



Amenity and Safety Standards for Accommodation Owned or Managed by Providers of Further or Higher Education.

Preamble.

Throughout this document reference is made to the critical importance of preparing, maintaining and reviewing risk assessments to support decision-making. The standards recommended in this document are based on good practice and designed to reflect a common sense approach. They are not designed to be prescriptive or prohibitive.

It is strongly recommended that documented risk assessments are prepared that can be regularly monitored and reviewed to reflect changes in circumstances. Individuals who prepare risk assessments need to have adequate training, competency knowledge in order to undertake them and record the significant findings and controls required.

Purpose

The Housing Act 2004 (The Act) extended the definition of Houses in Multiple Occupation (HMO) and introduced the requirement of mandatory licensing for certain qualifying buildings. The purpose of this guidance document is to establish an agreed set of standards between Cambridge City Council and educational establishments in order to minimise the level of intervention by the Council. This document sets out advisory standards, which are acceptable to the Council, to ensure the health and safety and wellbeing of student occupiers. It is aimed at educational establishments that provide accommodation to students who are following a full time course of either further or higher education that will provide for a consistent approach. It must be recognised that all buildings are different and strict adherence may not always be possible. The Council will always take a reasonable and flexible approach to ensuring a fair, proportionate and equitable amenity provision wherever possible, however all new build or refurbishments should meet these standards as a minimum.

Background

Properties occupied by full time students including those owned or managed by Colleges in the University of Cambridge, Anglia Ruskin University or independent educational establishments are considered as HMOs as unrelated individuals occupy them.

Larger HMOs that are three stories or more high with five or more occupiers in two or more households require mandatory licensing unless they are exempt from the definition of HMOs for the purpose of licensing, for example, buildings occupied by full time students that comply with the relevant codes of practise.

Buildings that are occupied by full time students at recognised educational establishments e.g. College or University are exempted from the HMO definition by virtue of paragraph 4 of schedule 14 of the Act, providing they sign up to a code of practice that has been approved by the Department of Communities and Local Government (DCLG)

They are however not excluded from the possibility of inspection under Part 1 of the Act as the Housing Standards Team can inspect all residential dwellings to determine whether a hazard exists, and take appropriate action.

In order to be exempted from HMO definition for the purposes of Mandatory Licensing, the management must conform to the codes of practise for the time being approved under section 233 of the Act which are *The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2010*.

In addition to Universities and Higher Educational Colleges, the codes are also open to Further Educational Colleges with residential accommodation and to private higher education providers, providing these institutions have the necessary mechanisms in place (e.g. on complaints) to fall within the code.

The code of practice has elements that are mandatory and aspirational. The basic requirements are those that need to be met should the relevant properties not be exempted from HMO definition, and be subject to routine inspection/enforcement by Housing Standards e.g. fire safety, sanitary provisions and provision for preparation, cooking and storage of food.

Housing Health & Safety Rating System (HHSRS)

Part 1 of the Act replaced s.604 of the Housing Act 1985 on 6th April 2006. This introduced the Housing Health and Safety Rating System (HHSRS) based on 29 possible hazards that may be present in any property, in place of the more prescriptive fitness standard. This allows greater flexibility of approach and solution to housing problems. When assessing a hazard under the HHSRS, regard must be given to the Operating Guidance issued under s.9 of the Act. Once the assessment is carried out, the hazard will be assigned a Band from A – J.

Identified hazards are deemed to be either Category 1 (more severe in band A,B or C), or Category 2 (less severe in bands D–J). The Local Authority has a duty to take action when Category 1 hazards are established and a power (not a duty) to take action on Category 2 hazards, at their discretion.

Policy statement June 2010.

Managers and providers of any building occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description will need to comply with one of the following codes of practice

- The Universities UK Code of Practice for University Managed Student Accommodation.
- The Accreditation Network UK Code of Practice for Student Accommodation Managed by Higher Education Establishments (HEEs)

Or alternatively make an application for mandatory licensing for HMOs that are three stories or more and are occupied by 5 or more persons that constitute two or more households.

Note: Works that are to be undertaken on historic buildings may need to have English Heritage and Listed Building approvals as well as Building Control consent.

Standards for accommodation

Both codes of practice recognise that whilst buildings are exempted from mandatory licensing they must be maintained and are kept hazard free as far as possible in compliance with the requirements of Part 1 of the Housing Act 2004, and that if there is any doubt managers should consult with the Council

Application of HHSRS in Multi-Occupied Buildings

Following an inspection any hazards that are identified will be scored as required by the operating guidance. A hazard with a score of greater than 1000 points is deemed a Category 1 hazard and a hazard with a score of 999 or fewer is deemed a Category 2 hazard. The same hazard can either be scored as a Category 1 or a Category 2 depending on the spread of health outcomes relating to the hazard. For example a fall from a window can result in either a sprain which is a moderate harm (cat 2) or a serious injury (cat 1) depending on how high the window is and the nature of the ground below.

Assessment of multi-occupied buildings using the HHSRS will include:

- Those areas in exclusive occupation, i.e. not shared in common with others
- Any internal or external areas shared with others
- The means of access to the dwelling
- Any other areas of the building associated with the dwelling, including external areas within the curtilage of the dwelling.

Where rooms or other areas are shared with others, the assessment will take into account any risks that result from the sharing and the degree of that sharing. For example, does the sharing of food preparation facilities increase the risk of food poisoning?

Each area in exclusive occupation will be regarded as a separate dwelling and therefore different dwellings within the same building may have different ratings.

In deciding what provision is appropriate, Housing Standards will have regard to risk assessment in accordance with the Housing Health and Safety Rating System.

For example, two hazards that may be considered in these circumstances are fire and ergonomics, and examples of the relevant matters to be taken into consideration are given below.

Hazard 24 – Fire

The assessment is to include both the likelihood of a fire starting, and the likelihood of its going undetected and spreading to other areas of the accommodation. The speed and ease of means of escape is also relevant to the likelihood and severity of harm.

Examples of matters that are relevant to assessing the likelihood of an occurrence are:

- Inappropriate siting or type of cooking equipment
- Lack of clothes drying facilities
- Defects to the electrical installation, including insufficient sockets
- Inadequate fire resisting construction, or smoke permeable construction
- Lack of internal doors, or inadequate doors, to separate risk areas from other areas of the premises, especially the escape route
- Lack of, or defective, fire detection and alarm system
- Lack of, or defective, self-closers where necessary
- Lack of adequate and/or appropriate fire fighting equipment, where necessary

Hazard 28 -Ergonomics

The positioning and location of amenities, fittings and equipment, and the layout of facilities are all factors to be taken into account when assessing ergonomics. The layout of a dwelling, in particular the bathroom and kitchen, should be such as to make their use easy and convenient, without the risk of injury.

Examples of matters that are relevant to assessing hazards arising from ergonomics are listed below.

- Position of amenity
- Adequate space for amenity, including cooking facilities, worktops and sinks
- High level or projecting shelves or cupboards

Standards for College gyp rooms/snack preparation rooms and kitchens for the storage, preparation and cooking of food.

The Council can accept either the provision of gyp rooms/snack preparation rooms or conventional kitchens provided that the rooms are fit for purpose and can safely used by the appropriate number of occupiers. Ideally the amenity must be managed properly and the intended use of the room clearly stated in the rules and regulations to assist management.

Gyp rooms are defined in these guidelines as being for snack preparation only. They are normally provided on, or close to, main College sites where it is assumed that students' meals will be provided by the Colleges' catering facilities. They are suitable for the preparation of light snacks only and are generally not large enough for the preparation of substantial meals. The provision of full cookers is strongly discouraged in gyp rooms.

Conventional kitchens are normally found either in those Colleges' which do not provide full-time catering for students, or in houses further away from the main site. More substantial meals may be prepared in these facilities, which should be furnished with more extensive cooking equipment.

Some Colleges may provide a mixture of gyp rooms/snack preparation rooms and kitchens on the same site. Where this is the case, the distinction should be made clear to the occupiers to ensure that the amenity is equipped, managed and used appropriately.

This is the relevant excerpt from *The Universities UK Code of Practice for University Managed Student Accommodation* concerning kitchen facilities and food storage.

Paragraph 2.30

Where provided all kitchen facilities should be maintained in good order and repair with all equipment supplied in working order for the preparation, cooking and storage of food should be appropriate to the number of students using the facilities.

Paragraph 2.31

Cold food preparation should be made available within self-catering properties and where necessary students should have the means to lock and secure.

The Colleges must risk assess what provision is made for storage, preparation and cooking of food, taking into account the size and layout of the room, its position, the number of persons sharing the facilities, ventilation of the space and any other relevant factors.

This is the relevant excerpt from The ANUK /Unipol Code of Standards for Larger Residential Developments (April 2009).

Kitchen facilities

Managers will ensure that:

4.14. All tenants are provided with appropriate kitchen or pantry facilities which have been designed and installed having due regard for safety, industry practice and any local authority guidelines;

4.15 Food storage and preparation facilities comply (or a programme of work is planned to achieve compliance) with any levels of provision that have been laid down by the Local Authority for residential developments of this type

Gyp rooms/snack preparation rooms

The following provision is recommended in a gyp room:

- Stainless steel or ceramic sink and drainer, with a continuous supply of hot and cold water.
- Kettle and toaster.
- Microwave oven- conventional or combination.
- Adequate provision for worktops for safe food preparation, and units for storage of food and utensils, dependant on the number of persons who will use the facilities.

The provision of cooking rings is strongly discouraged for the following reasons.

- Increased fire risk from unattended cooking, especially if the rings are not fixed which may lead to added instability.
- Increased risk from burns due to leaving cooking rings on, especially as the gyp/kitchens are multi occupied.
- Wok cooking can be particularly dangerous and the use of these should be very strongly discouraged.

Cooking rings should only be provided where there is adequate workspace and where a competent person has carried out a suitable and sufficient fire safety risk assessment, which is acceptable to the Council.

If cooking rings are to be provided, it is recommended that a two ring electric hob, inset into the worktop be used. It is also strongly recommended that it is fitted with a time switch so that the electric current will cut out automatically after five or ten minutes. The provision of these rings should be part of the fire safety risk assessment. The provision of freestanding electric cookers for example “Baby Belling” type cookers is not recommended.

It is recommended that conditions for the use of food preparation areas are included in College Regulations and licence/tenancy agreements.

A heat detector is to be provided, mains-operated with trickle-charged battery back up, wired into the existing fire detection system. In order to prevent unnecessary actuations of the alarm system, it is necessary for the gyp room/snack preparation room to be adequately ventilated, either naturally or mechanically.

Ideally, no bedroom should be more than one floor distant from the gyp room/snack preparation rooms or kitchen, unless there is use of a kitchen diner or separate dining room.

Residents should not supply their own electrical equipment, e.g. woks, steamers, grills and the like, as these can lead to cluttered worktop space, additional fire hazards, overloading of electrical sockets, and an increased hazard of burns and scalds.

The number of persons who can use the gyp room must be decided on an individual basis depending on its size and layout, in consultation with Housing Standards.

Conventional kitchens.

These can be provided where there is adequate space to provide the facilities required for the number of persons using the kitchen. For circulation space, see space standards below.

Full food preparation facilities may need to be provided for persons with special dietary needs, e.g. for health or religious reasons, where there is not adequate provision made by the on-site catering facilities.

In a conventional kitchen, one set of facilities is to be provided for every five residents or part thereof. Depending on the size of the kitchen, two or three sets of facilities may be provided in the same room. Particular consideration must be given to safe circulation space, including the positioning of the cooker/s and other appliances. Proposed layouts are to be presented to Housing Standards for approval for major refurbishment or new construction, prior to commencement of works in the relevant area.

One set of facilities will comprise:

A gas or electric cooker with an oven, grill and four hobs. A combination microwave may be provided in addition to a conventional cooker for up to eight persons. If two cookers are provided, they must be separated by a piece of worktop, not less than 300mm wide.

A stainless steel or ceramic sink bowl and integral drainer, of nominal dimensions 1000mm x 500mm, set in a purpose made sink base unit. The sink is to have a constant supply of hot and cold water, and be connected into the existing drainage system.

There must be adequate worktop space to allow safe food preparation.

2 persons – 1500mm x 500/600mm

3 persons – 2000mm x 500/600mm

4 persons – 2500mm x 500/600mm

Each additional person 500mm x 500/600mm

At least 300mm width of worktop is to be provided on either side of the cooker.

The worktop is to have a smooth and impervious surface, which can be easily cleaned, and to be securely supported on battens, and end panels or legs, or base units, as appropriate.

A splashback of minimum 450mm height is to be provided to all worktops, sinks and behind cookers, fixed in accordance with manufacturer's instructions, and sealed with silicone mastic at junction with sink and worktops and at internal corners.

A refrigerator of minimum capacity 150 litres is to be provided. At least one single base unit (i.e. 600mm x 300mm x 900mm) per person is to be provided for dry goods storage, or storage to equivalent volume. Undersink cupboards are not to be used for food storage.

A minimum of two twin outlet 13 amp power sockets are to be provided in addition to any sockets required for main appliances. These are to be located so that they are readily usable.

Standards for sanitary facilities

One set of sanitary facilities is to be for every group of five persons, or part thereof.

A set of facilities is to comprise:

A fixed bath or shower provided with a continuous supply of hot and cold running water and connected to the existing waste system. A bath must have a minimum 450 mm splash back, and a shower must have a fully tiled or purpose-made enclosure. Tiles are to be laid using manufacturer's recommended adhesive and finished with waterproof grout. Waterproof sealant is to be applied to the junction between the appliance and the splashback and at internal corners. Any shower is to be equipped with a suitable curtain, screen or door to prevent water being shed onto the floor.

A wash hand basin with a continuous supply of hot and cold water, which may be located in the bathroom or in an adjacent lobby, or in the wc compartment, where this is separate from the main bathroom.

A W.C., which shall be accessible from inside the house and entered from a common passageway, not more than one floor from any individual letting.

The walls and floor of sanitary facilities are to be smooth and impervious to allow them to be readily cleansed.

Shared sanitary accommodation is not to be entered directly from a bedroom. The facilities shall be constructed so as to ensure the privacy of the users, including obscure glazing.

Fire Safety

Research carried out for the DETR in 1998 "Fire Risk in Houses in Multiple Occupation", concluded that in all houses converted to bedsits, the annual risk of death per person from fire is 1:50,000, which is six times higher than the risk to persons in single occupancy houses. In the case of houses converted to bedsits comprising three or more storeys, the risk is 1:18,600, which is sixteen times higher than single occupancy houses.

For this reason, fire risk is taken very seriously and is one of the priority areas that must be considered when assessing the risks in student HMO accommodation. Reference will also be made to the Memorandum of Understanding signed between Cambridge City Council and Cambridgeshire Fire and Rescue Service. In large or complex buildings, or where there are other special circumstances, a joint visit may be undertaken with the Fire Officer.

Fire alarm and detection systems are to conform to BS 5839, and are to be operated from the mains electrical system, and interlinked so that when one alarm sounds, they all sound together.

A minimum sound level of 75dB(A) is to be achieved at each bed head with the room door closed, and 65dB(A) in all other areas. In certain limited circumstances, battery-operated detectors may be permitted.

To give the occupants a good chance of escape in case of fire, it is essential that a fire protection scheme appropriate the type of premises is installed, preferably before it is occupied. The precise installation details are based on a risk assessment of each property. However the following items are expected as standard.

- Half hour fire door to kitchen, as specified below.
- Smoke detectors in common parts
- Heat detector in the kitchen
- Dry powder extinguisher and fire blanket in the kitchen
- Fire doors and external doors to be readily openable from the inside without the use of a key
- No inner rooms, i.e. a room which is not a kitchen or bathroom which can only be accessed through another room
- If the bathroom is accessed off the kitchen, it must have a window large enough to be used as means of escape
- All rooms have close fitting doors in good condition and of sturdy construction, without glazing.
- Half hour fire separation of the kitchen from the rest of the house.

These are the basic requirements for small two storey properties with no more than five tenants. Larger properties, or those with an unusual layout, or those with a greater number of occupants, will generally have to satisfy more stringent requirements that are likely to include:

Extension of the fire detection system to all rooms, apart from bathrooms and W.C. compartments

Formation of a protected escape route, which will usually comprise half hour fire resisting doors to all rooms opening onto the escape route, and half hour fire resisting construction to walls or partitions separating the stairs, landings and corridors from the rest of the structure.

Any cupboards opening onto the escape route, including understairs cupboards, are either to be kept empty and locked shut, or to be lined in half hour fire resisting materials and fitted with a half hour fire door.

Emergency lighting where deemed necessary to illuminate the escape route. Additional water or foam extinguishers on each level of the escape route. Larger and/or complex layouts will require provision of call points at each level of the escape route and at each final exit. Directional exit signs may also be required.

Secondary means of escape is required in buildings over five storeys.

Where accommodation is provided above commercial premises, there is to be one-hour imperforate construction between the commercial and residential premises. It is also recommended that the detection and alarm system be extended from the residential into the commercial premises, although this is not enforceable.

A half hour fire door is to conform to BS 476. It is to be hung on one and a half pairs of good quality steel butt hinges. The head and long edges of the door are to be fitted with intumescent strips and cold smoke seals, or to the corresponding position on the stops/frame. The door is to be fitted with an automatic closing device adequately adjusted so that the door closes fully onto its stops without additional assistance. Please note that Gibraltar type closers are not permitted. On completion, there is to be a gap of no more than 3mm to the perimeter of the door. Any gaps behind the architrave or lining which may allow the passage of smoke are to be filled with intumescent materials.

This list is not exhaustive, and is provided for guidance only. An officer from Housing Standards should visit any property prior to commencement of works to specify a schedule of works appropriate to that particular property.

Electrical safety

Fixed electrical installation testing.

Every year around 12,500 fires are started by faulty electrical installations. Therefore all electrical installations are to be tested regularly in accordance with BS 7671 and IEE Wiring Regulations. Domestic installations should be tested every ten years.

Portable Appliance Testing

Portable appliance testing is an important part of any health and safety policy. This requires the implementation of a systematic and regular programme of maintenance, testing and inspection of portable electrical appliances.

There are many European standards and guidance notes regarding portable appliances and equipment, although they do not establish a common and specific definition of such equipment. However, the general consensus appears to be that such equipment is either handheld whilst connected to the supply, or is intended to be moved, or capable of being moved whilst connected to the supply. The IEE Code of Practice gives further guidance on the different types of appliance that are likely to be covered, which may include certain fixed appliances such as wall-mounted heaters.

The Electrical Equipment (Safety) Regulations 1994 requires that all mains-operated electrical equipment, e.g. cookers, washing machines, kettles etc, supplied with the accommodation are safe.

Landlord's Gas Safety Certificate

The Gas Safety (Installation and Use) Regulations 1998 place duties on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.

The landlord must ensure an annual safety check is carried out on each gas appliance/flue. Before any new lease starts, these checks must be carried out not more than one year before the start of the lease, unless the appliances have been installed for less than 12 months, in which case they may be checked within 12 months of their installation date.

The installation, maintenance and safety checks of gas appliances and flues must be carried out by a Gas Safe registered gas installer.

A copy of the Landlord's Gas Safety Certificate must be kept for at least two years.

A copy of the latest Landlord's Gas Safety Certificate must be issued to the existing tenant/s within 28 days of the check being completed, or to any new tenant before they move in.

Where a property is in making the transition to compliance, a reasonable period will be agreed for works to be carried out, prior to any further action being taken.

Space standards

No room is to be occupied by more than two persons, and no persons are to be required to share a room unless they consent to do so. No persons over the age of ten of opposite sexes shall be required to share a room, unless they are cohabitants. Current national guidance published in June 2009 concerning crowding and space states that as a rule of thumb and depending on layout and design, a room of around 6.5m² or above is suitable as a single bedroom for one person. This should only be used as an approximate guide. The type of house, layout, design, size of living space and the overall size of the premises will also be relevant.

The following space standards are seen as good practise however they are not to be applied rigidly

Where cooking facilities are provided in a separate room

1 person	6.5m ²
2 persons	10.2m ²

Where cooking facilities are provided within the room

1 person	10.2m ²
2 persons	13.5m ²

Kitchens

The following is a guide for suitable circulation space in kitchens. Circulation space means unobstructed floor space, although due to shape and layout of floor area a larger overall area than that specified may be required to allow safe circulation space for all users.

1-3 persons	5m ²
4 persons	6m ²
5 persons	7m ²
6 persons	9m ²

Dining/kitchens

1-3 persons	10m ²
4-5 persons	11.5m ²

Living rooms and dining rooms

1-3 persons	8.5m ²
4-5 persons	11.5m ²

Timescales for repairs and maintenance.

Both codes require that a suitable response time to repairs and maintenance should be set down so as to cause minimum inconvenience to occupiers. A

system of reporting repair or maintenance issues needs to be communicated to all occupiers.

Repairs will fall into one of the following categories as categorised by the Code

The Council expect that the following response times are appropriate in order to resolve the following repair and maintenance matters.

Emergency Repairs

These are to be completed as soon as possible or within 24 hours of the report of a defect. The Council acknowledges that in some instances it may only be possible to make safe initially, and the work will be completed at a later date.

These would be any repairs required to avoid a danger to health, a risk to the residents' safety or serious damage to buildings or residents' belongings.

- Blocked drains, if they prevent the use of sanitary facilities, or are causing sewage to back up.
- Serious electrical faults, where there is a risk to safety of the occupants.
- Faulty or non functioning fire alarm system
- Complete loss of power
- Burst or leaking water main, within the curtilage of the property. Outside the curtilage, this will be the responsibility of Cambridge Water
- Running overflow, where water is gushing out
- Major roof leaks, damage or any other defect causing serious water ingress
- Heating system not working, in winter
- Major structural damage or risk of structural collapse e.g. after serious storm or fire. In serious incidences this may result in rehousing the occupiers in suitable alternative accommodation.

Urgent repairs

These will be dealt with within five working days, provided that adequate access is given. These would be any repairs, which materially affect the comfort or convenience of the residents'.

- Completing emergency repairs that have already been made safe
- Electrical faults where there is no risk of injury
- Defects to the hot water supply
- Leaking waste pipes
- Taps that cannot be completely turned off, (other than a minor drip)
- Minor roof leaks
- Heating system not working, in summer.

- Re-pointing or re-rendering where this is leading to significant dampness.
- Broken window stays or locks and door locks that present a risk to security

Non Urgent Repairs

- Defects to roofs that are not causing water ingress
- Repairs to gutters and drainpipes
- Dripping overflows, and other defects to ballvalves.
- Broken or blocked vents or airbricks
- Re-pointing or rendering, provided that it is not causing significant dampness
- Replacement of kitchen sink, kitchen units, bath, wash and basin or wc pan and /or cistern, where they are defective.
- Internal plastering or skimming
- Replacement of rotten or otherwise defective timber, where not structurally significant
- Replacement of fencing, paving, concrete paths, steps or other works to yards, forecourts and the like where this is a tripping hazard or presents a security risk.

These lists are not exhaustive and are intended to demonstrate the types of repairs that will need attention within appropriate timescale.

References

This contains all the relevant legislation that should be referred to

1 Prescribed standards for licensed HMO's can be found in *The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006*.

2. *The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2010*

An educational establishment is specified for the purposes of paragraph 4 of schedule 14 to the Housing Act 2004 where-

It is listed in the schedule to these regulations; and

It is listed as the relevant educational establishment in respect of a building-

Listed on or before 22nd August 2007 in the schedule annexed to The Universities UK/Standing Conference of Principals Code of Practise for the Management of Student Housing dated 20th February 2006

Listed on or before 22nd August 2007 in the second column of Schedule 1 annexed to the Accreditation Network UK/Unipol Code of Standards for Larger Developments for Student Accommodation managed and Controlled by Educational Establishments dated 20th February 2006

3. 3 codes of practice for the higher education sector were approved by Parliament in April 2006. These are:

- The Universities UK Code of Practice for University Managed Student Accommodation.
- The Accreditation Network UK Code of Practice for Student Accommodation Managed by Higher Education Establishments (HEE's)
- The Accreditation Network UK Code of Practice for Student Accommodation Managed by Undertakings Subject to HMO Licensing

4. Housing Act 2004 Schedule 14- Buildings occupied by students

1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.

(2) In this Schedule "building" includes a part of a building.

4 (1) Any building—

(a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a

specified educational establishment or at an educational establishment of a specified description, and

(b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

(2) In sub-paragraph (1) “specified” means specified for the purposes of this paragraph in regulations made by the appropriate national authority.

(3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying—

(a) a particular educational establishment, or

(b) a particular description of educational establishments.

(4) The appropriate national authority may have regard to the extent to which, in its opinion—

(a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or

(b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice,

as the case may be.

(5) In sub-paragraph (4) “occupied for connected educational purposes”, in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

5. Housing Health & Safety Rating Operating Guidance – ODPM (now DCLG) Housing Act 2004 Guidance about inspections and assessment of hazards given under section 9 - February 2006-