks, of the date of service of this Decision on the parties, and**
- 2. that Mr Simpson pay, if he has not already done so, the Council £400 in respect of its reasonable costs relating to the Improvement Notice.**

## **Preliminary**

1. By an Application dated 14 March 2022 the Applicant (“Mr Simpson”) appealed to the First-Tier Tribunal Property Chamber (Residential Property) (“the Tribunal”) under paragraph 13(1) of Schedule 1 of the Housing Act 2004 (“the Act”) against the Respondent’s (“the Council”) issue of an Improvement Notice dated 21 February 2022 (“the Improvement Notice”) relating to the property.
2. The Tribunal gave Directions on 25 August 2022.
3. Both parties provided a bundle of relevant documents including written submissions which were copied to the other.
4. Arrangements were made for the property to be inspected at 10am on 15 February 2023 followed by a hearing at Lancaster Court beginning at 11.30.

## **The Property**

5. 16 Townley Street is a traditional 3-storey stone built terraced house in the centre of a Morecambe, originally constructed over a hundred years ago. The front door leads into a small, shared hallway with 2 separate internal doors leading into what are now 2 self-contained flats. The first door leads directly into the lounge of the ground floor flat and the second, at the foot of the stairs, is the entrance to the maisonette on the first and second floors. The ground floor flat’s lounge has been knocked through into the kitchen area and then extends into a cavity brick built extension with a shallow pitched roof containing its bedroom and bathroom. There is an external door leading from the kitchen to the rear yard. A further internal door leads into a space, below the stairs, with a wooden hatchway in its floor, below which are shallow stone steps down to the cellar below. The cellar houses the gas meter, together with the electricity meter and the consumer unit for the ground floor flat. The upper maisonette contains a lounge, kitchen, bathroom and 2 bedrooms.

## **Facts and Chronology**

6. The following matters are confirmed from an analysis of the papers, the written statements, and the oral testimony.

3 August 2021	Mr Charlesworth, a technical officer in the Council's Housing Standards Office, visited the ground floor flat with a prospective tenant. He identified several hazards.
4 August 2021	He sent an email to the ground floor flat's letting agents ("Lakeland") asking for various information and specifying various remediation works to be completed within 6 weeks of the flat being reoccupied. He also emailed the upper flat's letting agents, Farrell Heyworth, notifying them of his concerns about the building and of a proposed inspection.
9 – 10 August 2021	There were further emails between Mr Charlesworth and the letting agents and including his confirmation that the prospective tenant of the ground floor flat could move in before all the works were completed.
14 September 2021	Mr Hardwick, Mr Simpson's surveyor, emailed a copy of his inspection report dated 13 August 2021 to Mr Charlesworth
15 September 2021	Mr Charlesworth responded to the individual points made in Mr Hardwick's report and concluded by confirming "we always try to require only the minimum and most economical works necessary to ensure that the flats meet necessary standards in rented properties. I would be happy to meet you, the landlord, and the letting agents to discuss the works necessary to the flats and building generally and to consider any proposals about the best way to achieve the necessary standards."
17 September 2021	A further email from Mr Charlesworth to Lakeland confirmed, <i>inter alia</i> , "any other method of adequately insulating the rear extension will be acceptable, but I don't believe that there is a loft hatch to this roof and it is a very restricted space.
20 September 2021	It is understood that the prospective tenant moved into the ground floor flat.
4 November 2021	Mr Charlesworth visited the ground floor flat again.
11 November 2021	Mr Charlesworth emailed Lakeland expressing concern at the lack of progress as regards the remediation works set out in 13 different headed paragraphs, noting in conclusion "You have been aware of the necessity of these works since 4 August 2021 and it is particular concern the flat has been reoccupied without any smoke detection" and advising that formal enforcement action was likely to be necessary.
20 January 2022	Mr Charlesworth visited the upper flat.
21 January 2022	Mr Charlesworth emailed Mr Simpson, confirming his concern that "none of the works required to the building appear to have been completed" and that the Council was considering taking formal enforcement action.
31 January 2022	Mr Simpson wrote to the Council's director of Private Sector Housing and referring ( <i>inter alia</i> ) to what he identified as errors in Mr Charlesworth's reporting "that there was no thumb turn knob internal of the entrance

	door” “that the roof at the rear was flat. Wrong. It is a pitched roof. He wrongly states that none of the remedial works he cited has been done. All had been finished long ago as per my report enclosed..excepting one...as explained...” “I am personally concerned that the fire protection is inadequate, an electrician and I have discussed this on several occasions. To cut a long story short, as soon as the tenant moves out, a compliant system will be installed before re-letting. He has been given statutory notice to vacate..and property will be vacated on or before 18 March and additional work including a complete new kitchen will be undertaken to maintain our standards.” Mr Simpson’s report on the work done or in hand included various comments on individual hazards identified in Mr Charlesworth’s original specification of remedial works.
10 February 2022	Mr Charlesworth wrote to Mr Simpson confirming, inter alia, “I note that while you have agreed to carry out some of the works required by our letter to Lakeland of 4 August 2021 this will still leave significant category 1 and 2 hazards ... I have visited the building again today and noted the works you have completed in the Ground Floor Flat and taken account of the preferences of the tenant. I have, therefore, set out below a schedule of the works that are necessary... and, while preparing our Notices, will be happy to consider any proposals you may make for the completion of all works. If you prefer, I shall be happy to meet you at the property at a mutually convenient time to discuss these matters.” A revised schedule was attached.
22 February 2022	The Improvement notice was served.
14 March 2022	Mr Simpson wrote to the Council expanding on various points, particularly his own fire risk assessment and the efficacy of “modern...smoke detectors that have superseded the mains powered systems, have a 10 year battery life..(and) can be installed at every location without major works”. He attached annexes also later included with the case papers.
14 March 2022	The Application was made to the Tribunal.
31 March 2022	Mr Charlesworth wrote to Mr Simpson confirming, inter alia, that the requirements for automatic fire detection were based on table 1 of BS 5839 – 6 2019 and advising that wireless systems are acceptable as long as they comply with the requirements of BS 5839.

## The Contents of the Improvement Notice

7. The Improvement Notice referred to 3 separate Category 1 hazards of Excess Cold, Falling on Stairs, and Fire and a further Category 2 hazard of Damp and Mould.

8. It set out in its Schedule 2 the action to be taken to remedy those hazards in 13 detailed and numbered paragraphs, confirming that the specified works should begin no later than 21 March 2022 and be completed within 8 weeks of that date. It also set out in detail the rights of appeal.

9. Mr Charlesworth confirmed that a separate Notice under section 49 of the Act (“the Demand Notice”) also dated 2 December 2021 had been served at the same time as the Improvement Notice. That demanded payment of £400 to cover expenses that the Council had incurred in (a) determining whether to serve a notice; (b) identifying the works to be specified in the notice; and (c) serving the notice.

## **The Statutory Framework and Guidance**

10. The Act introduced a new scheme for the assessment of risk in residential buildings and for the enforcement of standards by local housing authorities. Risk is assessed by reference to a Housing Health and Safety Rating system (HHSRS). Enforcement Action is mandatory where the level of risk to health is high enough to be categorised as “Category 1” and can include the service of an Improvement Notice under section 11 of the Act. If the authority serves an Improvement Notice in respect of a Category 1 hazard, the remedial action must be such as to ensure that the hazard ceases to be a Category 1 hazard but may extend beyond that: Section 11(5).

11. The duty of a local authority to inspect a property is set out in Section 4 of the Act. Inspections are governed by the Housing Health and Safety Rating System (England) Regulations (2005/3208) which by reg.5 provide that an inspector must have regard to any guidance for the time being given under Section 9 of the Act in relation to the inspection of residential premises.

12. The relevant Guidance is the Housing Health and Safety Rating System – Operating Guidance (“the Operating Guidance”) and the Housing Health and Safety Rating System - Enforcement Guidance (“the Enforcement Guidance”) issued by the Secretary of State under Section 9 of the Act in February 2006. Authorities must also take it into account in assessing hazards: see Section 9(2).

13. A “relevant person” may appeal to the Tribunal against an Improvement Notice (Schedule 1, paragraph 10 of the Act).

14. The appeal is by way of re-hearing and accordingly the Tribunal must consider the state of the property as at the time of the hearing.

15. The Tribunal may confirm, quash or vary an Improvement Notice (paragraph 15(3)).

## **Written submissions**

16. Mr Simpson's grounds for the appeal were summarized in the Application as :-“

- Incorrect identification of property structure.
- Draconian remedy requirements which are excessive and can be expediently addressed by more efficient and modern methods.
- Incorrect technical statements on the operation of smoke alarm systems. Unnecessarily delaying the installation of an improved and modern alarm system.
- Requesting changes that would cause security issues as well as fire hazard issues”.

17. His case papers included copies of various documents referred to in the timeline, an annex including a definition of Houses in Multiple Occupation copied from part of the gov.uk website relating to private renting from which he concluded that the property is not an HMO, together with an explanation and critique on the requirements of BS5839, and what were referred to as the “Landlord Smoke Alarm Regulations 2020”, and an open letter from Paul Craddock, his builder, referring to a specification of works undertaken some years ago, apparently on another property.

18. In his statement of case Mr Simpson stated “Mr Charlesworth has made assumptions and statements that are not supported by facts. He presumed that there was no insulation in the void (of the pitched roof).. I had insulation fitted when I purchased the property many years ago..” Mr Simpson stated that a number of the items originally specified were unnecessary, hinges to the doors were adequate as is the radiator in the ground floor flat, that smoke detectors placed to protect the escape route from the upper accommodation had not been acknowledged, that it was wrong to assume that mains power detectors do not interconnect by radio, or presume gas and electrical safety certificates were not in place, and that there was no need to replace the internal window above the entrance door to the (upper) maisonette. Mr Simpson took issue with the fire officer's report and the specification of the fire alarm system stating that “the English alarm requirements have not been updated to take into account smart wireless communicating smoke alarms unlike Scotland”. He referred to his experience in undertaking fire risk assessments having been the managing director of a petrol station and as a past chairman of the West Pennine area of the Petrol Retailers Association. He made various comments questioning Mr Charlesworth's competence and what he described as a “disproportionate and unreasonable determination”. He said “I was advised to adhere to the Lacors published regulations. However, they have not been updated since August 2008 and therefore out of date and superseded by new technology. The Landlord Smoke Alarm Regulations 2020 are applicable relevant and current” He then appeared to quote comments from “a major contractor” to explain the application of the regulations and BS5839-6.

19. Mr Simpson exhibited a “Schedule of Works-completion and progressing” to be read in conjunction with the other reports setting out the items that he regarded as unnecessary and his reasons. He referred to gas and

electrical certificates which had “always been in place”, as well as to works that had been undertaken and jobs completed being “1. The guttering at the front of building has been repaired 2. The main rear roof has had replacement tiles fitted. 3. Decoration in bedroom. 4. Stair carpet has been fitted. 5. Skirting board repaired. 6. Missing intumescent strip fitted. 7. Door closers fitted and notices on doors. 8. Cellar ceiling boarded. 9. Doors repaired.” He also referred to the flat doors as being identified either as a Wickes ....6 panel internal fire door or a Howden’s ... 44 mm...6 panel moulded FD 30 fire door.

20. Mr Simpson emailed the Tribunal with an updated statement on the Sunday before the hearing, and which the Tribunal allowed, following confirmation from Mr Charlesworth that he had no objection and had had time to consider the same.

21. The Council included with its response to Mr Simpson’s initial statement of case, a summary of the background and reasons for the enforcement action, an explanation of the provisions within the Act under which the property was classified as an HMO, its justification for the remediation works, and the detail of the costs incurred and demanded in relation to the Improvement Notice in the form of a statement of truth made by Mr Charlesworth on 4 October 2022 together with various photographs, (date stamped 3 August 2021, 15 September 2021, 20 January 2022, and 10 February 2022) and various emails and letters referred to in the timeline.

22. It was stated “The Council considers that the service of an Improvement Notice and the works required therein are a necessary and proportionate response to the hazards present in the building. The reasons for this decision are set out in the “Statement of Reasons” on page 3 of the Notice. All attempts to engage with the Appellant were unsuccessful with no direct contact prior to the letter dated 14th March 2022, after the service of the Notice. There has been no response from the Appellant to offers to discuss conditions in the property. As demonstrated in the Exhibits, this course of action was only adopted after considerable engagement and negotiation with the Appellant’s agent for the lower flat. Based on the condition of the upper flat, the lack of any progress with works to the Ground floor flat, and the lack of any engagement with the Appellant it was considered the any Improvement Notice should also contain works in respect of the hazards in this flat”. It accepted from Mr Simpson’s submissions that some of the works required by the Improvement Notice had been completed, and that this could be confirmed that the inspection prior to the hearing.

### **The inspection and the subsequent hearing**

23. Present at the inspection and hearing were Mr Simpson, Mr Hardwick and Mr Charlesworth. Mr Craddock was also present at the hearing.

24. The Tribunal inspected both inside and outside of the property. Of particular note was :-

- the need for certain gutters to be cleaned,

- the dangerous nature of the access to the cellar. At the time of inspection this was further impeded by various items being stored on top of the hatchway,
- clear evidence of penetrating damp and mould in parts of the front and rear walls of the maisonette,
- it being confirmed that the present heat and smoke alarms are not interlinked. One of the alarms was beeping throughout the inspection, signalling the need for a new battery, and
- the smoke seals on the frame to the front door of the maisonette were not properly attached with parts having peeled off and left on the staircase.

25. Mr Simpson and Mr Hardwick readily agreed that works were still required, and Mr Simpson confirmed that arrangements were in hand for the property to be reroofed in a matter of weeks which should cure the ongoing problems with damp and mould.

26. Having confirmed to the parties that the Tribunal found Category 1 hazards still clearly in existence (which was not disputed) and that it was minded to vary the Improvement Notice, the Tribunal asked Mr Charlesworth and Mr Hardwick to remain at the property in order to try and agree which remedial works were still required.

27. At the subsequent hearing, Mr Simpson confirmed that he had owned the property since approximately 2010, it had been converted into flats before he bought it, but he had completely updated and refurbished it following his purchase, and that the roof of the ground floor extension had been insulated at that time.

28. He had difficulty in accepting the Tribunal's findings that the Council was correct to assess the property as an HMO, and that it did not give any weight to Mr Charlesworth's initial reference to the slope of the ground floor extension roof as being flat, later more correctly referred to as shallow, on the basis that it was always quite clear what was being referred to.

29. Each of the remedial works as specified in the Improvement Notice was then discussed in detail. Mr Charlesworth and Mr Hardwick, on behalf of Mr Simpson and with his consent, confirmed their mutual agreement that a missing gutter stop-end had been replaced, some verge tiling to the roof had been repaired, the staircase had been carpeted, the necessary works to the doors and locks satisfactorily completed, apart from the defective smoke seals to the front door to the maisonette, and that the ceiling to the cellar had been plaster boarded. Consequently, it was agreed that paragraphs 3,7,11,12, and 13 of Schedule 2 to the Improvement Notices are now redundant and paragraphs 1 and 9 should be amended. Nor was there any dispute that the remaining works referred to in paragraphs 1,2,4, and 10 were reasonable and still required.

30. There was also ready agreement that the access to the cellar is a continuing hazard and needs to be addressed. There was discussion as to the works specified under paragraphs 5 and 6, being the removal of the hatch and

provision of a handrail. Mr Craddock commented “You can’t have both”. However, Mr Hardwick did not feel able to immediately suggest a better or alternative specification. Mr Charlesworth confirmed that he was, and had always been, ready to consider an alternative specification if put to him. It was noted that Improvement Notice confirmed that alternative specifications would be considered but should not be implemented before being approved by the Council.

31. Mr Simpson and Mr Hardwick confirmed that they had not hitherto responded to Mr Charlesworth’s various offers to meet to discuss the specification of necessary remedial works.

32. There was also further discussion of the necessary upgrading required to the fire alarms. Mr Simpson recalled a meeting with an officer from Lancaster Fire and Rescue Service (“LFRS”) although could not remember exactly where and when. He agreed that improvements were required but was adamant that modern lithium powered batteries could provide a perfectly adequate interlinked alarm system without the need for hardwiring, whereas Mr Charlesworth took the view that mains powered alarms as referred to in the Lacors guidance and BS5839 – 6 would be inherently safer. It was noted by the Tribunal that the manufacturers of the alarms for which Mr Simpson had stated a preference advertised that they could be wired into lighting circuits, rather than requiring an independent ring main.

33. When referring to the Demand Notice, which had not been exhibited with the papers, Mr Charlesworth handed the Tribunal a copy, which was then shown to Mr Simpson. Mr Charlesworth confirmed that the original had been contained in the same letter as the Improvement Notice. Mr Simpson said that he had not seen it before, but that he was aware of a demand for £400. It was agreed that Mr Charlesworth would following the hearing email a further copy to Mr Simpson confirming to the Tribunal that he had done so, which he has.

## **The Tribunal’s Reasons and Conclusions**

34. The Tribunal has determined the position on the basis of all of the evidence before it and its inspection of the property.

35. Section 5(1) of the Act makes it clear that “if a local Housing authority consider that a Category 1 hazard exists on any residential premises, they must take the appropriate enforcement action in relation to the hazard.” The duty imposed is not discretionary, it is mandatory.

36. The Tribunal found that Mr Charlesworth and the Council had acted both reasonably and appropriately in issuing the Improvement Notice and that the remedial works then specified in it were reasonable.

37. The Tribunal noted in particular that :-

- over 6 months elapsed from Mr Simpson’s agents being advised of the need for remedial action to the service of the Improvement Notice,

during which time both flats were occupied, and with multiple hazards remaining,

- the Notice made clear, as did previous correspondence, that alternative works would be considered,
- there was no response to the offers to meet to discuss the works, the first of which was made in September 2021
- Mr Simpson's written submissions confirmed that a fire officer from LFRS endorsed and agreed the specification for fire protection as set out in the Notice.

38. The Tribunal was unimpressed by Mr Simpson's references, in his written submissions and at the hearing to allegations of incompetence by, and his lack of confidence in, Mr Charlesworth, which the Tribunal found, in the context of the property, to be unwarranted. It rejected attempts to introduce evidence in respect of works specified in respect of other properties, as being irrelevant to the Application.

39. No issue was taken with the effective service of the Improvement Notice, and the Tribunal found that it was validly served and complied with all the technical requirements in the Act.

***Mr Simpson's complaint that the property had been wrongly categorised as an HMO.***

40. As confirmed at the hearing, the Tribunal found that the Council rather than Mr Simpson had correctly stated and interpreted the appropriate statutory provisions.

41. The Tribunal had sympathy with Mr Simpson having borrowed his definition of an HMO from a part of the gov.uk website. Nevertheless, what that does not necessarily make clear is that the definition of what constitutes an HMO very much depends on the specific context. As the Council indirectly referred to, a building which is classed as an HMO under Part 1 of the Act, relating to housing standards, will not necessarily be classed as an HMO in its other Parts, such as Parts 2 and 3 relating to licensing, where the number of occupants may be a significant factor.

42. Section 254 defines what is meant by an HMO for various different types of buildings and contexts.

43. The Council correctly identified that Section 254 states that "a building or part of the building is a "house in multiple occupation" if – (e) it is a converted block of flats to which section 257 applies, and that section 257 (2) states that "This section applies to a converted block of flats if – (a) building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and (b) less than two thirds of the self-contained flats are owner occupied..."

44. Based on the evidence, including from the date stamped photographs and its own inspection, the Tribunal agreed with Mr Charlesworth's

assessment that the works to convert the property into separate flats were not compliant with modern building standards when he inspected the same. The Tribunal accepts that there were clear compartmentation issues and an inadequate alarm system. Consequently, he was correct to assess the property as an HMO for the purposes of Part 1 of the Act which contains the provisions relating to enforcement of housing standards and Improvement Notices.

45. Nevertheless, whether a property is classified as an HMO or as separate dwellings is in some senses immaterial and does not affect a Housing Authority's ability and duty to assess and address identified hazards in all types of residential premises.

46. The Operating Guidance also makes it clear that any form of dwelling can be assessed under the HHSRS, whether it is self-contained or not, whether is contained within a larger building or not (see paragraphs 2.04-2.06 and 5.02). Annex B sets out detailed guidance on inspections including the need to include internal shared areas and specifically any means of escape in case of fire and any fire detection and alarm systems and firefighting equipment; as well as the exterior of the building containing individual dwellings.

47. The Tribunal found both that Mr Charlesworth was correct to assess the property as an HMO, and that HMOs by their very nature pose more risks than a single dwelling occupied by a single household.

### **The extent of the remedial works specified in the Improvement Notice**

48. The Tribunal reminded itself that paragraph 15(2) of Schedule 1 to the Act confirms that the appeal is by way of a re-hearing and not simply a review of a housing authority's decision.

49. Section 9(2) of the Act confirms that regard must be had to the Operating Guidance and the Enforcement Guidance.

50. The Operating Guidance states in bold letters in paragraph 1.12 that the underlining principle of HHSRS is that: –

**“Any residential premises should provide a safe and healthy environment for any potential occupier or visitor.”**

51. Paragraph 1.18 of the Operating Guidance also states that “For the purposes of the HHSRS, the assessment is solely about the risk to health and safety. The feasibility, cost or extent of any remedial action is irrelevant to the assessment.”

52. It was evident that some, but certainly not all, of the hazards identified in the Improvement Notice had been addressed, and consequently that the specification of necessary remedial works should now be varied.

53. It was also evident and agreed that Category 1 hazards remain at the property. Indeed, it was acknowledged both by Mr Hardwick and Mr Simpson

that the access to the cellar (containing the electrical consumer unit) was not safe and would be particularly unsafe during a power cut, and that the present fire alarm system is not presently interlinked and is inadequate. The property also clearly continues to suffer from penetrating damp and mould.

54. The Tribunal agrees with the Council and LFRS that the Lacors guidance and BS5839 provides the appropriate benchmarks by which to specify the remedial works which are still needed for satisfactory fire protection, and notes that Mr Simpson has not provided an independent fire engineer's specification as an alternative.

55. The Tribunal found that the works specified in paragraph 8 of Schedule 2 to the Improvement Notice are reasonable and proportionate and should therefore be confirmed, endorsed with the confirmation contained in Mr Charlesworth's email of 31 March 2022 that "wireless systems are acceptable as long as they are certified as being fully compliant with the relevant requirements of BS 5839 including being mains powered and fitted with tamperproof backup batteries".

56. Having carefully assessed all of the evidence, the Tribunal concluded that the Improvement Notice should therefore be varied in accordance with the provisions referred to in the Schedule to this Decision.

57. It also considered what timescales should be set for the completion of the outstanding remedial works. It reminded itself that whilst there had already been 18 months for the issues to be addressed Section 13(3) of the Act states that an Improvement Notice "may not require any remedial action to be started earlier than the 28<sup>th</sup> day after that on which the notice is served".

58. The Tribunal has therefore determined that the remedial works are to be started within 30 days of service of this Decision and completed within 8 weeks of the date of service.

### **Charges by the Council**

59. Having found that the Council acted appropriately in issuing the Improvement Notice, the Tribunal also found it appropriate to make an order under section 49(7) of the Act requiring Mr Simpson to make payment, if he has not already done so, of the Council's charges of £400 as specified in the Demand Notice, which charges it found to be entirely reasonable.

### **The Schedule**

The Improvement Notice shall henceforth be read and construed as if paragraphs 3,7,11,12, and 13 of Schedule 2 had been omitted and paragraphs 1,2,8 and 9 amended, and by substituting the following specification of the actions to be taken for those which were originally included :-

1. Thoroughly clean out and reseal or replace the gutters to all elevations. Carry out all works as necessary to ensure that all wastewater is properly disposed of to a rainwater pipe and gully and to prevent further penetrating dampness to the building.
2. Investigate the cause of the penetrating dampness to the maisonette and gable walls and carry out all works as necessary to leave dry and free of penetrating dampness. Works to include reinstating all loose, moved or otherwise defective roof tiles to the rear elevation and to ensure that the verge is properly secured and watertight.
- 3.
4. The energy performance certificates for the property indicate that it is inadequately insulated:
  - Loft areas must be examined and insulation topped up as necessary to ensure that there is at least 270mm of fibre glass, mineral wool or other acceptable alternative between the ceiling joists in the roof space.
  - Insulation backed plasterboard must be fitted to the underside of all areas of sloping ceiling throughout the second floor to achieve a u-value of 0.2W/m<sup>2</sup>K
5. Remove the hatch from the top of the cellar stairs.
6. Provide and properly fix a suitable handrail to the cellar staircase. Carry out the works in accordance with Approved Document K of the Building Regulations and the appropriate British/European Standards.
- 7.
8. There is insufficient provision for the detection of fires and a mixed system must be installed in accordance with 385839 Part 6 as described below. On completion the installation must be certified by an Electrical Engineer as fully complying with BS5839 and then be maintained in operational condition to comply with that standard. A copy of the certification must be forwarded to Strategic Housing Services.
  - Grade D1: LD2 coverage consisting of:
    - interlinked smoke alarm; with integral tamperproof battery back-up in the ground floor common hallway
    - interlinked heat alarm; with integral tamperproof battery back-up in the ground floor lounge; and
    - interlinked heat alarm; with integral tamperproof battery back-up in upper flat entrance; and
  - Grade D1: LD2 coverage in the ground floor flat (interlinked heat and smoke alarms with integral tamperproof battery back-up) consisting of:
    - Smoke alarm in the flat hallway
    - Smoke alarm in the bedroom
    - Heat alarm in the kitchen (existing provision is adequate)
    - Smoke alarm in the cellar
  - Grade D1: LD2 coverage in the upper flat (interlinked heat and smoke alarms with integral tamperproof battery back-up) consisting of:

- Smoke alarm in the flat hallway (existing provision broadly compliant but an additional detector is required to the ground floor flat hallway)
- Smoke alarm in each bedroom
- Heat alarm in the kitchen (existing provision is adequate)

For the avoidance of doubt, it is confirmed that wireless systems are acceptable as long as they are certified as being fully compliant with the relevant requirements of BS 5839 including being mains powered and fitted with tamperproof backup batteries.

9. The maisonette entrance requires intumescent strips and smoke seals.
10. Upgrade the fanlight above the entrance door of the upper maisonette to a half hour fire resistant standard.

#### **11.12.13.**

Note: Alternative works proposed to those set out above will be considered but must only be carried out after receipt of written approval from Private Sector Housing.